

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING VIA ZOOM
MONDAY, MARCH 8, 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, Solicitor Matheney, Engineer Haibach

VISITORS: Jay Butler, Ray Schloss, Gary Dole, Greg Heilman, Chris Bell, Rick Lombardo, John Buda, Carlene Holtz, John Hitchcock, Ruth Cavanagh, Bob Royer, Kelly Kimball

The Mayor called the Regular Council meeting conducted via the teleconference service Zoom to order. Fiscal Officer read the roll. Porter made a motion to approve the February 22, 2021 Council minutes, seconded by Nairn. Voice vote – ayes, all. Motion carried.

VISITORS: Carlene Holtz, MC Art Studio, addressed Council. She explained that she has an Art Studio and Gallery, and a licensed pre-school where she teaches art classes on a part-time basis to a dozen children. She advised that she needs an outdoor play space. Without a playground, she cannot have programs beyond part-time. Holtz hoped to build an enclosure behind the smaller of her two buildings. She submitted photos to Council. The proposal was to build a removable decorative fence that would serve multiple purposes to include Art Shows and activities for children during the Farmers Market. Holtz stated that in addition to the fencing, she planned to install tasteful playground equipment and raised gardens.

The Mayor stated that the process for the project would start with the Building Department to determine permits that were needed. The Mayor asked what other things Holtz would want to do, and she explained that she would like to have an entrance off Bell Rd., even if it were just a cut-through gravel driveway. Holtz advised that the morning student drop-offs were problematic on Chillicothe Rd. After tree removal on the side of her property, she would want to discuss installing landscaping and a decorative fence in that area to prevent its use as an entrance or exit to Bell Rd. She advised that the business was going well and there were plans to do planting and to beautify the property.

Porter asked about the square footage that would be used behind the building, and Holtz advised it was 48' by 28'. She stated it would go with the line of the property. Her desire was to make it look artistic. She would be able to provide pictures of the fence before it was installed. Nairn asked if the playground would be on Village property, and Holtz replied that this would be the tricky part because half of the building was her property, and the other half was on Village property. This was her reasoning in making the fence moveable. Nairn expressed her concern with the proximity of cars with children, particularly with Farmers Market. Holtz assured Nairn

that children would not be present in high traffic areas during the course of her pre-school time or with the Farmers Market.

Canton said he was concerned about the traffic flow. He clarified there were only children in the preschool during the morning hours. Holtz stated this was correct and added that they do not go outside. Canton asked how many vehicles transport children to the school, and Holtz stated she only has classes of seven children but is licensed for up to 13. She also has staggered drop-off times.

The Mayor stated that he would be in touch with Holtz later in the week to get the project going. Holtz said she appreciated the opportunity to take on this adventure and was willing to work with whatever needed to be done.

The Mayor introduced Rick Lombardo from Flock Safety. The Chief explained that about a month ago, Lombardo provided a presentation to the Safety Committee about the License Plate Radar (LPR) cameras. The Village had been using other agencies' cameras to solve some of the mysteries around town. Lombardo would be addressing Council about installing the cameras in South Russell.

Lombardo explained that he viewed the LPR cameras as a security system for the Village with cameras at major entry points where every vehicle that enters the jurisdiction is documented. If a vehicle were to be used in a crime, the police would have a photo of the car and license plate.

Lombardo described the inception of the product and advised that the company currently works with many other area departments. He explained that the system would alert police within 7 to 15 seconds in the municipality of 13 different situations to include entry of a stolen car, wanted felon, terrorist, missing person, Amber Alert, etc. It would allow the police to be proactive and would also assist with investigation of crimes through its ability to identify license plates. Lombardo provided Council with examples illustrating the capabilities of the system. Included in the benefits of the system would be the ability to access and share information with the thousands of LPR cameras installed throughout the country.

Lombardo stated that his company works with thousands of Homeowners Associations (HOA) throughout the country. HOAs can purchase a camera to place at the entrance of the development. He further explained that only law enforcement would have access to this data and the data is only stored for 30 days. The company does not own the data, the community does. It would only be utilized in the event that a crime occurred. Porter asked if the 30 days could be expanded or shortened. Lombardo stated that company policy did not allow storage beyond 30 days. Porter asked if it could be held for two weeks, and Lombardo thought this was possible.

Carroll addressed this policy in terms of the Village's Retention Schedule. Lombardo clarified that the company would store it longer than 30 days if it were a law that Council mandated. This would include a larger storage fee. Carroll asked about future costs beyond the initial purchase and maintenance fees. Lombardo stated the Village would not actually be buying the equipment, but rather purchasing the LPR as a service. If a camera broke or malfunctioned, the company

would replace it. Included in the costs is the hardware, software, maintenance, warranty, storage, etc.

Carroll asked the Chief if Chagrin Valley Dispatch (CVD) would have access to the cameras, or would the search be conducted after the fact. The Chief said that it would be an after-the-fact investigatory tool. It would also serve in a preventative capacity in that if a suspect vehicle entered the jurisdiction, the police would receive an instant alert on the mobile data terminals and officers could respond accordingly. The locations of the cameras would be at every entry point into the Village, so six would be needed.

Nairn asked if an HOA that acquired the system would need one or two cameras for the entrance and exit. Lombardo thought one would suffice. She asked what the cost of the camera would be, and Lombardo stated \$2,500 per camera per year with a one-time installation fee of \$250.

The Mayor stated that the Safety Committee would consider the cameras and provide a recommendation to Council.

MAYOR'S REPORT: The Mayor stated that the Northeast Ohio Area Coordinating Agency (NOACA) called to inform the Village that the paving of Bell Rd. from Chillicothe to Newbury would be presented to the NOACA Board in June along with other projects in Northeast Ohio. This did not guarantee funding but put the Village on the path for possible NOACA funding.

At the quarterly meeting of the Board of Directors for the Chagrin River Watershed Partners (CRWP), the Village 319 grant stream enhancement and wetlands was showcased.

The Mayor thanked the Street Commissioner and Police Department for helping to organize a 100th birthday party for a resident at the Lantern. He stated that Santa Claus and the Fire Departments from Chagrin Falls Suburban, Russell, and Bainbridge attended.

A group of residents interested in improving the Girl Scout created butterfly garden west of the pavilion attended a Zoom meeting to get organized and to seek advice on how to expand what is presently at the South Russell Village Park. The Mayor explained that the residents approached the Village out of the blue with their own private funding. It looked like it would be a go.

At the last Council meeting, cross-training was mentioned. Building Committee, Building Department employees, and the Department Head would create a process for cross-training with a timeline flowchart and procedures to ensure success. The Mayor stated that there had been plenty of experience with employees, one taking two-week vacations during the summer to travel and then five weeks in October without an employee. He concluded that it is known what should be done to make this department perform smoothly. The Mayor stated something would be developed by late May.

A meeting planned for the Fox Run HOA was postponed. The Mayor stated the goal would be to have a discussion with the HOA about a possible easement for the southwest corner of their common property near Gurney and the area with the bridge. The Village would use the land to create a water retention area to reduce the flooding to Sugar Bush.

The Mayor met with some Bellwood leaders to discuss how the Village could help with stormwater, their dam, and other issues facing residents. We would be getting back to them in about three weeks.

The Mayor stated that a letter was followed up by a phone call to Geauga County Sheriff Hildenbrand commending his detectives for their work on the missing Microsoft Pro. The Mayor thought they did a very nice job.

The Mayor stated that the Village had been asked to participate in Wreaths Across America, which would occur on Saturday, December 18th at noon. Former Chagrin Falls Police Chief Jim Brosius provided the connection. The goal would be to place a wreath on the graves of veterans buried in all the 2,500 cemeteries across America. The Mayor stated there were 400 veterans alone buried in the Chagrin Falls Evergreen Cemetery, so he would be looking at volunteers to do this.

The Fiscal Officer and Mayor would be spending the following afternoon on a webinar dealing with cyber security relative to a new website for the Village.

The Lake Geauga Task Force had approached the Village about creating a smoke-free campus. He asked the HR Committee to consider this.

The Mayor also asked the committee to take a look at changes in COVID procedures in terms of eventually getting back into Village Hall.

The Foundation for Geauga Parks is interested in assisting the Village with a rain garden which would be in the northeast corner of the park. A rain garden workshop is coming up on March 16th.

The Mayor received a call from the owner of the red barn across from Village Hall asking why his roofing project had been stopped. The Mayor advised it was the second time that the roofers had not secured a permit.

The Mayor reported that the call with the Manor Brook HOA representatives for the easement did not go well. The Village's offer was not accepted. There will be a meeting Thursday, March 11th, and the Mayor hoped that Council would discuss the matter of the easement in Executive Session.

At an upcoming Council meeting, there will be a presentation on Reclamite.

In a month, Northeast Ohio Public Energy Council (NOPEC) would be addressing Council on April 26th. They want two public meetings, according to the Mayor. He stated that we have just been delaying, delaying, delaying the public meetings. Maybe things would be changing, but HR should take the lead on this to figure out what to do.

Carroll asked for clarification of the upcoming webinar dates for the Reclamite webinars, and the Mayor explained they had already occurred. The Mayor clarified that there will be a presentation about Reclamite at the March 22nd Council meeting.

Carroll thanked the Mayor and Building Committee for considering cross-training and added that the Building Department Administrative Assistant/Board Clerk/Assistant Zoning Inspector is doing a great job.

FISCAL OFFICER'S REPORT: The Fiscal Officer distributed her monthly report. She provided Council with the bulletin from the Ohio Municipal League (OML) regarding Income Tax collections. The article addressed the issue of how local tax is withheld by employers when employees work from home. The Governor is trying to put together a task force to study the impact on cities, and the Fiscal Officer stressed the importance of being aware of the findings.

The Fiscal Officer advised that it would be necessary to consider amending the appropriations for the CARES Act expenses because she had to void a check from 2020 so that it could be paid in 2021. It was also necessary for an amendment of \$5,000 for the Village Headwater project, which was finished, but had outstanding bills from CRWP. She explained that the money was in the fund and that it was a matter of being allowed to spend the funds because all the bills did not come in last year.

Porter noted that the Fiscal Officer reported that the Village did not have the State Audit results from the 2017-2018 audit. The Fiscal Officer advised that she had called the State Auditor on a different issue and asked about the audit results. She added that she had been calling about its status regularly. The response she received as of the fall was that they were 'looking into it.' She explained that there had been a lot of staff changes in the Auditor's Office in the Northeast Ohio region, which began during the Village's audit. As a result, the Village never received audit results, and now the next audit is due. She explained to the Chief Auditor that they must take this into consideration. The Chief Auditor would consider the situation and may run the two audits together. She would inform Council when she had an answer. Porter noted that the Village had paid for the audit and asked if the Village would be refunded if the Village does not receive a report. The Fiscal Officer stated that she did not think so, and that having the audit is mandatory.

FISCAL AUDITOR: The Fiscal Auditor provided his report for the month ending February 28, 2021. The fund balances, which were arrived at independently, matched the fund balances shared by the Fiscal Officer in her report to the penny. The total of all funds was a little over \$3.6 million. The February balances increased almost \$500,000 which was typical for the month because the Village received its first of two installments for Real Estate Taxes. Other notable receipts included a quarterly ambulance fee. The sale of Cemetery plots placed the Village above the amount budgeted for the year. A \$27,000 grant was received as well as proceeds from the sale of a police cruiser, and he added that the Village purchased a cruiser in the same month. For the year, the Village is up \$357,799.

FINANCE COMMITTEE: Berger made a motion to approve the fund balances as of February 28, 2021 as presented by the Fiscal Auditor, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Berger stated that the Finance Committee met on March 2, 2021 and the minutes were distributed. Berger reported that the Fiscal Officer indicated that there were two levies that needed to be considered for renewal on the ballot in November. They are the Operating Levy and the Road and Bridge Levy. Council has until August 1st to ensure the levies get on the ballot. First, it is necessary to determine the renewals and their amounts. The Finance Committee will make recommendations to Council.

SOLICITOR: The Mayor relayed the adage that no good deed goes unpunished. He explained that the Village thought it would be a good deed to work with Bainbridge, Russell, and Chagrin Falls on a Mutual Services Agreement. He advised the Solicitor would further explain.

The Solicitor stated that in January 2021, the Village entered into a Mutual Aid and Assistance Agreement regarding the Service Department where Chagrin Falls, Russell Township, Bainbridge, and the Village would aid each other in the event one of the departments was affected by COVID. Chagrin Falls adopted the resolution and agreement the same night. Then it was determined one township was tentative about the arrangement. Since then, Bainbridge Township revised the agreement into two agreements, one of which pertains to the road maintenance and Street Department and the other to emergency, mutual aid, and law enforcement. The Village did not want this type of agreement because it already has numerous mutual aid agreements. Ultimately, Russell Township reached out to Chagrin Falls and the Village to enter into a road mutual aid agreement. However, the way the agreement is drafted is only for emergency situations, which means that it only pertains to natural disasters or a state of emergency declared by the Governor, State, Federal Government, or the Village. She thought the Mayor was going to speak to Bainbridge Trustees, but for the time being, the Village was not moving along with any of the agreements. It would hold off and wait to see. The Solicitor added that since it is now March, the Village may be through the worst of weather and perhaps the agreement could wait until next year.

Carroll thought it was disappointing and acknowledged the work on the matter by the Mayor and Solicitor. He hoped that something could be worked out for the future.

ENGINEER: The Engineer reported that there had been weekly meetings for the Stream Restoration Project and the Lake Louise Bridge Replacement Project. Regarding the Stream Restoration Project, the Village is at a standstill until the easement issue is sorted. The Engineer stated that in his opinion, the request for compensation for the easement was brought up a little late in the game. He was hopeful and confident that the Village would be able to work through it. In the meantime, he would not be finalizing design or putting any more dollars into the project until the Village had the agreement.

The key player in getting the Louise Dr. Bridge Replacement project moving is Dominion East Ohio because of the gas main located on the bridge which needed to be relocated before the Village could remove the bridge. There had been productive conversations thus far, and some

dates were established. Dominion planned to have the gas main relocated from the bridge by May 31st. The Village was working with the HOA to lower the lake level for foundation replacement on the bridge on August 9th. The substantial completion date for the project is set for December 1st. By keeping it in 2021, the Village avoids losing funding.

Concerns were raised by residents downstream of the project in Paw Paw Lake. The Engineer stated that Ruth Cavanagh sent him an email seeking input from the Village as to when the bridge replacement work would be done on Louise Dr. The downstream residents are concerned with any silt that is generated washing downstream to Paw Paw Lake. The Engineer said he will be working with the Paw Paw Lake community to coordinate when they should plan to clean out their settling pond. It would not make sense to clean it out before the project, and he said it should be carefully coordinated with the bridge replacement.

The Engineer noted that there would be minimal excavation required to remove and replace the bridge. It would only be necessary to dig down on either end of it to install new foundations. This would be the limit of the ground disturbance. There would be no digging in the lake or flow channel. He added that they were working hard to minimize any possible silt issue as it flows downstream.

Carroll asked for the status of the Stormwater Report, adding that Council had been waiting for it for quite some time. The Engineer explained that he is trying to define a scope. He explained that the Village is looking for an update to the Stormwater Report of 2004 along with some added components that have come to light since 2004. The Engineer wanted to focus more on upstream retention and modifying existing ponds in the Village to see the impact with retention. The Engineer also wanted to examine additional areas for stormwater improvements that were not considered in the 2004 report. He is working with the CT Consultants Stormwater Department. He needs to get a purchase order request to the Village identifying the cost of the update. To do this, he must do a lot of work beforehand. He would anticipate having this in the next two weeks.

Carroll stressed that the report is really needed, and the Village had been asking for it since last Spring. Before the Village makes any commitments on some of the projects that might be done, Council requires this information to make it an educated process. Spring is approaching which is when some of the work should be started, and he was hopeful that Council could have something in its hands by now. He urged the Engineer to get this done so Council could make informed decisions.

The Engineer did not think he had authorization from Council in terms of a motion to go out for bid for the Lake Louise Bridge Replacement project and would be seeking the motion later in the meeting.

Ms. Cavanagh clarified that the project would not be started until Memorial Day and finish at the end of the year. The Engineer concurred. She said this was the whole summer season.

The Chief asked the Engineer for the status of the traffic light grant and the possibility of replacing it. The Engineer said that the Village has been tentatively approved for receiving the

50-50 grant money for replacement of the traffic signal and associated equipment. The Engineer would not have a definitive response for another couple of months. The money would not be available to use until July 2021. The signal replacement project would be a late 2021 or 2022 project depending on lead times for the special equipment orders that are required, which can be lengthy. The Chief said he would get some estimates and present them at the next Safety Committee meeting.

Porter referred to the last Street Committee meeting, specifically the potential of one or more detention ponds on Village properties that could be constructed in series with Bullfrog Pond. The Street Commissioner brought up the possibility of putting a detention pond at the western edge of the Cemetery property. He asked the Engineer what it might take to dig one detention pond similarly sized to Bullfrog Pond. The Engineer surmised it would cost \$250,000. Porter viewed this as a way to solve a lot of the stormwater issues that are south of Bell Rd. He verified this was not part of the 2004 Stormwater Study and asked if it could be included in the revised report. The Engineer said it was already in the works. Porter thought the Village would want to move along with this project because basically, it would be a matter of digging a big hole, tying it into Bullfrog Pond and the stream that goes by the dentist's office. If it would be possible this year, the Village would need to move along with it and it would be helpful to have the Stormwater Study to back it up in the event it needed to be justified to the Environmental Protection Agency or the Army Corps of Engineers. The Engineer added that it comes down to a bang for the buck. A secondary alternative to this would be expanding Bullfrog Pond onto the Village property. Porter was uncertain as to how the HOA would react to this. If the Village were to work on its own property, then it would be up to the Village. He wondered if a permit would be required from EPA, Ohio EPA (OEPA), or the Corps of Engineers to dig a detention pond. The Engineer said the OEPA would require this and possibly the Army Corps of Engineers. Porter reiterated that the EPA would want to see the Stormwater Study demonstrate a need for this. The Engineer agreed.

STREET COMMISSIONER: The Street Commissioner advised he had submitted his monthly report for February. Porter asked how the Village was doing on salt. The Street Commissioner said fantastic. He just ordered another 500 tons that would be delivered the following day.

STREET COMMITTEE: Carroll stated that the Street Committee met March 4th. Detention pond options on the east and west side of Chillicothe Rd. were discussed. Tying in Bullfrog Pond and possibly the Chagrin Lakes Recreation Lake was also discussed. He reiterated that having the Stormwater Study would be helpful in allowing the Village to move on some of the issues. The Village had been dragging its feet while trying to do some other projects, but these projects would have definitive positive outcomes. Carroll would rather spend \$250,000 than \$400,000 on a dam if the Village did not have to do so. This could help the dam issue.

Carroll stated that the Street Commissioner submitted the Capital Replacement plan, and the committee was still working on this. He hoped to have something submitted to the Finance Committee by the next meeting.

Reclamite was discussed, and the representative will attend the March 22nd Council meeting.

Porter made a motion that the Mayor, Fiscal Officer, and Engineer be authorized to enter into an agreement with Buckeye Excavation in the amount of \$21,100 for the purpose of replacing the Lake Louise culvert. They were the lowest of the three bids and the estimation of the Street Commissioner and Engineer is that the company is well qualified to do the work expeditiously and well. Seconded by Carroll. The Fiscal Officer asked if this was budgeted as part of the project or was it something different. This was \$21,100 she had not heard of and asked if it would be necessary to amend appropriations. The Mayor suggested voting it down, and Porter stated it would be necessary to amend appropriations but saw no reason to delay. The Fiscal Officer advised it would be added to the appropriations amendment that would be presented later. The Fiscal Officer verified it was not part of the bridge replacement, and Carroll stated it was part of the Road Program. Voice vote – ayes, all. Motion carried.

The Street Commissioner added that with the good weather, the playground would be sanitized for the remainder of the week.

PUBLIC UTILITIES COMMITTEE: Nairn said she had been attending the weekly meetings, and they had been productive. She made a motion to allow CT Consultants to advertise for bids Request for Proposals (RFP) for the South Russell Village Lake Louise Bridge Replacement project, seconded by Porter. Voice vote – ayes, all. Motion carried.

BUILDING COMMITTEE: Berger reported the Building Committee met March 4th, and the minutes were distributed by email. There will be a Special meeting of the Building Committee concurrent with the Planning Commission meeting on Thursday, March 11, 2021 in regard to the Solicitor's report on the Building Department. The Building Committee will be there to hear the Planning Commission's response to the Solicitor's report and to the report that the Building Committee submitted to Planning Commission on the same.

The Mayor stated that on Friday morning at 7:00 a.m. there would be donuts in the Building Department. This would mark the end of the first phase of the audit, which he frankly thought was probably the easy part. Now it would be necessary to look long and hard. The Mayor said starting at 7:00 a.m. there would be donuts.

POLICE CHIEF: The Mayor complemented the Chief for Lombardo's presentation to Council. The Chief advised that due to his surgery, his monthly report would be provided to Council later in the week. The Chief thanked the Street Commissioner for allowing Rick Pausch to paint in the Police Department. He added that everything was looking good and he was very happy with the job Pausch had done.

SAFETY COMMITTEE: Porter stated that the Safety Committee did not meet the first of the month due to a lack of issues to address. The next meeting will be April 1, 2021 at 7:00 a.m. in the Police Department conference room.

Canton stated he spoke to the owner of the mailbox that was recently destroyed. She appreciated that Council showed concern and had nothing but good things to say about the Village's Police force. Canton again offered a tip of the cap to the Chief and his men.

HUMAN RESOURCES COMMITTEE: Nairn stated that the minutes from the last joint meeting with the Finance Committee were distributed to Council. The HR Committee would be meeting in Village Hall at 8:00 a.m. on Friday, March 19th to continue discussion of the items provided to Council. The Committee would also discuss making the Village a smoke-free designated area. They would also be considering quarantine time off. Nairn added that HR received a job performance evaluation that they would be discussing at the next meeting. The Mayor also added discussion of COVID modifications to the meeting agenda.

As a reminder, Nairn stated there was a joint HR and Finance Committee meeting that will be held at 7:30 a.m. in Village Hall on Friday, April 9th.

Canton commended the employee evaluation work that had been done. Council had been discussing this for quite a while and it was nice to see progress. Nairn agreed and thanked Canton.

PROPERTIES COMMITTEE: Galicki advised that a copy of a proposal between Geauga County Fresh Farmers Market and South Russell Village had been distributed to Council. It largely parallels the previous year's agreement. Galicki added that it required a correction on the signature line to state 2021 instead of 2020. Galicki made a motion that the Mayor be allowed to enter into this agreement with Geauga County Fresh Farmers Market to prepare for the upcoming year of Farmers Market, seconded by Nairn. Porter stated that the Farmers Market starts up the Saturday after Trash Day, and this was arranged by the Street Commissioner so the two would not conflict. The Mayor added that the Street Commissioner also arranged that the last day of the Farmers Market will be the shredding day, which works out well. Voice vote – ayes, all. Motion carried.

PUBLIC UTILITIES COMMITTEE: Nairn stated that as mentioned at the last meeting, the Village received a NOPEC grant in the amount of \$10,485. Nairn asked Council for recommendations and had not received any responses. She suggested applying these funds to the traffic signal replacement project at Chillicothe Rd. and Bell Rd. However, this might not be possible because the project will be in late 2021 or early 2022. Another idea she had was the possibility of replacing the Service Department roof. Bids were previously secured that amounted to about \$21,000. She suspected it might be more now, but offered it was a suggestion. There was a June deadline, and Nairn would appreciate input by the March 22nd Council meeting.

Nairn stated there was also a NOPEC 2021 Community Event Sponsorship Program and the Village was given \$1,500. Last year, this grant was applied to the Fall Festival. However, because of COVID it was deposited but the Village was unable to use it. Another \$1,500 will be provided and can be applied to the Fall Festival. NOPEC understood the uncertainty of trying to schedule community events right now. NOPEC suggested using the funds for a food drive, meal drop-off or pick-up program, vaccination events, blood drives, mask collection drives or distribution of masks. Also suggested were virtual educational events, community job fair, or possibly a graduation ceremony. The deadline for this grant is June 30th. Nairn advised that Council needed to consider this in the next few weeks as well.

PARK COMMITTEE: Galicki advised he would use the spring newsletter to discuss the issue of park cleanings/sanitization as the spring months approach. With every passing week, the Governor has relaxed COVID restrictions throughout the State. The Park Committee must look at the resumption of pavilion rentals. He did not think this was possible right now, but by the beginning of April, conditions may be more favorable for this. Galicki advised that the Park Committee is considering this while following State guidelines.

Galicki anticipated having the first resumption of Park Committee meetings during the first week of April.

Carroll asked the flavor of the Park Committee to consider the Fall Festival given the Governor's most recent address and the relaxation of CDC guidelines for individuals who had been immunized. Galicki felt it was too early to discuss, although he was certain everyone would want to have a Fall Festival. He reiterated the latest guidelines in terms of vaccinated individuals but questioned how in a forum like the Fall Festival a distinction could be made between vaccinated and unvaccinated individuals. He thought there would be a lot more guidance forthcoming, and this would be a major agenda item for the April meeting. If nothing else, the committee could start the planning process to get things in motion without executing contracts. Galicki felt it was more likely this year that the Village could have a Fall Festival than last year.

ORDINANCES/RESOLUTIONS:

The Mayor stated that the first six ordinances and resolutions all deal with the Manor Brook project and reminded Berger and Canton that they could not participate in the next votes. He suggested the remaining Council members take turns reading them.

Galicki asked the Solicitor if it was premature with the unknown costs associated with the easement to go forward to approve the resolutions. The Solicitor stated no. Galicki added that the wording of the ordinance addressed project costs and there were unknown project costs that could potentially result in a decision between the project going forward or it being thrown into the waste bin of life. He clarified that the Solicitor was saying that there was no reason not to go forward. The Solicitor stated this was correct and noted that with the ordinance pertaining to the agreement with OEPA, it had a breakdown of what the costs were, and there was nothing about paying for an easement, private property, or access. The Solicitor added that the OEPA said none of the funds could be used for that purpose. There were times where they would pay legal fees such as recording easements, but otherwise would not normally allow these kinds of funds to be paid for acquiring private property.

Carroll stated that at the last Council meeting, the reason why Council was redoing some of the legislation was discussed relative to who voted on what. In review of that, he thought it looked like there were nine instances, two in 2019 and seven in 2020. Carroll was aware that Canton voted on the ones in 2019 and four of the seven in 2020. Perhaps he was looking at it wrong. He knew that Berger voted on four of the seven in 2020 and wondered if all the correct legislation was being presented and none had been missed. He realized it did not include the bills lists. The Solicitor stated there were a total of six, 2 that were done in 2019 on which Canton voted, and then there were four that were actually voted on by all of Council or five of the six, which

included one or both Berger and Canton. It was 2020-09, 2020-10, 2020-36, and 2020-37. She counted a total of 4 in 2020. There were other votes cast regarding Manor Brook, but as she understood, both Berger and Canton recused themselves on those. Carroll agreed and said his notes were incorrect. It looked like Berger and Canton voted on 4 of the 7 and recused themselves on two others in 2020.

Porter provided a third reading of an ordinance vacating Ordinance No. 2019-69 and authorizing the Mayor to enter into a Clean Water Act Section 319(h) Grant Agreement with the Ohio Environmental Protection Agency for the Manor Brook Headwater Stream Restoration Project retroactive to December 9, 2019 and authorizing all actions necessary to accept such grant for costs associated with such project retroactive to December 9, 2019. Porter made a motion to adopt, seconded by Carroll. Roll call – ayes, Porter, Carroll, Galicki, Nairn. Berger and Canton recused themselves. Motion carried. **ORD 2021-11**

Carroll provided a third reading of an ordinance vacating Ordinance No. 2019-73 and authorizing the Mayor to enter into an agreement on behalf of the Village of South Russell with Chagrin River Watershed Partners, Inc. for the administration of the 319(h) grant from the Ohio Environmental Protection Agency to the Village of South Russell for the Manor Brook Headwater Stream restoration project effective retroactive to December 13, 2019. Carroll made a motion to adopt, seconded by Nairn. Roll call – ayes, Porter, Carroll, Galicki, Nairn. Berger and Canton recused themselves. Motion carried. **ORD 2021-12**

Nairn provided a third reading of an ordinance vacating Ordinance No. 2020-09 adopted February 24, 2020 and certifying amendments of funds effectively retroactively to February 24, 2020. Nairn made a motion to adopt, seconded Carroll. Roll call – ayes, Porter, Carroll, Galicki, Nairn. Berger and Canton recused themselves. Motion carried. **ORD 2021-13**

Galicki provided a third reading of an ordinance vacating Ordinance No. 2020-10 and certifying transfer of funds effective retroactively to February 24, 2020. Galicki made a motion to adopt, seconded by Nairn. Roll call – ayes, Porter, Carroll, Galicki, Nairn. Berger and Canton recused themselves. Motion carried. **ORD 2021-14**

Porter provided a third reading of an ordinance vacating Ordinance No. 2020-36 adopted July 13, 2020 and certifying amendments of funds effectively retroactively to July 13, 2020. Porter made a motion to adopt, seconded by Carroll. Roll call – ayes, Porter, Carroll, Galicki, Nairn. Berger and Canton recused themselves. Motion carried. **ORD 2021-15**

Carroll provided a third reading of an ordinance vacating ordinance No. 2020-37 and certifying transfer of funds effective retroactively to July 13, 2020. Carroll made a motion to adopt, seconded by Nairn. Roll call – ayes, Porter, Carroll, Galicki, Nairn. Berger and Canton recused themselves. Motion carried. **ORD 2021-16**

Berger introduced an ordinance amending the 2021 Annual Appropriations as follows: increasing the CARES Act expense \$9,895.45, increasing the Village Headwater project expense \$5,000, increasing the appropriation for Buckeye Excavating for the Road Program for \$21,100. Berger made a motion to waive readings and declaring an emergency, seconded by Carroll. Roll

call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **ORD 2021-17.**

Berger introduced an ordinance requesting the County Auditor to certify to the taxing authority the total tax valuation of the subdivision and the dollar amount of revenue that would be generated by a specific number of mills.

Berger introduced an ordinance requesting the County Auditor to certify to the taxing authority the total tax valuation of the subdivision and the dollar amount of revenue that would be generated by a specific number of mills.

BILLS LIST: Carroll made a motion to ratify the February 26, 2021 bills list in the amount of \$38,986.26, seconded by Porter. Roll call – ayes, Porter, Carroll, Galicki, Nairn. Berger and Canton recused themselves. Motion carried.

NEW/OTHER: Berger, Canton, Carroll, and Galicki had no new business.

Nairn addressed the lack of consistency with recording committee meetings. She could see no reason that if everyone were conducting government business properly and in an open, transparent manner that all meetings should not be recorded. She brought it up previously in May of 2019 and then at the last Council meeting. During the May 13, 2019 Council meeting, there was discussion of the issue and the Mayor directed Council to record the meetings. Specifically, the Mayor directed that “starting in June or July (2019) all meetings will be recorded.” If this came from the Mayor, Nairn did not understand why there had not been consistency with recording committee meetings. She emphasized that Council should be doing this especially in this day and age because it is the smart thing to do. It is fair to Council and fair to the community that whatever transpires in the meeting should be audio recorded. Additionally, if there is ever a question, all that is necessary because of the retention of recordings is go back to a recording to clarify. She felt Council needed to be consistent.

Carroll said he was completely in favor of it. He reiterated that it had been addressed by the Mayor in May of 2019, and it made good sense. Carroll understood that minutes may not be verbatim, and if anyone were to have any questions, it could be addressed through listening to the meeting and/or watching the Zoom meeting. Carroll asked if a motion should be made to formalize the matter.

Porter stated that the ordinance would have to be changed for the chairmanship for the meeting. Carroll asked if there were an ordinance that specifies the chairman actually does this. Porter explained that the chairman is in charge of keeping the minutes for the meetings. The Solicitor stated that it is in the Council Rules and Regulations in the 220 section of the Codified Ordinances and had been discussed previously. She said if Council wished to do this, the meetings shall be recorded because failure to record could be an issue. Carroll recalled that in his earlier time on Council, some committee meetings were held in locations other than Village Hall, which he viewed as problematic. He thought that having the meetings in Village Hall and via Zoom because of COVID would be consistent. Carroll added that it would not really matter if meetings were held in the Building or Service Department, but for convenience’s sake of

recording, it might be easier to do in Village Hall. At the end of the day, having it recorded should not be too hard. Carroll added that the Mayor records all the Zoom meetings. Some committees have recorded meetings via Zoom, and some have not. In an effort to be transparent, a recording would exist to clarify any questions. Carroll had no problem with what Nairn was proposing because it helped address the transparency issue discussed by Council earlier in the year.

Berger said he had no problem with recording the meetings, and he pled ignorance to what happened in May 2019 because he was not a member of Council. In his Council booklet, it did not say anything about ensuring that meetings were recorded, and that the minutes were at the discretion of the chair. This was the rule he had followed. If he had done this in error, he would plead ignorance to the law. He had no problem going forward and having meetings recorded.

Porter clarified that it is the chairman's job to record the minutes and whether the chairman wanted to do it by Zoom or by audio recording, handwritten, or typed was up to the chairman as it currently stood. In January, Council adopted the policies and procedures ordinance which included that section. Porter added that the Solicitor brought up a good point that if it were put in writing and then not done, bad things could happen. The Solicitor asked if meetings would be recorded with the digital recorders or via Zoom or both because technically it was the audio recorders that were then transcribed into meeting minutes. The Zoom recording would be something in addition to meeting minutes that were transcribed from the actual recording that was taken by the Fiscal Officer for the Council meetings. Council needed to keep this in mind when deciding the parameters of what the audio recording would be. Carroll stated these points should be evaluated and moving forward whatever medium was chosen to record should be consistent. He thought audio recording would be the most consistent. Carroll appreciated Porter's concerns but added that recording the meetings would take care of legible minutes. Porter offered that the chair of the committee should specify in advance how the minutes should be done and do it that way. Porter reiterated that if it is put in stone and it is not done, bad things can happen.

The Mayor suggested putting it on the agenda for the next meeting. He did not know that Council wanted to make a change because as Porter said, we do not want bad things to happen.

Porter made a motion to go into Executive Session at 9:23 p.m. for the purposes of discussing potential property acquisition, seconded by Carroll. Roll call – ayes, Porter, Carroll, Galicki, Nairn. Berger and Canton recused themselves. The Mayor addressed Berger and Canton and stated that he would communicate the following day of anything when they came out of Executive Session.


Council exited Executive Session at 10:19 p.m.

Porter made a motion that the Mayor obtain from Whitetail Run Association and Manor Brook Gardens a formal request for compensation for an easement over their respective properties and interests for compensation arising from the 319 grant and assignment by Manor Brook Gardens of its interests in that same four properties, seconded by Carroll. The Mayor asked that Porter write the motion out and send it to him. He said he was not sure what they were doing and said

that they were all over the place. Nairn stated that when push came to shove, Council had better not end up looking like the bad guys. Carroll stated that it was, and Porter added it will. Galicki said four members of Council may, and two will look like heroes. Porter agreed. Carroll added two and the Mayor. Carroll asked Nairn to provide Council with a copy of the newsletter that was discussed. Porter agreed this would be helpful. Carroll clarified that it was the spring newsletter. Nairn agreed to provide it to Council. Carroll suggested it also be provided to the Solicitor. Roll call – ayes, Porter, Carroll, Nairn, Galicki. Motion carried.

ADJOURNMENT: Being that there was no further business before Council, Carroll made a motion to adjourn at 10:23 p.m., seconded by Porter. Voice vote – ayes, all. Motion carried.


William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki