

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING – (VIA ZOOM)
MONDAY, OCTOBER 12, 2020 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

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

VISITORS: Kelly Kimball; Jims Iphone; Greg Heilman; Lorraine Sevich; Mike Cipriani, Bruce Hendricks, John Buda, Asplins, IPad, Joe Wilson, Lauren, Egan, Jonathan Ford, Cassi Pudvan, Elisa Budoff

The Mayor called the Regular Council meeting conducted via the teleconference service Zoom to order. The Pledge of Allegiance was said, and the Fiscal Officer read the roll. Nairn made a motion to approve the minutes of the September 28, 2020 Council meeting, seconded by Carroll. Roll call – ayes, all. Motion carried. Porter made a motion to approve the minutes of the October 1, 2020 Special Council meeting, seconded by Nairn. Roll call – ayes, all. Motion carried.

Canton made a motion to accept the Mayor's appointment of Sergeant Todd Pocek to Lieutenant, seconded by Porter. Roll call – ayes all. Motion carried. Pocek was sworn in by the Mayor. Canton made a motion to accept the Mayor's appointment of Nick Divita as a full-time Police Officer, seconded by Carroll. Roll call – ayes, all. Motion carried. Divita was sworn in by the Mayor. Canton made a motion to accept the Mayor's appointment of Steven Brown, Dwyane Redrick II, and Kevin Spackman as part-time South Russell Village Police Officers, seconded by Porter. Roll call – ayes, all. Motion carried. The three new part-time South Russell Police officers were sworn in by the Mayor.

FISCAL OFFICER: The Fiscal Officer distributed her monthly report.

Porter asked about the status of Income Tax, and the Fiscal Officer explained that the Central Collection Agency (CCA) had been giving the Village advances due to COVID and are reconciled through July. The Fiscal Officer documented the actual money received by the Village for September and hoped to provide Council with the reconciled version at the October 26th meeting. Without a complete reconciliation, the Fiscal Officer would not be able to predict the ultimate amount of taxes the Village would receive.

The Fiscal Officer had distributed the list of assertion letters for the Cares Act funding, which require Council's approval. She asked that a Special Council meeting be scheduled for Tuesday, October 20, 2020 at 5:00 p.m. via Zoom for approval of additional projects proposed for the Cares Act Money. She explained that the projects must be completed and paid by year's end or the Village would lose the money.

FINANCE COMMITTEE: Carroll reported that the Finance Committee met on October 9th to discuss the Cares Act Funding options. Quotes were still pending. As a result, definitive information would not be available for approval until the October 20th meeting and the minutes will be provided prior to this.

Porter noted that the county planned to purchase police cars and vehicles with the Cares Act funds and noted that this type of project was reflected on the Village's plan as well. Carroll noted that consideration was being given to unplanned projects, such as putting hard surface flooring in Village Hall, a vehicle for the Service Department, and video conferencing for Village Hall. He explained that the Committee tried to prioritize the expenditures and felt the Police and Service Department vehicles were lower on the list. With the additional funds the Village expects to receive, the committee will reassess.

SOLICITOR: The Solicitor had nothing to report.

STREET COMMISSIONER: The Street Commissioner submitted his monthly report.

Carroll asked for an explanation as to why there was inadequate notice given to Sheerbrook residents about the application of Reclamite on their roadway. The Street Commissioner thought there were flyers distributed on Friday or Saturday and added that drivers were also cautioned to drive slowly to keep the product off their cars. He added that it washes off. Carroll questioned whether it was necessary to wash it immediately to prevent the substance from becoming tacky. Carroll again questioned who provided the flyers, and the Street Commissioner explained it was the company applying the Reclamite that took care of this. Carroll advised they did not take care of it very well. The Street Commissioner would be in contact with the contractor.

Carroll asked about the purpose of the cinders on the sides of the roads and asked if the process was done correctly. The Engineer explained that the existing roadway base was used and built upon instead of milling down to dirt. With past and present road programs, an aggregate berm material was used with roads with raised elevation. It consists of highly refined asphalt screenings. Carroll explained that what he observed did not appear to be gravel and was soft. The Engineer stated things were done differently this year in that the contractor applied the material to the berm whereas in the past it was done by Street Department personnel. The Street Commissioner determined that having the contractor complete this process would be a savings to the Village. The material used by Specialized Construction was a highly screened asphalt grinding material that is finer than what the Village typically put down. The Engineer advised that the material would settle into place and is no less stable. The Engineer explained that a roller was used on the material, which Carroll questioned. However, the Engineer did not think it would affect its long-term performance.

Galicki asked if this were the same process as one that took place at Kensington Circle, and the Engineer stated it was. Galicki added that no information was provided to residents about its application other than a road sign posted on the street indicating there would be road work Monday. No flyers were distributed. Carroll thought this should be addressed with the contractor. The Engineer advised this is the first year the Village has used Reclamite, which is a sealer. He said he had not seen it used. Carroll clarified that this was the first time the Engineer

had experienced it, and the Engineer concurred. The Engineer stated that the deciding factor would be how the surface performed as compared to roads paved the previous year which had not been treated.

The Street Commissioner and Mayor attended an informational session regarding the product, and the Street Commissioner stated the process should add five to seven years of life to the pavement with two applications. The second application would be done in three to four years.

VISITORS: Mike Cipriani addressed Council regarding the recent Planning Commission meeting regarding approval for a new sign. Cipriani wished to start a dialogue about the restrictive Zoning Code. Specifically, he relayed that the code allows for two square feet window signs. This barely covers an open sign, according to Cipriani. The Mayor indicated he distributed the sign regulations to Council. He agreed with Cipriani and indicated he voted against it and felt the road sign should have been voted on without any restrictions. His concern was that if the Village were to take a literal interpretation of its sign regulations and follow the very code of the law, the Village would wipe out and severely hurt some of the businesses. If the Village starts getting restrictive with signage with the holidays coming and businesses hurting with COVID, the Village could hurt some residents and businesses. In Cipriani's case, the action was taken by Planning Commission. The Mayor thought Council needed to discuss signs and sign enforcement at the October 26th meeting. He stated Cipriani's situation was the tip of the iceberg with businesses that would complain of the code being too restrictive.

Carroll verified that the Village has a Zoning Inspector who is supposed to be enforcing the zoning laws as they are written. The Mayor stated this was correct. Carroll suggested that it seemed the Village had not been enforcing its Zoning laws. Although he had sympathy for Cipriani, he advised that if rules were not enforced as written, the rules should be changed. It is not fair to the businesses that follow the rules if the Village is not enforcing the rules. Carroll advised the rules should be enforced as written or changed, but not selectively enforced. He wanted to know why the Zoning Code had not been enforced. Cipriani clarified that he was not asking that the code not be enforced, but instead that the code be examined and possibly changed to be a little more lenient. Carroll reiterated that the Village should enforce the rules or change them proactively. Selectively enforcing the rules is problematic. Carroll advised it was the duty of the Planning Commission to uphold the enforcement of the existing rules.

Bruce Hendricks, Chagrin Lakes, advised he and Marc Bloch are members of a private lake in the Chagrin Lakes community. He addressed the failure of the lake's dam. An estimated cost to repair it was about \$450,000, which Hendricks felt was realistic. Hendricks and Bloch cited a State law that through a special assessment, a political subdivision such as the Village of South Russell, may pay the initial cost of the project and assess each homeowner over a period of 20 years. The community was prepared to execute a petition of residents. Bloch advised that it would be necessary to declare a nuisance. If the dam were to fail, it would have a catastrophic effect on Southwyck. Carroll asked how many houses would be impacted by the dam repair, and Bloch stated there were 11 homes on the lake and added there were homes below. Carroll verified it was private property, and Bloch concurred. Carroll advised there were several dams

in South Russell that were situated similarly. He asked Bloch and Hendricks what other options they were considering. Bloch explained they were attempting to find a better quote.

Berger stated that the issue was more than the 11 homes on the lake, but included the two homes that were affected when the dam overflowed and the homes downstream. Berger stated the dam needed to be corrected. Without doing a full assessment of all the other dams in South Russell and their impact downstream, Carroll asked Berger how the Village could prioritize this dam without looking at all the others. Berger stated that the residents approached the Village with a plan for the Village to be the financing arm. Carroll noted this would be a \$450,000 outlay of 4,000 residents' tax dollars. His point was that if the Village were looking from a stormwater management standpoint, the Village should be looking holistically at the situation. Council had discussed having an updated study conducted to assess what the Village should be addressing. While he appreciated the residents' request, he questioned the use of the Village residents' tax dollars and the impact on all residents. He felt that from a stormwater standpoint, the Village should be taking a strategic approach. For example, the Lake Louise or Sugar Bush dams might impact more residents and helping them might have more of a positive impact. Carroll stressed the Village currently does not have that answer. Berger stated there could be 12 or 15 different dam projects, and felt it was the purpose of the Village. Carroll stated that being a private financier was not a function of the Village. There were so many things that impact the watershed and downstream consequences, Carroll stressed the need to look at the situation more holistically.

Berger asked what had been addressed from the previous 2004 Stormwater Report. Carroll stated one project was done in 2008 and 2009 and then the Village ran out of money. Berger stated that the Village needed to find money from the State, and this was not the biggest issue.

The Engineer thought updating the Stormwater Report was a fantastic idea for several reasons. He explained that rainfall was coming in a higher frequency and interval and the intervals were more intense. Secondly, the 2004 report focused on improvements that could be made in public right of way and on public land. After extensively examining how stormwater passes through the Village, he felt a big component in solving the problem was to look at private land, which might involve obtaining a right of entry or an easement. He explained that there are many ponds and lakes that are not functioning as stormwater management, and they could be. He stressed that this would be economical, and the Village should consider this option. The infrastructure exists; the dam is there and needs to be repaired. He stated that this lake handles an incredible amount of stormwater. It would be a mistake to only look at the properties downstream because there is an enormous area of land that drains into it. With a little bit of retention, the burden could be eased downstream where there is a finite amount of capacity for stormwater. The Engineer stated there was merit to what Berger was saying. Private properties could potentially play a big part in helping to manage stormwater throughout the Village. Carroll stated he was not arguing the private property issue. He explained that if issues were addressed upstream, perhaps this could help Royal Oak so that they might not need \$450,000 worth of work. All the dams on private property play into the greater stormwater issue. Carroll considered the impact of committing \$450,000 to the project on the Village's budget. The Village had to be stringent with

the road program for several years due to finances. It was trying to get caught up on the roads and had been limited on expenditures for stormwater. The impact on stormwater management of the two 319 grants was not yet known. He reiterated that the situation should be examined in a more holistic and strategic manner. Carroll reminded Council that the Village could not do a stormwater levy, so it opted to do a road levy. The impact of the road program on the general fund would be to enable the Village to consider addressing stormwater issues. Carroll explained again that his argument was not about private property, but instead suggesting the Village consider a holistic and strategic approach. The Engineer acknowledged he misinterpreted Carroll's argument.

The Mayor stated that he and Berger had been meeting with Hendricks and Bloch and would continue to do so. His goal was to have a decision by Thanksgiving. The Mayor proposed that Council should plan to consider a motion to hire CT to update the stormwater report at the October 26th meeting. At the meeting before Thanksgiving, the Mayor hoped to have the petitions by Royal Oak, Maple Springs, and Parkland residents. The Mayor stated that this was done for the Bellwood residents 20 or more years ago, and it may be time to do it again. Carroll stated it was not done for Bellwood. He explained that Bellwood was the sewer project, which was mandated by Geauga County. The county mandated sewers due to the failure of septic systems. The county funded the project, which they do with all sewer projects.

Carroll asked if the dam was part of a larger Homeowners Association (HOA), and Bloch stated it is a private dam. Bloch explained that there is one community lake, and seven ponds within the community. Carroll asked how many dams were within the community, and Bloch did not know but thought there may be a couple. Carroll added that the lakes, ponds, and dams must have some impact on each other.

MAYORS REPORT: The Mayor had his monthly meeting with the Fire Marshal.

Funds were received from the family of Sally Butz-Voss for the purchase of a tree and bench.

Saturday, October 17, 2020 is the last day of the Farmers Market.

MC Art Studio wants to hold an event Saturday, October 24th. A completed agreement and proof of insurance would be required. An agreement like the one the Village has with the Farmers Market is being developed. The Mayor asked Nairn to provide a motion for this during her Properties Committee report.

The Mayor asked the Building Committee to provide a motion to appoint Ruth Griswold to be the new Building Department Administrative Assistant. He stated that she has 30 years of experience and he interviewed her two times and said she is an excellent candidate.

Thursday, October 15, 2020, there would be a Stormwater meeting via Zoom. Representatives from Geauga County Soil and Water would participate. The meeting would address problems with Alderwood and the sewage backing up into homes during severe storms.

The Park Committee will be meeting on October 13th to ask a diverse group of people to discuss alternatives for haying.

Regarding interviews for the Building Department Administrative Assistant, Carroll asked if the interview for the Mayor's appointee was conducted before the jobs were posted. The Mayor stated probably. Carroll clarified that the Mayor conducted the interview before the Village posted the position. The Mayor stated "yes." Carroll concluded that the normal process was not followed. Carroll indicated the Mayor was seeking to have the candidate appointed before the background check. He suggested following the process given the mistake made with the last appointee with not doing a comprehensive background check only to discover information after the fact. Carroll did not want to repeat the mistakes made in the past and stated the definition of insanity was doing the same thing over again and expecting a different outcome. He could not see how Council would agree to have someone appointed without first completing the necessary steps. Carroll quoted another Council member who, at a previous meeting stated he was a process person, and the process should be followed. The process was not being followed and Carroll found it frustrating. The Mayor conducted interviews before the job was posted and now, he wanted to appoint before the completion of the preemployment requirements. The Mayor stated that Canton would make a motion which would include the successful completion of the drug test, psychological test, and the background test.

Carroll referred to an incident that occurred Friday, October 9, 2020, where the Mayor brought in a disgruntled ex-employee to conduct business, who was quoted in the Chagrin Valley Times as saying that South Russell was the worst place she had ever worked. Carroll wanted to know why the Village would engage this person. The Mayor stated that the individual's expertise was needed to help with the Building Department. Carroll asked what she specifically did that could not have been obtained with the help of the software company, the Fiscal Officer, or her Administrative Assistant who had cross training with the system. Carroll added that to be clear, the matter of the missing computer from that department also had not been resolved. He stated that bluntly, it was poor judgement, and did not know of any business, private or public, that would bring in an employee who defamed the Fiscal Officer and some members of Council. Carroll suggested the Mayor should have taken another approach to obtain the information he needed. The Mayor asked if Carroll were willing to bring in Kris Wilson or Laura Heilman and pay them to do some of the things that needed to be done. Carroll asked what needed to be done and asked if the software company could have been contacted. The Mayor stated it was not a software issue. Carroll asked if the contracted Building Inspector could have helped, and the Mayor stated "no", it was clerical stuff. Galicki stated the Village has an Administrative Assistant who was trained on the system but was refused access to the system by the Mayor. The Mayor reiterated that it did not involve the BDS system, but rather financial matters. Carroll asked why he did not use the Fiscal Officer. The Mayor stated it was because they were taking stuff from the Building Department to the Fiscal Officer. Galicki asked if this meant the Building Department was a separate entity of Village government exempt from oversight. He shared Carroll's concern with the lack of judgement demonstrated in bringing in a disgruntled employee without even investigating other avenues, which did not involve Kris Wilson or Laura

Heilman. The Mayor stated he disagreed with Galicki's assessment. Galicki stated he disagreed with the Mayor's judgement.

To clarify Carroll's question about the Mayor's proposal to fill the Building Department vacancy, Galicki said he understood that without posting the job, the Mayor solicited an application from an individual who then subsequently interviewed with the Mayor before the job was posted. Then, surprisingly, this was the Mayor's selection as the best qualified person. At a minimum, Galicki asked that because of the Mayor's illegal actions that he recuse himself from breaking any tie on any vote that concerned the employment of this proposed individual. The Mayor stated that the facts were that three people were brought in for interviews before the Village had posted the job. Three people were then brought in for interviews the following week. One person came from Indeed and the other two came from the two interviews from the week before. The first round of interviews was with the Building Committee and the second round was with Building and HR committee members. Galicki stated he assumed the three people brought in for interviews before the job was posted were there at the Mayor's invitation, and the Mayor stated "yes". Galicki clarified that one of these individuals is the person the Mayor is proposing for the job. Galicki asked the Mayor if he did not believe that this construct indicated cronyism or even hinted at cronyism on the Mayor's part. The Mayor stated "no". He said he had never met the three persons interviewed by the Building Committee. Galicki questioned this and asked how he knew to solicit these people if he did not know them. The Mayor explained that the Administrative Assistant at Mayfield Heights Building Department retired and was replaced by the Administrative Assistant from South Euclid. He asked Mayfield Heights for the names of the candidates who finished second in their search for an Administrative Assistant and was given three names.

Galicki asked if the Mayor were refusing to agree to recuse himself in the event of a tie vote, and the Mayor stated he would not. Galicki asked the Solicitor to make a note that the Mayor was refusing to recuse himself for a candidate he solicited for the position.

Berger stated that the Mayor did not solicit the candidates. He obtained the names from another municipality who conducted a search to fill a similar job. Berger said this was not soliciting specific people. Galicki asked Berger how this process that the Mayor abrogated followed Berger's guidelines of being a process man. Berger asked Galicki if he would not have done the same thing in looking to hire someone. Galicki stated absolutely not. He replied that he would have been transparent and posted the job. The Village has a procedure. Berger stated the Village did post the job, and Galicki stated that it had not been posted before the Mayor approached the three individuals. Berger stated that all the resumes were reviewed, and people were interviewed from the posting. Galicki asked Berger if he was tacitly agreeing that the process was abrogated. Berger stated "no". Galicki asked if the process was followed when the Mayor solicited the people for the job. Berger said Galicki was missing the boat. Galicki stated he thought the answer was no and Berger could not say it. Berger stated that the logical reasonable process was followed, and because Galicki did not like the answer, he is saying it was a problem. Galicki stated he did not care about the answer. He reiterated that the Village has processes. Whether it pertained to a zoning matter or who paid a fee for the pavilion rental, the

Village was willy nilly ignoring the process when it was convenient and holding process when it was not. Regarding Zoning, the necessity of having the Planning Commission (PC), Board of Zoning Appeals (BZA), and Architectural Review Board (ABR) is stressed because the high standards of the Village must be enforced. Yet, there are examples where for years the high standards have been ignored. He asked why have the constructs if the Village is not enforcing the code; and why have the process if it is not followed. The Village might as well use a dart board to determine whom to hire.

Carroll stated he could see where the Mayor would go to Mayfield Heights; however, the Village had not posted the position and the Mayor had conducted interviews, which was more the issue. Carroll stressed the importance of following the process. Government can be ugly and can sometimes get in the way. On the same token, there are reasons for the process, just as the Village should not appoint someone without first having the employment prerequisites completed. With the previous person, there was a limited background check and then everything was discovered after the fact. The person was offered a second chance, but it did not work out. The lesson was learned, and the Village should not make the mistake twice.

Nairn stated she was hoping that everyone present at the meeting was seeing why the Building Department continued to be dysfunctional; all the muddling, movement, and not following a process. Excellent candidates were interviewed the previous week, but the bottom line, according to Nairn, was that the dysfunction of the department was the result of not following the protocol and regulations. This was the reason the Building Department was not successful. Problems continue, and Nairn felt the Village was better than that. Berger stated that Nairn sat in on the interviews and that she said there were good candidates. He asked why they should not pick a good candidate and move forward. She agreed but added that the candidate needed to pass certain assessments. Nairn stated that the Village could not put the cart before the horse. Berger said he was not disagreeing. Nairn said those things should be accomplished to ensure the candidate is in good standing before attaching the horse to the cart and pulling forward, not the way it was done the last time. She emphasized the importance of following the process to enable the success of the Department.

Berger asked whether the Village would then require a background check, employment records, etc. for everyone hired by the Village. Carroll offered that references from 25 years back were required of the Fiscal Officer's Administrative Assistant before the final decision was made to hire her. Berger stated he was asking where the rules were. Carroll suggested that the background and drug screening should be conducted even if it means making a conditional offer before the drug screening. It was imperative to conduct the background check. Carroll added that the individual is probably a fine person and it is nothing against her. This was not done last time, and Carroll did not want to make the same mistake again.

Berger suggested writing the process down on a piece of paper.

The Fiscal Officer stated that the process is listed in the Employee Handbook and was adopted by ordinance. It requires that all employees receive drug and psychological testing. The background check is something the Police Department had always done. It had also been done

in the past with other Village employees, but not consistently. Last year, it was discussed that it would be done consistently. Berger clarified that the background check was not always part of the normal process. Carroll stated that based on what happened with the former Building Department employee, it was prudent to conduct a background check. Berger stated that the Village should do a background check on every employee the Village hires. Carroll stated it had been done piecemeal. Berger said it should not be piecemeal. Carroll stated he would ask the Mayor that question because he went back 20 years for Leslie Galicki to when she worked for the Navy. It was a very detailed background check with her, to include speaking to a former employer whom she had not worked with for a long time. Then a piecemeal background was done for the last Building Department employee.

Nairn presented a hypothetical scenario of hiring a Street Department employee and asked what would happen if the job were offered but then the person did not pass one of the assessments. She felt this would be embarrassing. She was not implying that the candidate would not pass an assessment but asked why the Village would offer anything ahead of the results. Berger stated that the offer would be contingent on passing. Galicki asked what the rush was. Berger said the Village did not have the right person in the department doing the job. Galicki said he did not see the Building Department falling apart.

Porter called the question and asked for a vote.

Canton made a motion to accept the Mayor's appointment of Ruth Griswold for a full-time position in the Building Department providing successful completion of drug screening, psychological test, and background check at \$25.00 per hour, \$52,000 per year with full benefits, seconded by Porter. Galicki wanted to make it clear that the Village had justified full-time employment to combine three jobs, two of which were previously done by part-time employees for under \$30,000 compensation per year with the created position of Assistant Zoning Inspector. The cost to the Village would be \$52,000 plus full benefits which would be adding another \$24,000 to the total compensation package. This would be \$75,000, which was more than two times the amount of salary paid for two part-time employees to do the work. He did not see the justification for that level of compensation and full-time employment or how it made sense to the Village if Council were being fiscally responsible. Former Building Department Administrative Assistants and the former Board Clerk earned between \$15.70 and \$17.50 per hour. The previous Building Department Administrative Assistant/Board Clerk made \$23.53. Now it had been raised even more to \$25.00 with full benefits. He wanted to be sure the residents understand that the Village was hiring one full-time employee and suspected Council would be soon hearing that this person needed an assistant. It was a matter of staffing-up the Building Department fully for a job that was determined by an outside contract firm to be no more than a 24-hour per week part-time position. He hoped voters would hold the elected officials accountable.

Carroll verified that the individual would be taking all three positions, which Canton said was correct. Carroll asked if the counter hours would be what had been previously discussed; 8:00 a.m. until 3:00 p.m. Monday through Thursday and 8:00 a.m. until noon on Friday. The Mayor stated the hours would be 8:00 a.m. until 4:00 p.m. Monday through Thursday and then 8:00 –

12:00 p.m. with Board meetings making up the remainder of the 40 hours per week. He added that if the 40 hours were reached by Thursday evening due to a PC meeting, the office would be closed Friday. Additionally, if things slow in the winter, the individual might work 8:00 – 4:00 p.m. five days a week. Carroll clarified that the intent would be that there would be no overtime with the position with the flex day on Friday. Berger and Canton stated this was correct. Carroll also verified the person would be on time. Canton said yes and that he made a point to bring this up.

Canton addressed the statement that the Building Department was dysfunctional and when it became dysfunctional. Canton stated there was a good person working in that department who left because she did not like the way she was treated. The Village has a Building Department that people want and that will do a fine job. If any mistakes were made, it was because he and Berger try to make things happen. He stated that a person can sit on his duff and do nothing and make no miscalculations. In being active and in trying to do the right thing, sometimes things go awry. He and Berger are leading the department and are going to straighten it out and it will be a great department.

The Mayor asked the Fiscal Officer and the Street Commissioner how the offer to Thad Blair was made and whether it was made contingent to passing the drug and psychological test. The Fiscal Officer said he took a drug test. Under the previous administration, psychological tests were conducted, but under the current one, they had not been done for employees outside the Police Department. The Mayor asked if Blair was offered the position with the stipulation of a successful drug test. The Fiscal Officer stated she was not part of making the offer. The Mayor asked the Street Commissioner what was done, and the Street Commissioner stated he did not recall how the administrative end of it went. Carroll again addressed the need to consistently follow the process described in the Employee Handbook. If it needs to be tweaked, then Council should change the rules so they are followed consistently. For consistency, Carroll suggested following the Police Department policy. He suggested HR investigate conducting a preliminary psychological evaluation for pre-employment and then a more comprehensive one after. Carroll stressed the need for consistency.

He acknowledged Canton's statement about the Building Department and said there are many reasons to which the dysfunction could be attributed and a lot of reasons why things happened the way they did. He did not think it was as simple as Canton laid it out and added that it had been a matter considered by Council for a couple of years. It appeared there would now be an Administrative Assistant who did three jobs and hopefully a part-time Building Inspector outside the contract. Carroll asked for consistency so as not to end up with egg on Council's face again. Canton asked if HR should be organizing and conducting the interviews, making the recommendations, and conducting background investigations. It seemed to Canton like there were different entities doing the same thing to a different department, and this might be the problem. He added that every place he ever worked had an HR department and the HR department did everything. Carroll agreed and said HR should be part of the preliminary process. He also thought it was good that the individual committees were involved as well. It would be beneficial to have HR meet with the Department Heads to create a check-off to ensure

consistency and thus keep the Village out of trouble. Going back 20 years with a background check for one employee and three for another is problematic.

As HR Chairman, Porter stated there was a process in the employee handbook that required that the committee in which the individual will work will be involved in the hiring as well as HR. The Mayor is a de facto member of every committee in the Village. In this instance, HR and Building Committees were involved once the job was posted. The Fiscal Officer obtained the 200 resumes and narrowed them down to 17 and distributed them to HR, Building, and Mayor and all reviewed them. Suggestions were provided to the Mayor for interviews. The interviews were conducted, and a recommendation was provided to the Mayor. Two of the three committee members agreed to the top candidate, according to Porter. The Mayor took their recommendation, and a motion was made based on the recommendation and the Mayor's decision to appoint. The process laid out in the Employee Handbook was followed. If the employee failed the test, they would be out, and the process would begin again. Porter thought a background check from the Police Department was typically running an individual's local background, but not pulling their employee jackets from every job they have had. He was not sure information would be obtained through an employee background check from the Police Department as that which came up because of Galicki's public records request. Carroll stated that it was not Galicki's public records request for the previous employee but had a background check been conducted for the previous employee from her previous employer, Council may have made a different decision. His point was that the background check specified in the employee handbook did not require this. Carroll asked what a background check was if previous employers were not contacted. Porter explained that it involved determining if the individual had felony or misdemeanor convictions. Carroll stated that his experience had been that it involved contacting previous employers as well as criminal matters. Carroll reiterated the importance of being consistent. Porter stated that the process was followed by the HR and Building committees after the posting of the job, and Carroll clarified that prior to posting it was not followed.

Nairn addressed Berger and Canton and clarified that in her previous statement, she was not calling the Building Committee dysfunctional and acknowledged the committee had had a lot on its plate. *Canton stated he and Berger did not take offense to Nairn's comment.*

Porter called for a vote. Roll call – ayes, Canton, Porter, Berger. Nays – Carroll because the process was not complete; Galicki because the process was not followed; Nairn because she wanted the results of the assessments. The Mayor voted aye. Motion carried.

The Mayor stated that he hoped the candidate was not participating in the meeting because it was not one of Council's finest half hours. Galicki stated it was not about the candidate but about the Mayor and the process he abrogated. The Mayor stated that the last three employees of the Building Department left their jobs unhappy with the Village and all three were very willing to come back to help at any time. To call them disgruntled or bad employees was not proper. The Mayor stated they left the Village with a good feeling for some people in the Building Department. He hoped they could move on and make the situation work. The Mayor felt no remorse in going to Mayfield Heights and having interviews with the first three individuals.

There was a situation that needed to be taken care of and he took care of it. Carroll stated it appeared the Mayor had not read the same Chagrin Valley Times article he read. Galicki stated that no one called all previous employees of the Building Department disgruntled employees. However, to say the last employee of the Building Department was not a disgruntled employee was really stretching the bounds of reality. When someone comments to the Chagrin Valley Times that this Village is the worst place to work, that would be a disgruntled employee. He took no issue with their willingness to come back. Galicki just wished the Mayor would stop calling them back. Most previous employees, whether in government or private industry, do not get called back once they part ways. Galicki thought the Mayor was in error to ask them to come back to do routine reports because there were other agencies that would help. Galicki added that if the Village were to invest in cross training, to which the Mayor was adamantly opposed, this would help the situation. He was also concerned that the Village's long-time contractor who held the job of Building Commissioner could not do any of the reports.

BUILDING COMMITTEE: Canton reported that minutes from the October Building Committee meeting were distributed.

POLICE CHIEF: The Mayor acknowledged the Police Chief's efforts in identifying quality candidates for Police Department positions.

The Mayor complimented the Chief for displaying the Geauga County Board of Mental Health banner in front of the Police Department. He stated it was an honor for the Board to consider the Police Department and the stress they are under.

The Chief distributed his month end report.

The Chief discussed the involvement of Lt. Pocek in his capacity as the Assistant Commander of the Unmanned Aircraft Safety Team with the recent Presidential debate in Cleveland.

SAFETY COMMITTEE: Canton reported that the Safety Committee minutes were submitted for October.

HUMAN RESOURCE COMMITTEE: Porter stated that the HR Committee was involved with the interviews for the Building Department vacancy, and the minutes were submitted. Porter advised that the Employee Handbook would be reviewed by the committee relative to the background checks.

Carroll asked if Porter was aware of any recommendations made by HR or other committees to the Mayor for appointments that had been disregarded in the last two years. Porter stated yes and stated it was the Fire Marshal. Carroll clarified it was not just the Fire Marshal. Galicki stated that the other one was the Street Commissioner. Porter stated he did not remember that but would give it some thought.

PROPERTIES COMMITTEE: Nairn stated that the plaques had been attached to the benches in the playground area. She complimented the Street Department for their efforts with this.

Nairn further reported that the Street Commissioner would be working on the swale near the playground.

Regarding the Cemetery, the new trees were purchased. Nairn added that she was able to find significantly less expensive trees. She asked that Council view the Cemetery wall and fencing to determine placement of the 22 trees. Her opinion was that the trees should be installed inside the fencing on the Cemetery side, and not on the outside. She realized this would infringe on plot areas, but in the long run, the trees would have a better chance of survival away from the road. She added that the Cemetery contains 7.26 acres and only 40% of it is developed. Furthermore, she doubted the plots in question would sell due to their location. Additionally, the trees will serve as a better sound buffer in this location, which was the idea behind the expense. Carroll thought it would make the Cemetery more aesthetically pleasing. Nairn added that the wrought iron fence at the cemetery is beautiful, and she would not want to see it covered by the trees. Porter concurred with Nairn's opinion.

The Mayor asked if any of the existing vegetation would be removed, and the Street Commissioner said not if the trees were installed inside the fence. Nairn added that she wanted to keep the current landscaping intact. Nairn made a motion to have the Street Department install the 22 hybrid arborvitae on the Cemetery side of the fence, seconded by Carroll. Roll call – ayes, all. Motion carried.

The Mayor asked Nairn to address the proposed art show, and she said she was completely in favor of the event but asked if the Village had seen proof of insurance. The Mayor stated no, and Nairn thought the Village needed to see proof of insurance and a contract that the Village could approve. The Mayor suggested approving the art show with the provision that proof of insurance and a completed contract were presented. The Solicitor offered to look at the contract before the Village approved it. Nairn concurred and asked the Mayor if the Solicitor could first review the documents before proceeding. The Mayor thought the easiest way would be to approve the art show on Saturday, October 24th on the Village Hall property pending the submitted application, agreement, and proof of insurance. He asked the Solicitor if this was all that was needed. She said yes but wanted to see the contract before Council approved it. The Solicitor asked if MC Art Studio would be preparing the contract, and the Mayor stated they could, but that it was fairly simple. He had instructed the owner of MC Art Studio to take the Farmers Market contract and adjust it. The Solicitor verified that the owner of MC Art Studios would be preparing the document and providing it to the Mayor and the Mayor would forward it to her and to Council. The Mayor stated it could be approved at the Tuesday, October 20th Special Council meeting.

The Mayor instructed Nairn on how to phrase the motion, and Nairn stated that she did not think this was what the Solicitor was advising. The Solicitor agreed and clarified that she would prefer to see the contract before approving it. Porter offered to make the motion for Nairn. He stated that Council authorizes the Mayor and Fiscal Officer to enter into a contract with MC Art Studio for the purposes of an art show on October 24 subject to successful review by the Solicitor of the contract between the Village and MC Art Studio and that the Art Studio has proper insurance that would potentially include the Village of South Russell as an additional insured, seconded by Carroll. Roll call – ayes, all. Motion carried.

PUBLIC UTILITIES: Galicki advised that in the near future, residents may be seeing correspondence from First Energy discussing the installation of smart meters on homes and businesses. It is part of a three-year investment approved by the Public Utilities Commission of Ohio to modernize the electrical distribution system in Ohio. The system would enable automatic meter readings and enhance the ability to respond more quickly to outages. He stated he would draft an article for the newsletter. For those residents who do not want the meter, they will incur the additional cost of \$28.29 per month if they opt out.

PARK COMMITTEE: Nairn advised that Charlie Cimperman's Eagle Scout project plans were provided to Council about two weeks ago. Nairn made a motion that Mayor and Council approve the Eagle Scout project for South Russell Village Park and the Underground Railroad display to be installed in the park in the month of October, seconded by Galicki. Roll call – ayes, all. Motion carried.

The Mayor reported that the playground cost the Village \$7,000 of the total \$115,000 project.

ORDINANCES AND RESOLUTIONS:

Carroll provided a second reading on an ordinance creating a petty cash fund for the Building Department.

Porter introduced an ordinance amending Appendix D – Job Descriptions of the Village's Employee Handbook adding the job description of the Building Inspector and reflect that such position will be part-time.

Porter introduced an ordinance amending ordinances 2015-41, 2016-33, 2017-08, 2018-07, 2018-44, and 2020-07, 2020-41 by amending pay ranges for South Russell Village employees due to adding a part-time Building Inspector pay range.

Porter introduced an ordinance to approve current replacement pages to the South Russell codified ordinances and declaring an emergency. Porter made a motion to waive further 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 2020-47**

Carroll introduced a resolution of acceptance approving Cares Act expenditures and declaring an emergency. Carroll made a motion to waive further readings, seconded by Porter. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **RES 2020-48**

Carroll introduced an ordinance amending appropriations and increasing COVID Cares Act expenses \$134,917 and declaring an emergency. Carroll made a motion to waive further readings, seconded by Berger. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2020-49**

BILLS LIST: Carroll made a motion to ratify the Bills List dated 9-30-2020 in the amount of \$38,991.18, seconded by Berger. Roll call – ayes, all. Motion carried.

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

Carroll emphasized that Council must be consistent with the way processes are done and how employees are hired. He reiterated that he did not state that all former employees were disgruntled but noted that most recently a former employee stated in the Chagrin Valley Times some very explicit things as well as in her letter of resignation. To say that the Village has no disgruntled former employees is a falsehood. He clarified that the former Building Inspector left for better pay, bluntly, in a larger city with much more work than South Russell. He urged Council to keep things in context. The Village had gone through several employees in this department for multiple reasons. The Building Department issue had been examined for two years, and the Building Department had not fallen apart. It seemed to be working well with a part-time inspector. Carroll was glad that the Village was considering the hiring of a part-time inspector and hoped that the new Building Department employee worked out well. To be clear, Carroll stated his earlier comments meant no negativity upon the applicant, but rather the process. He hoped she would be successful and looked forward to having her in the Building Department and there on time to serve the residents. Carroll summarized that better leadership and management decisions are needed at the top that will filter down to the bottom so that the Village will not continue to experience the problems of the past.

Galicki advised that he provided the following statement with a heavy heart that he does not take lightly. He hoped everyone had the opportunity to read the 12 October edition of the Chagrin Valley Times article concerning South Russell Village. Particularly highlighted was Nancy Grattino's poor treatment by a select few people. Without examples, she spoke to the bullying she received, defamation of character, and highlighted what a bad place South Russell Village was to work. While he recognized that almost without exception every article Collin Cunningham authored contained some error, in his opinion, this article not only highlighted the nadir of responsible reporting on the part of the Chagrin Valley Times but also the nadir of Village leadership provided by the Mayor. He was sure that there was some thought that perhaps by highlighting Nancy Grattino's issues with the Village that it would cast a question on Village Council members who questioned the need for the redundancy of services provided by our own full-time Building Department and long-time Department Head, whose only bullying consisted of asking the employee to arrive to work on time, adhere to State fiscal procedures, and complete her work in a timely manner. Instead of highlighting attention to those who may have not supported full-time Building Department employment, the article better serves to illustrate another instance of flawed judgement on the part of the Village Chief Executive. As some may know, Galicki spent the last four years of his 28 years of commissioned naval service as a faculty member of the Naval War College, a graduate institution that teaches rising leaders in all military services and Federal Civil Service about executive decision making, strategy and policy, and joint military operations and planning. One publication students read is *The Art of War* by Sun Tzu. This publication has also been adopted as a required read by many business executives in the past few years. One of the tenants that Sun Tzu states in *The Art of War* is that when the troops flee, are insubordinate, disgruntled, or collapse in disorder, it is the fault of the General. That the Mayor felt that it was somehow o.k. for a disgruntled employee to be granted free rein to complain to the press and trash talk the Village is unconscionable. Not only that, but just this past week, Mayor also allowed that same employee or former employee unfettered access to Village property, offices, and computer systems. Also this past week, at a Planning Commission

meeting, the Mayor was chastised for not enforcing Village Ordinances and Zoning Codes as he is charged to do under the Ohio Revised Code and making side deals to abrogate those codes and ordinances. Most residents of SRV probably don't know that their tax dollars support building inspection services for all of the county. Of the 16 townships, four villages, and one city that comprise Geauga County, South Russell is the only municipality that maintains a stand-alone Building Department which imposes fees to contractors for the privilege of conducting business in the Village. These fees are subsequently passed on to the residents to employ the contractor. Discussions of the need for the Building Department involve the need to maintain the high standards of the community. Yet these standards appear to be unevenly enforced at best. There has been a distinct lack of transparency within the Executive Office and the Building Department. When people question the correctness of reports or question actions, they are demonized and met with indignation and resistance. If the Village has such a needed organization, why is there resistance to observation by outside sources or other Village officials outside the Building Committee and the Mayor? Perhaps it is time to take a closer look at the Village Executive Officer. Among the trials are the tenants of poor leadership, a lack of transparency, not listening, dismissing ideas other than your own, ego, permitting negative gossip, assigning blame, inconsistency, rewarding incompetence and a lack of accountability, cliquishness i.e. surrounding yourself with people who are your yes-men, bullying and harassment of people who don't share your so-called vision. Galicki reminded everyone that the current Mayor has already been the subject of two formal investigations that resulted from toxic work environments by Village employees. Does any of this sound familiar? Actions such as these only serve to shake public confidence in the Executive leadership of the Village. There is no honor being a general if no one salutes you.

Nairn questioned a charge on the Solicitor's bill from the Chagrin Valley Times newspaper. She asked if the charge should be sent to the Chagrin Valley Times. The Solicitor explained that the charge was for Collin Cunningham, who called to ask about a Planning Commission meeting which he was unable to attend. She had attended the meeting and told him what had happened. Specifically, he wanted the vote on the application. She did not think the charge should go to the Chagrin Valley Times and offered to write it off.

Berger stated that last week he made a request of the Street Commissioner to receive the spoils from the dirt pile. His name was on the list and there were no other names on the list, and so the dirt was delivered to his home.

ADJOURNMENT: Being that there was no further business before Council, Carroll made a motion to adjourn at 9:48 p.m., seconded by Porter. Voice vote – ayes, all. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki