

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING VIA ZOOM
MONDAY, JANUARY 11, 2021 – 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, Engineer Haibach, Solicitor Matheney

VISITORS: Kelly Kimball, Gary, Laura Sprungle, Greg Heilman, Phyllis Marino

The Mayor called the Regular Council meeting conducted via the teleconference service Zoom to order. Fiscal Officer read the roll. Carroll made a motion to approve the minutes of the December 21, 2020 Special Council meeting, seconded by Porter. Voice vote – ayes, all. Motion carried.

MAYOR’S REPORT: The Mayor requested a motion for President Pro Tem. Carroll made a motion for Mark Porter to be President Pro Tem, seconded by Canton. Voice vote – ayes all. Porter abstained. Motion carried.

Carroll made a motion to accept the Council Rules and Procedures, seconded by Porter. Voice vote – ayes, all. Motion carried.

Porter made a motion that Danielle Romanowski be designated as the Public Records designee for Council, seconded by Carroll. Voice vote – ayes, all. Motion carried.

The Mayor stated that the committee assignments would stay the same, but that the committee member would become the chairman and the chairman would become the member. Carroll made a motion to approve committee assignments as described with the member becoming the chairman and vice versa, seconded by Nairn. Voice vote – ayes, all. Motion carried.

The Mayor distributed a calendar of upcoming events to Council. On January 25th, Council would hear from representatives from Chagrin Lakes about their dam. On February 22, a representative from First Energy would speak to Council about power outages and the streetlight program. The Mayor addressed the Hazmat report distributed to Council in terms of the benefits of regionalism and the services provided by the organization.

The Mayor distributed his State of the Village address. He said he would send Council an update that would include a proposal by the Chamber of Commerce to participate in a Christmas tree decoration fund raiser in the Village park.

The Mayor stated that the Village is considered one of the eight most financially stable communities in the suburbs of Greater Cleveland.

FISCAL OFFICER'S REPORT: The Fiscal Officer distributed her monthly report. Carroll thanked the Fiscal Officer for facilitating the flooring work in Village Hall. The Fiscal Officer acknowledged that the flooring turned out well and added that the Chief was happy with the flooring in the Police Department as well.

The Mayor asked the Fiscal Officer if her colleagues were coming out a little ahead financially. The Fiscal Officer advised she had not spoken to them because the first two weeks of the year are spent trying to close out books and gathering information necessary to determine year end financials. Typically, this information is presented at the second Council meeting in January.

The Mayor said that the Governor indicated that State tax revenue was up 3%. The Fiscal Officer advised that the Village received a little more than projected with Income Tax Revenue, but should expect some impact of COVID on 2021 collections because people were out of work in 2020 which would affect the taxes paid in 2021. The Village will need to monitor this.

FISCAL AUDITOR: The Fiscal Auditor advised that he was missing a couple pieces of information that he would need to put together his report for the month and the year ending December 31, 2020. He would present his report at the next meeting on January 25th.

FINANCE COMMITTEE: Carroll stated the Finance Committee met January 5, 2021 and the minutes were distributed to Council. Carroll advised that the committee wanted the Department Heads to work with their respective committees to develop a five-year plan relative to capital expenditures and possible big operational changes. This information should be provided to the Finance Committee by the end of February to enable the committee to compile the information for a five-year plan to present to Council in March 2021. The committee hoped there would be a Strategic Planning meeting or session to allow Council to examine the budget, income, and expenses. He added that the Road Levy would be expiring soon, and it would be necessary to determine if the Village would renew it.

Berger referenced the 1-11-2021 Credit Card Report and made a motion to approve the report and the ACH transactions included, seconded by Carroll. Roll call – ayes, all. Motion carried.

SOLICITOR: The Solicitor reported that at the previous Council meeting, she erroneously reported that Federal Sick Leave pertaining to COVID had been extended based on a summary provided by the Ohio Municipal League about the Families First Coronavirus Response Act (FFCRA). The Bill passed by the President on December 27, 2020 did not extend the Federal Sick Leave and it ended on December 31, 2020. Only a tax benefit to private employers was extended. The legislation passed by Council pertaining to the FFCRA also expired December 31, 2020.

Carroll asked the Solicitor about the status of the report for Planning Commission (PC). The Solicitor stated it was going well, and there was an issue she needed to discuss with the PC Chairman regarding the privilege with respect to the legal analysis. The report would not be ready for Council prior to it being ready for PC. She would not recommend waiving privilege and acknowledged the unique circumstances of giving a legal analysis of the zoning applications and having it be disclosed in public when these can be confidences that she was not able to share in public. She would first discuss the matter with the PC Chairman and then go from there. Carroll asked if this meant Council would not be privy to the results at all, and the Solicitor clarified that it would, but not divulged in a public session. She explained that Ohio law allows question and answer sessions with legal council outside of the

public as it is not considered a meeting. However, what can be discussed is limited. It is not subject to Ohio Sunshine Law. Carroll asked who held the privilege, PC or Council, and the Solicitor explained it is both. The Solicitor advised that it would be necessary to have a majority of Council and/or PC to waive privilege to make it public. Carroll verified that if PC wanted to make it public, it could. The Solicitor concurred.

ENGINEER: The Engineer advised that he is submitting the final applications for Ohio Public Works Commission (OPWC) grants for Bel Meadow and for the traffic signal at Chillicothe Road and Bell Road. Bel Meadow is a \$200,000 project for paving and road work, and the Engineer is seeking a 50% grant. He was not optimistic about this. The replacement of the traffic signal is a \$292,000 project and the Village is applying for a 50% grant as well. The Engineer was confident the Village would receive this. A long lead time is required for the traffic signal components, so even if the Village is awarded the grant in July 2021, it is doubtful work would be started until the fall or later.

The Engineer received information from the Chagrin Falls Engineer that there would be smoke testing of sanitary sewer cross connections on East Washington Street on January 12, 2021, which would involve portions in South Russell. They neglected to inform the Chief and Village.

Carroll asked for the status of the Lake Louise Bridge project because the Village was running up against a deadline. The Engineer concurred. He advised that there is a 4" gas main that is hanging off the side of the existing bridge that needs to come off before the Village can remove the old bridge for replacement. He had been going around in circles with Dominion East Ohio Gas about ways this could safely be removed so that the Village could proceed with the work. This was the only obstacle, and Dominion advised there would not be a workaround for the issue until the spring of 2021. The Engineer thought this was unacceptable and was going to collaborate with the Mayor with his political influence to get the work done faster. The Engineer had been prepared to go to bid for months, and it is the gas main and utilities relocation that is holding up the project.

Carroll asked if the Village knew about the issue previously, and the Engineer verified that he did and explained that Dominion was contacted six to eight months ago and without explanation had provided an unusually long estimate about when it would be addressed. Carroll asked when the grant deadline was, and the Engineer stated it had passed. He notified the county Engineer liaison for District 7 Ohio Public Works Commission (OPWC) and copied him on communication with Dominion to let them know that the Village was ready, and the delay was not the Village's. The county urged the Engineer to get it done as quickly as possible.

Porter asked if Dominion could be ordered to move the gas line off the property but explained that the Village would not want to affect gas supply to the residents. He added that the Village would not want to lose the grant and the opportunity to fix the bridge. The Engineer had offered suggestions to Dominion, which were dismissed.

STREET COMMISSIONER: The Street Commissioner submitted his month-end report for December 2020. Porter noted that in the report, the Street Commissioner had completed a supervisory class through Employment Resource Center (ERC).

Carroll asked if the Lake Louise dam had been completed. The Engineer stated that Lake Louise had been dealing with Ohio Department of Natural Resources (ODNR) on the capacity of its spillway. The

work the Village is doing with the bridge will ease the requirement because the eventual bridge span will be longer than the old bridge, increasing the capacity beneath the bridge. He suspected more concrete spillway work would have to be done after completion of the bridge project. The two projects, however, are mutually exclusive. He would not recommend Lake Louise do anything before the Village replaces the bridge since the Village's work would be more impactful. The Engineer is coordinating with Lake Louise.

BUILDING COMMITTEE: Canton stated the Building Committee met on January 7, 2021 and the minutes were submitted. There were no questions.

STREET COMMITTEE: Porter stated that the Street Committee met via Zoom and the minutes were distributed to Council. The committee discussed the sale of the 2012 Ford Expedition on Gov Deals. He also reported that the Engineer would be doing the Pavement Condition Index (PCI) index earlier this year so that the Village could put the Road Program out for bid earlier since this worked well previously.

Porter suggested the Street Committee could continue to meet the last Friday of the month at 7:00 a.m. if agreeable with Carroll. Carroll would verify this with Porter.

POLICE CHIEF: The Police Chief is preparing the year-end report from the Police Department and will provide it when completed.

SAFETY COMMITTEE: Canton stated the Safety Committee met January 7, 2021 and the minutes had been submitted. He yielded to the new chair, Councilman Porter. Porter stated that legislation would be introduced for the purchase of a new budgeted police cruiser from Nick Mayer Ford. Porter also addressed the Memorandum of Understanding (MOU) between the Village and Chagrin Falls for the School Resource Officer, and recommended adoption of the MOU.

The Mayor asked about the Building Committee minutes and the Safety Committee minutes, and the Fiscal Officer explained that they were submitted after the Council packets were posted. The Council packet deadline is noon on Thursday before the Council meeting. She would forward the committee minutes to Council via email and include them in the next Council packet.

HUMAN RESOURCES COMMITTEE: Porter addressed an issue with a Village employee with COVID. He stated that according to the Employee Handbook, if an employee were to be absent three days, a doctor's note would be required. However, the individual is in quarantine and not under a doctor's care. The HR Committee recommended waiving the requirement of the doctor's note as specified in the handbook in this instance.

HR set to meet Friday, January 15, 2021 at 7:30 a.m. in Village Hall.

PROPERTIES COMMITTEE: Nairn attended the Chagrin River Watershed Partners (CRWP) meeting last month. Riparian setback was addressed. Nairn spoke to the Mayor about this issue which had been previously discussed by Council. She stated that Council might want to revisit riparian setback to help control stormwater and flooding. According to Nairn, it would improve the Village's water supply and address erosion issues.

Nairn reported that there were additional plaques, benches, and trees that were in the works for a couple of South Russell families to include recognition of Sally Butz-Voss and Tom Harvey for their years of service and dedication to the Village.

Nairn advised that the corner of Chillicothe Rd. and Bell Rd. was looking bad and needed to be addressed.

Berger asked if there were still trees and benches available for purchase, and Nairn replied that the vicinity of the playground was loaded. She thought there were some areas that would benefit from having a tree or bench and asked the Mayor if residents could still purchase either. The Mayor stated that the original drawing for the playground had 14 trees, and he thought there were five or six now. He thought there was room for more trees. He did not think there was a need for more benches around the playground, although he had seen all benches occupied. The Mayor further explained that many benches in the park were installed ten to fifteen years ago by the Scouts, and the Street Commissioner wanted to phase them out because of the wear and tear on them. The Mayor thought the Village could handle more benches and trees around the playground. Nairn noted splits in the slats of a couple of the benches purchased by the Village and asked if there was a guarantee on them. The Mayor stated that it would be explored, and an answer would be provided at the January 25th meeting.

PUBLIC UTILITIES COMMITTEE: Galicki stated there was nothing to report.

PARK COMMITTEE: Nairn reported that Charlie Cimperman's Eagle Scout project received final approval. He hoped to install the Underground Railroad display case next month.

Nairn stated that the Girl Scouts are interested in bat houses, but she has heard no updates. Nairn explained that a Geauga County 4H group had been approached about taking over care of the Village's monarch butterfly garden. The group is involved with plant study and will vote on the proposal next week.

ORDINANCES/RESOLUTIONS:

Porter provided a second reading on an Ordinance amending the Grievance Procedure subsection of the Progressive Discipline Policy section in the Village's Employee Handbook.

Porter introduced a resolution authorizing the Mayor to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement (SCIP) and/or Local Transportation Improvement Program(s) (LTIP) and to execute contracts as required for the Bel Meadow pavement repair project 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. Motion carried. **RES 2021-01**

Porter introduced a resolution authorizing the Mayor to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement (SCIP) and/or Local Transportation Improvement Program(s) (LTIP) and to execute contracts as required for the Chillicothe and Bell Road Traffic Signal replacement project and declaring an emergency. Porter made a motion to waive readings, seconded by Carroll. Roll call – ayes, all. Porter made a motion to adopt, seconded by Carroll. Motion carried. **RES 2021-02**

Carroll introduced an ordinance adopting the Mutual Assistance and Aid Agreement among Bainbridge Township, the Village of Chagrin Falls, Russell Township, and South Russell Village for reciprocal emergency management assistance and aid, authorizing the Mayor to execute such agreement, and declaring an emergency. Carroll made a motion to waive readings, seconded by Berger. The Solicitor specified that the ordinance should be amended to be specific to the Street Department. Porter suggested amending the ordinance to read, "Street Departments" after "South Russell Village for reciprocal emergency management," and Carroll concurred. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **ORD 2021-03.** The Solicitor asked if the other communities signed off on the agreement, and the Mayor said he had not heard but informally he heard that one of the communities was not interested. Carroll asked which community, and the Mayor stated he had not heard officially.

Carroll introduced a resolution expressing the intent to sell personal property not needed for the public use by internet auction and declaring an emergency. Carroll made a motion to waive 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 2021-04**

Carroll introduced an ordinance authorizing the sale of Village personal property not needed by the Village and declaring an emergency. Carroll made a motion to waive readings, seconded by Canton. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Canton. Roll call – ayes, all. Motion carried. **ORD 2021-05**

Porter introduced an ordinance to enter into a Memorandum of Understanding with the Village of Chagrin Falls Police Department and Chagrin Falls Exempted Village School District regarding the deployment of a School Resource Officer and declaring an emergency. Porter made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **ORD 2021-06**

Regarding the quote for the police cruiser, Porter stated the quote received from Nick Mayer Ford was for \$36,832. The quote included a trade in value of \$9,500 for the 2014 Ford Explorer, which resulted in a net price of \$27,332. Porter made a motion that the Chief, Mayor, and Fiscal Officer be authorized to enter into an agreement with Nick Mayer Ford for the purposes of providing a 2021 Ford Explorer Police Interceptor at the total price of \$36,832, seconded by Berger. Voice vote – ayes, all. Motion carried.

BILLS LIST: Carroll made a motion to ratify the bills list of 12/29/2020 in the amount of \$57,153.65 and the bills list dated 12/31/2020 in the amount of \$32,929.69, seconded by Berger. Voice vote – ayes, all. Motion carried.

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

Carroll referred to the emails received from the HOA relative to the Manor Brook property. The Mayor stated that one of the four parcels was originally transferred from Thomas and Thomas to Whitetail. The other three remained in Thomas and Thomas' control. On July 20, 2020, the three parcels were transferred by Thomas and Thomas to Whitetail. The Manor Brook HOA has raised concern that those parcels should have been transferred to the Manor Brook HOA. There was a meeting last Monday night, and they will handle the matter internally. The Solicitor thought that if they were not transferred correctly, the Village may have to have two agreements, one with Whitetail

and one with Manor Brook. He said the meeting was peaceful and he did not anticipate many issues, and it was up to the HOAs to handle it. The Solicitor stated she could not recall if it was the Manor Brook HOA or the Manor Brook Gardens Condominium Association. She concurred it was an internal issue between the two HOAs. The Solicitor believed that the worst-case scenario would be that if Whitetail quit claims the three parcels into Manor Brook's name, then the Village would need two contracts with respect to the property affected by the Manor Brook project. She thought it was just a matter of the two entities deciding the ownership issue.

Porter asked if it was a transfer in error by Thomas and Thomas. The Solicitor explained that one of the three parcels was always titled in Whitetail's name. The other three, according to Geauga County records, were titled in Thomas and Thomas' name. She stated counsel had Thomas and Thomas quit claim those parcels to Whitetail Run in July. She explained that it is an issue between the two HOAs as far as ownership. Why it matters to the Village is that the Village would need a contract with them because it is private property, and the Village would need to have access and to maintain the project.

Carroll asked Berger if he worked on this issue, and Berger said that up until last week, it was the HOA's understanding that these properties were to have been controlled by Whitetail for the last 40 years and the letter came out of left field from Manor Brook Gardens. Both HOAs retain the same counsel, and he thought the issue would have been resolved long ago. Now it is in the hands of Kaman and Cusimano, the attorneys for the HOAs. Carroll verified that there would not be any cost to the Village from this since it was an internal issue, and Berger stated no, not for this resolution. Carroll questioned Berger's response of "this resolution" and wanted to make sure there were no other issues where the Village would suddenly be hit with a fee of some kind.

Regarding COVID, the Fiscal Officer explained that previously when employees were sick or quarantining, it was covered under the special Federal program, which ran out December 31st. There had already been an issue where someone was quarantining, and the time off would come out of the employee's sick time balance. She clarified that it was not a matter of the employee not having sick time. The issue was that the Village's policy, which was adopted by legislation, states that after three days of missed work, the employee needs a doctor's note. The person is in quarantine and not necessarily sick, so there is no need to go to a doctor. She was requesting Counsel consider passing a motion to waive the doctor's note for the purposes of the COVID pandemic.

Carroll asked if the person were being required to use sick time, or would Council allow the person to not take the sick time. Porter stated that the individual was going to be required to take the sick time. Nairn clarified that the Federal program ended December 31st. Carroll stated he understood this but added that the Village received CARES Act funding that was applied to salaries at least in the Police Department. The Fiscal Officer explained that it was for Safety salaries in 2020 and it is now 2021. She asked Council how they wanted to approach the matter. She explained the individual was supposed to come back to work on January 12th but had been exposed again. Carroll asked if the original Families First Medical Leave Act was up to 80 hours and anything beyond that was on the employee. The Solicitor stated that described the extended sick leave for quarantine and then there was the extended Medical Leave Act which was up to 10 weeks. Thus, there would be 80 hours and then 10 weeks after that for an employee who was caring for someone with COVID, caring for a child whose daycare or school was closed due to COVID, etc. Unless the Village were to provide this type of leave, it had expired.

Berger asked if there was an intention of the Federal Government come January 20th to write an extension to the process, and should Council defer consideration pending what the Federal Government decided to do. The Solicitor advised that there was thought that it would be extended with the new administration but did not know how long it would take. Carroll suggested Council could extend the 80-hour option, so the individual did not have to use sick time. Otherwise, Council could wait to see what the Federal Government did and credit the employee. Berger stated this would be his opinion.

Porter asked the Fiscal Officer if she had to do payroll, and the Fiscal Officer advise that she did. She hoped to get a motion so that she could pay the individual. Porter verified that the individual would be paid regularly, and then Council would decide a permanent measure at the January 25th meeting. The Fiscal Officer reiterated that she wanted something formalized so that she could pay the individual. The Mayor asked why the Fiscal Officer could not pay the employee and said he did not understand why he could not be paid. The Fiscal Officer explained that the employee had not been at work, and the Village policy states that the employee must have a doctor's note after three days, and there was no doctor's note provided. Carroll suggested waiving the sick note requirement, and at the Council meeting on January 25th, Council would have a better sense of the Families First Medical Leave Act or extension of the 80 hours. The Village could always credit back the sick time if necessary. Porter stated it was just a question of whether the employee could save his sick time. Carroll agreed.

The Solicitor's concern was that if the Village were going to follow the Families First Coronavirus Response Act required for this leave, it required a quarantine order, a self-quarantine advisement from a healthcare provider, or COVID symptoms. She questioned whether the individual had the required documentation because she understood he did not have the symptoms of COVID. The Solicitor's understanding was that the individual was told the time was coming from his sick bank.

Porter summarized that the doctor's note requirement would be waived, the employee would receive regular pay, and Council would see what the Federal Government would do. If the individual needed a doctor's note for this purpose, Porter imagined the individual would get it.

Galicki asked the Fiscal Officer for clarification. His understanding was that the individual was absent from work originally because he was exposed to COVID and could not get a doctor's note because he was quarantined. Now he has been re-exposed while he was quarantined. The Fiscal Officer stated that it was not that he could not get a doctor's note, but that he had no symptoms. However, it did not matter with COVID whether there were symptoms because exposure necessitates a 14-day quarantine. He quarantined and was supposed to come back, but someone within his household was showing symptoms.

Carroll asked if the Health Department told him he had to quarantine, and the Fiscal Officer explained that she did not know, and that the Mayor had been in contact with him. Carroll asked if perhaps it was a self-imposed quarantine. If it were a self-imposed quarantine and there was no proclamation from the Health Department or a doctor, it complicated the issue. The Fiscal Officer stated that when the Health Department does its contact tracing, it issues letters of quarantine ordering exposed individuals to quarantine. She did not know if the employee had this. Porter stated that if the employee did not, surely, he could get one. The Fiscal Officer further explained that when an individual tests positive, the Health Department calls, and the individual must review the persons with whom he/she had contact with during the days preceding the onset of symptoms. Those individuals are then contacted. It is possible that an infected person might omit a contact.

Porter made a motion that the requirement in the Employee Handbook for a doctor's note to justify being off for more than three days be waived in the case of the individual under consideration at this point, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Carroll asked the Mayor to determine whether he had been quarantined through the order of the Health Department and added that he should provide the documentation to the Mayor. Porter agreed. The Solicitor stated that the requirement should be a signed statement stating that the individual had been ordered quarantined by the Geauga County Health Department. The Solicitor stated that this would be more in accordance with the previous Federal law.

ADJOURNMENT: Being that there was no further business before Council, Porter made a motion to adjourn at 8:42 p.m., seconded by Carroll. Voice vote – ayes, all. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki