

**RECORD OF PROCEEDINGS
REGULAR COUNCIL HYBRID MEETING
MONDAY, MAY 24, 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, Solicitor Matheney,
Engineer Haibach

VISITORS: Greg Heilman, Chris Bell, Jims iPhone, Marc Bloch, Bruce
Hendricks, Maple Springs Dr.; Nina Lalich, Royal Oak Dr.; Avery
Shinkawa, Greenbrier Dr.; Taki Shinkawa, Greenbrier Dr., Chris
Courtney

The Mayor called the Regular Council meeting conducted in person and via the teleconference service Zoom to order. The Pledge of Allegiance was recited. The Fiscal Officer read the roll. Canton noted that the May 10, 2021 minutes did not reflect several visitors, Judy Harvey, Dr. Stephenson, and David Lowe. The correction was made by the Fiscal Officer. Nairn made a motion to approve the May 10, 2021 Council meeting minutes as amended, seconded by Canton. Voice vote – ayes, all. Motion carried.

VISITORS: Avery Shinkawa, Eagle Scout candidate, explained his proposed bat house project. He said his plan involved six to seven bat houses constructed and installed 20 feet in the air on different trees on both sides of the park. The installation would occur during the summer and would be done by a crew of Boy Scouts from his troop. Porter asked if the Park Committee had seen the proposal, and Shinkawa said he sent it to the Mayor and to Galicki. Galicki explained that due to timing, he had not formally presented it to the Park Committee, but advised the committee was aware of the proposal. He felt the committee would be receptive. Galicki would inform Shinkawa of the date of the next Park Committee meeting so that he could present the project. Porter asked Shinkawa how the bat houses were beneficial. Shinkawa advised that his proposal provided this information, and that bats help control insect populations. He added that bees occasionally nest in the bat houses as well, which can be beneficial. Nairn asked about the number and location of the bat houses, and Shinkawa explained the proposed locations and added that they would not be close to walking paths. Carroll asked if there would be maintenance required for the bat houses. Shinkawa relayed that the plan was for them to be long-term and maintenance free. Shinkawa offered to monitor them. Shinkawa explained that construction would start in late June or early July with completion targeted for July.

The Mayor introduced the Parkland Lake owners and Chris Courtney, the engineer representing the Parkland Lake Owners Association. Courtney stated that during inspection, issues were identified that threatened the integrity of the dam, to include two badly eroded spillways and problems with the current outlet structure. Courtney added that the dam was on the borderline of

being controlled by the Ohio Department of Natural Resources (ODNR), and it would be beneficial to slightly reduce the amount of water stored behind the dam to get it below the ODNR threshold.

The Mayor explained that the Parkland dam was located between Royal Oak Dr., Maple Springs Dr., and Parkland Dr. It was built in the 1970's and there are 11 homes on the lake. These residents own the lake. It is not a part of the Chagrin Lakes. The Village was petitioned in November 2020 by the 11 homeowners to take on the dam project. The Village would take the project on as it would a street or another type of construction project. The project would be discussed at the June 14th Council meeting and by the July meeting, the Mayor hoped a decision would be made to either go forward with the project or not. The Mayor provided a presentation that described the path that the water takes as it leaves the high spot in the Village and flows down through various properties until it gets to the Parkland Lake.

The Engineer thanked Courtney for attending the meeting on behalf of the Parkland Lake residents and said he agreed with Courtney's assessment of the dam. He acknowledged the Mayor's description of the flow of the water to the Parkland Lake and explained that once the water exits the Parkland dam, it hooks up to a tributary to MacFarland Creek which is downstream of the Chelsea Court area. The Engineer said that Council needed to consider whether this should be a Village constructed and managed project to be paid back over the course of 20 years through taxes or if it should be considered a private project without Village involvement. The Engineer said that even though the Village did not receive any direct benefit from the Parkland Lake and dam, he could argue that it affected the 11 residents. If the Village chose to use Village funds to complete the dam rehabilitation project, it should consider what stormwater advantages could be built into the project. This would not be of benefit to residents downstream because it discharges past Chelsea Court, which is the end of the Village's drainage port. The Village's acceptance of the project would help the 11 residents in making an otherwise unaffordable project affordable.

Bloch advised that the community understood that there was a normal interest rate that would be paid as part of the financing. Hendricks added that in addition to the 11 homeowners, there were four homes effected by the erosion from drainage. Bloch reiterated that the matter was of great concern according to the engineers because the dam could go at any moment, which was why they were requesting the matter be resolved as quickly as possible.

Carroll advised that the Street Committee walked the property with the Engineer at which time it was discussed that the level of the lake had been raised at one point, which had contributed to the erosion and caused the water to go over the spillway sooner than it normally would have. The Engineer concurred and explained that the outlet control structure was replaced. The current one sits up higher than the previous structure. This elevated the static water level of the lake and brought it closer to the emergency spillway on the south end of the dam. Additionally, it breached the north end of the dam. The compromised structural stability of the dam could be attributed to the combination of the undersized outlet control structure and the resulting raised water level which readily accessed the emergency spillway. It is an earthen dam that is anchored to solid ground on both north and south ends, over which the water flows. It is a critical issue

that needs to be addressed quickly or it is possible that a rain event could begin to wash away the two anchor points at the end of the dam. This could easily cause the dam to fail and drain the lake in a matter of a day or so. Carroll asked if removal of the outlet structure would reduce the pressure on the dam and help the situation. The Engineer said whether the Village chose to take on the financial and administrative role of the project or not, the current outlet control structure should be located on the other side of the dam further to the north and away from the emergency spillway. It should be upsized to accommodate the surface runoff that is coming into the lake so that it can exit the lake at the same rate. It should also be lowered so that there would be a greater buffer in the event the outlet control structure is overwhelmed. The lake can rise to absorb some of the overflow before it discharges over the emergency spillway. Carroll asked if just removing the outlet control alone would have a positive impact. The Engineer said that if the water level of the dam were lowered, it would significantly lessen the pressure on the dam. Carroll addressed standing water in surrounding culverts, and the Engineer said he would also like to see the lake's level decreased so that these culverts were not partially submerged all the time. Carroll asked if this was causing a negative impact on Village roads and culverts. The Engineer said the biggest impact was apparent at the concrete headwall that anchors the end of the culverts on the lake side of the road. This could be due to the raised water levels and subsequent freezing.

Nina Lulich, a lake member, has lived in her home on Royal Oak since 1999. She addressed the replacement of the outlet structures over time. She argued that in her time there, the water level had not been raised. Bloch said that the structure had been there over 50 years. He moved to the neighborhood in 1985 and noted the increase in storms since that time. Bloch reiterated that the community was not asking for a free pass. They were willing to pay and were coming to the Village for help. Lulich asked if the money for the project would come from existing funds or a loan. The Mayor stated that the Village has \$3,000,000 in the bank. Berger stated that the options would be to use existing funds or secure a bond for funding. No serious effort had been made in terms of bond issues. The existing money the Village has is not earning significant interest. He added that this could change over 20 years, but stated the Village had the funds to go forward. The Village could also go out and raise a bond if it wanted to do so in the future. Berger reiterated that he thought the Village had the capability to handle the project in house right now. The Fiscal Auditor described it as a process. He added that the 20 year Treasury rate was about 2.35%. Carroll said that for the sake of discussion, for a \$425,000 project, the Village would have to recoup \$540,000. Carroll advised that there had been discussion in Finance Committee whether the Village could even assess an interest rate. The Solicitor said that the Village could, and it would be added on top of the project cost. The Fiscal Auditor added that an accurate rate would be necessary to compute what the right amount would be.

The Mayor stated that when the dam discussion began, he and Berger met with Bloch and Hendricks. Bloch was able to say that this project had been done in Medina and they found a project similar to this in Solon. This is a \$1,000,000 project. Carroll stated that to be clear, the Solon dam is a Class I dam. He could not speak to the one in Medina because the Mayor could not identify which project it was. Carroll advised that the two lakes that were being worked on in Medina were both Class I dams. Class I dams are the most hazardous dams if they fail in

terms of property and life damage. Carroll asked in what sense the Parkland Lake could be rated and asked about the depth of the lake. Courtney explained the calculation used for classification by ODNR. He stated that the threshold for a Class IV dam is 15-acre feet. Currently, the Parkland Lake is between 16 and 17 and is about 10 to 12 feet deep. It would need to be reduced to fall below the Class IV requirements. Carroll explained that with a Class IV dam failure, there is no hazard to life, minimal property damage, and is the lowest rating. Courtney stated that typically the classification is the function of the amount of water impounded behind the dam. Carroll added it is also based on the amount of damage it could do if it fails. Courtney agreed. Carroll explained that based on information provided by the Engineer, if the dam were to fail now, it would go into MacFarland Creek past Chelsea Court with no property damage or hazard to life per se. Courtney concurred.

Porter asked if consideration had been given to reducing the pressure on the dam by lowering the water level. Bloch understood that it must be reduced by 12 inches. Porter asked if this reduction would be occurring during the discussions with the Village. He thought the level was okay right now. They would do what had to be done to reduce the pressure. Lalich asked if it had not already been reduced and asked about the holes. Hendricks said the holes were still there but were now blocked and not doing anything. The holes were at 18" and Hendricks stated that when the lake was dropped to that level, it left an enormous amount of lake property exposed and created a stench. He thought going back down to this level was too much. Porter asked what impact a 12-inch reduction of the lake level would have. The Engineer said lowering the water level so that there is a greater freeboard between the top of the outlet control structure and the bottom of the emergency overflow is imperative. He thought it could be lowered about a foot. Courtney said this would get the lake closer to 14-acre feet.

Lalich recalled previous discussions with the Mayor concerning the increase in quantity and velocity of stormwater into Parkland Lake and said this had nothing to do with their outflow pipe. In past years, she could not recall her dock being underwater more than once. Now, it happens a couple times a year. She speculated that perhaps the water was not flowing out as quickly, but thought it was coming in at a faster rate because of the bigger pipes. The Mayor stated that they were getting the same amount of water, but it had been slowed down. Lalich asked if the Mayor had evidence that the rainfall had increased over the years. The Mayor said he had just been paying attention to the huge rains where two to three inches were received within an hour. He added that this had been a problem Village wide. Flooding and sewage backups had been experienced by residents.

Carroll questioned Courtney about the acre-feet calculation. Carroll suggested placing the holes at 10 inches to see if it would help preclude runoff with a slight rain and the continuous erosion from water flowing over the spillway. Bloch said this would just be a band-aide. Carroll explained that it would be a band-aide to prevent complete failure. Hendricks added that it would be necessary to keep an eye on what is exposed around the perimeter of the lake to make sure it was a safe condition.

The Mayor said this needed to be discussed on June 14th with a decision being made on July 12th. The decision would be for the Village to take on the project, for the Village not to take on the

project, or to eliminate the lake. He thought this last option would hurt the Village and the property values. The Mayor stated that such projects have been done with Solon taking on a dam project but there were a lot of issues yet.

The Solicitor stated there was a definite process as far as what needed to happen to include a resolution of necessity and then an ordinance to proceed, which took time. She asked if the Village had plans and specifications, which would be required for the resolution of necessity. Also, the lots that would be assessed, and the method of assessment would have to be identified. From there, it would then go into another period of whether the Village would want to pursue the public improvement. She emphasized that there would be a step-by-step process, and that there were different items that must be estimated and assessed. The Mayor asked if she was saying to shorten the timeline to make the decision. The Solicitor stated no and explained that she was asking if the Village had obtained the required information, to include an actual description of the lots to be assessed and a method of how the Village would levy the assessments since there were three different ways. There was also an objection period for many of the homeowners. She did not think the Village would be ready to make a decision with the ordinance to proceed, which would actually be the last step. The Mayor said his concern was with simply saying whether the Village would proceed with it or say it would not help. The Solicitor explained that the Village could go all the way through the resolution of necessity and then decide not to proceed. Hendricks thought that some of the process could be streamlined. The Solicitor reviewed the information the Village would require, to include the specifications of the project. Hendricks stated that this would all be developed by the Village Engineer. Carroll explained that if the Village were to take on the project, the Village's requirements, specifications, prevailing wage, etc. would all have to be incorporated into the project. He further explained that the Engineer felt that if the lake were lowered, then some of the work would not be as costly. However, by the time the Village's requirements were met, it could cost just as much or more to do the project.

Carroll asked Courtney if he were familiar with the Medina project to which the Mayor referred, and Courtney was not.

Carroll advised that the Village had discussed putting in a detention/retention pond on Village property that would be beneficial to not only the Parkland Lake community but residents downstream as well. From the Street Committee standpoint, this would be a high priority for the Village. He emphasized that the Village was trying to do projects that would have a positive impact on the Parkland Lake situation.

The Mayor asked the Solicitor if she was saying that discussions should continue. The Solicitor stated the Village should go forward with the Engineer to get the proposal and costs and prepare a resolution of necessity. She reiterated that from this point, there was much to do. The Mayor thought a motion would be necessary to start spending money on this process so the Village could proceed.

Galicki referred to Porter's question about lowering the level of the lake one foot as an inexpensive solution to the problem. Courtney responded that lowering the lake would not fix

the problem for the future. It would only delay the failure of the dam because of the extent of the erosion. Galicki asked the timeframe of when this would occur. Courtney stated he would currently classify it as failed. Carroll stated that increasing freeboard would help further failure. Courtney said it would decrease the frequency of overtopping. Porter advised that the Engineer indicated by lowering the water level by 12 inches, the cost of repairs to the dam would be roughly \$150,000 rather than the \$450,000. The Engineer corrected that his estimate was \$250,000 at a minimum, which involved earthwork volume calculations, replacing the outlet structure, and aspects of the spillway.

Block interjected that he was concerned with preventing the dam from failing. If the Village wanted to do a band-aid, it was the Village's decision. The residents thought it was better to do this now with the opportunity to take care of it and pay for it with a fair interest rate from the Village. He referenced Berger's statement that it would be a better interest rate than what the Village was currently getting from the bank.

Carroll asked if the Parkland residents investigated commercial loans, which could be used for this purpose. Block said they had not. Carroll explained that in researching other dams, he noted it was possible to get commercial loans for the project. Block stated that as residents of the Village, they ought to come to the Village to inquire. Porter stated his concern was that the project was entirely on private property. Block stated that the law provides that it is something that can be done. Porter said it can be done, but the Village had also received a request from Paw Paw Lake to take over their road as well as requests from other communities to dredge their lakes. All of these are completely on private property run by homeowners' associations (HOA). Lalich stated that they were not asking the Village to pay for it, that they were planning to pay for it through the assessment and interest. Porter acknowledged this but added that it is over a 20-year period. Lalich added that it would be with interest and the Village has millions in the bank. Carroll advised that there are big upcoming projects like Bell Road East, and Council could not look at one project without considering the Village as a whole. Lalich said she understood.

Courtney explained what is meant by the dam failing. Porter explained that what made the Parkland dam issue different from the other requests received by the Village was that failure of the dam meant a huge rush of water downstream which was a safety concern. Nonetheless, it was private property. Porter asked if there were an HOA, and Hendricks stated not for the lake. Bloch stated he did not imagine Paw Paw Lake offered to pay for the road. Porter addressed the argument by Paw Paw Lake that their residents paid various taxes.

The Mayor asked for guidance from the Solicitor about making a motion since the Village was in a position to spend money to have the Engineer look into the matter. The Solicitor suggested making a motion or having the Streets Committee make a recommendation and speak to the Engineer about how to move forward. Carroll and Porter agreed.

MAYOR'S REPORT: The Mayor reported that based on a deficit of Building Inspectors, the Northeast Ohio Mayors Association will be approaching the Ohio Legislature about the training of Building Inspectors.

Chagrin River Watershed Partners (CRWP) had its annual meeting and featured the Village Stream Enhancement project.

The Planning Commission (PC) approved an outdoor dining area for Augie's. Other topics discussed were fence lines and food trucks.

Regarding the dams and dredging meeting, the Mayor reported that there was a meeting at Bellwood Lake where a man spoke about the process of removing silt.

The Mayor stated he would be meeting with the people from Paw Paw Lake next week to talk about stormwater.

A nice note was received from Judy Harvey concerning Council's help with getting the Butterfly Garden project going. She also thanked the Village for the tree and plaque for her husband.

At the annual meeting of Geauga Growth Partnership, the Mayor was surprised to hear that the average salary in Geauga County is only \$50,000. He thought it would be higher. Manufacturing is the biggest money maker in the county.

The Mayor advised that the entire Gurney School third grade will hold an event at the pavilion on May 26th and there will be an ice cream truck. This would require Council's approval due to the large number of people. The Mayor informed the group that they would need to pay an off-duty police officer \$70 to manage the large number of people and cars. There were no objections by Council.

Starting in September, the Fiscal Auditor will come to the second Council meeting of the month.

The Mayor stated that there would be a COVID Appreciation luncheon on Thursday, June 3, 2021 at noon at the pavilion. Staff would be cooking food from Mazzulo's. It would be to celebrate the end of COVID. Carroll asked if it involved all Village employees and inquired if this meant current and past employees. The Mayor stated it would just be for current employees.

The Mayor asked for the Solicitor's advice about a lift truck that was offered to the Village from Frank Lanza, former owner of Highway Garage. Lanza said the truck was valued at \$8,000 and he would like to donate it to the Village in exchange for a tax write-off stating the truck was worth \$8,000. The Solicitor did not know that the Village would provide him anything for the donation. The Fiscal Auditor offered that a letter could be provided thanking him for the truck, the mileage, VIN number, etc. but not the value of it. Porter asked what would be done with it, and Carroll asked where it would be parked and if it would have to be replaced in five years. Galicki asked for clarification of what type of vehicle it was, and Berger stated it was a cherry picker. The Mayor stated that theoretically it could be taken to the park to put up the bat houses and also used to put up the flags. Nairn agreed but asked how old it was. The Mayor stated it was a piece of junk and needed a new brake line. It was suggested the vehicle be discussed at the next Street Committee meeting to determine condition and cost of repairs and whether they would make a recommendation whether or not to accept it. The Mayor advised the Street Commissioner was unaware of this matter.

Carroll asked the Mayor if the letters had been sent to Country Estates. The Mayor stated they were and that five responses were received granting permission to enter residents' properties. The other six people were sent certified letters and were given seven days to respond. The Engineer plotted the parcels to which the Village was granted access and felt the surveyors could get a meaningful amount of data. 104 Anglers was missing, which was the parcel that took up the majority of the swale between ponds 2 and 3. He also needed permission to go on HOA property that was north and west of Anglers and asked if the Village had been given this permission. The Mayor stated that verbally yes, but he would get something in writing from the HOA president. The Mayor added that he would call 104 Anglers Dr. to ask for a response. The Solicitor noted that this address was not on the Mayor's list. He said he would check this.

Carroll asked the Mayor if he had spoken to the Street Commissioner about the ditch or swale on Leaview Ln. regarding the sheet sent to Carroll and the Mayor about the work that was supposed to have been done. The Mayor said he just received this over the weekend and had not spoken to the Street Commissioner. He spoke to the Bellwood Club president who sent it to him over the weekend. Carroll wanted to verify the Mayor had addressed this with the Street Commissioner.

Carroll asked the Mayor for the status of the staff handling the South Russell Village Park pavilion reservations, specifically if he had spoken to the Fiscal Officer about transferring the responsibility to her Administrative Assistant. The Mayor stated he had not and said that it was not even organized yet, but he thought it was something to consider. Carroll verified that the Mayor still needed to talk to the Fiscal Officer about it.

Galicki asked the Mayor if he had spoken to the Western Reserve Land Conservancy (WRLC) regarding written authorization for the location of the Butterfly Garden. The Mayor stated he had an email from him. Galicki asked the Mayor to forward this to him as the Chair of the Park Committee.

FISCAL OFFICER'S REPORT: The Fiscal Officer indicated that it would be necessary to schedule a public hearing to make Zoning Code changes as recommended by the PC. It must occur 30 days past the posting of the notice in the newspaper. The Solicitor stated the issues to be discussed would include a food truck ordinance, a zoning map change, and the proposed amendment to the split rail fence on the property line. The Mayor suggested Monday, July 12th at 6:00 p.m.

The Mayor reiterated that the Public Hearing for the Zoning Code issues would occur Monday, July 12, 2021 at 6:00 p.m. The Treasury Investment Board meeting would meet at 7:00 p.m. followed by the Tax Budget Hearing and Regular Council meeting at 7:30 p.m.

The Fiscal Officer advised that at the June 14th Council meeting, legislation would be presented to list the old snowplow truck with GovDeals.

FISCAL AUDITOR: The Fiscal Auditor distributed his report. As of April 30, 2021, the total of the fund balances was just over \$3.5 million. He pointed out that these fund balances which were arrived at independently matched the Fiscal Officer's to the penny. The Fiscal Auditor

noted that the Star Plus program would be discontinued, so at the end of the month, the Village would go with Star Ohio.

The fund balances decreased slightly in April by \$35,778, but the Village was still up \$238,000 for the year. He noted that the Village received a Northeast Ohio Public Energy Council (NOPEC) grant for \$1,500, Cemetery fees, and a Homestead and Rollback installment. Typically, the balances will continue to decrease through July into August at which time the Village would have received 100% of the Real Estate Tax revenues for the year.

Porter observed that the Village is ahead of projected Income Tax revenue for this point in the year. The Fiscal Auditor said that it is hard to predict and reminded Council that there was an extension to file income taxes until May, which would mean there would be a lag. The Village will not have a good picture until much later in the year. The Fiscal Officer said that there is a month lag with the Central Collection Agency (CCA).

Berger asked the Fiscal Auditor to explain the purpose of the Treasury Investment Board. The Fiscal Auditor explained it was established by State statute but had never been practiced by the Village to his knowledge. The Fiscal Auditor explained that it is comprised of the Mayor, Solicitor, and the Fiscal Auditor. Its main purpose is to decide how to invest monies that are not needed within the next six months. By State statute, there are only three voting members, the Mayor, Solicitor, and Fiscal Auditor. It is possible to have others present, but they would not have a vote. The plan is for the board to meet quarterly and provide minutes. Council will be included in determining what monies would not be used within the next six months.

FINANCE COMMITTEE: Berger reported that the Finance Committee met, and the minutes were distributed. The next meeting would occur Tuesday, June 1st at 8:00 a.m. Additionally, the committee participated in a joint HR/Finance Committee meeting on Friday, May 21st.

Berger made a motion to approve the April 2021 fund balances as presented by the Fiscal Auditor, seconded by Carroll. Voice vote - ayes, all. Motion carried.

Berger made a motion to acknowledge receipt of the May 24, 2021 Credit Card Report and Wex Bank ACH payment, seconded by Carroll. Voice vote - ayes, all. Motion carried.

SOLICITOR: The Solicitor explained the PC approval for Augie's outside dining. She said there were quite a few conditions which included the Police Chief's approval of the traffic flow, the installation of a speed bump by the owner of the plaza, the limitation of the hours of operation, reflective material utilized for visibility, and review by PC in one year.

The Mayor said that the Village has the mutual aid agreement that involves Chagrin Falls, Russell Township, Bainbridge Township, and the Village of South Russell for emergency and non-emergency road maintenance assistance. The Solicitor said the Bainbridge Trustees would consider its approval the evening of May 24th as well. Chagrin Falls is waiting until all other municipalities approve it. Russell Township had already approved it. Carroll made a motion to allow the Mayor to sign the agreement with the other parties for the emergency use of personnel, seconded by Porter. Voice vote - ayes, all. Motion carried.

ENGINEER: The Engineer stated he had two items to address. He was working on the Ohio Public Works Commission (OPWC) preapplications. One was a 50% grant to replace the culverts under Chillicothe Rd. He felt the Village's chances were good in obtaining this.

The Engineer stated that on Friday, May 28th, there would be the bid opening for the Lake Louise Drive bridge replacement project. The Engineer was aware of two companies putting together bids. He received calls from both indicating that the engineering estimate of \$217,000 was low and the contractors would not be able to meet this amount. They anticipated it being about \$100,000 over what the Village anticipated. The Engineer advised that the solutions included keeping the bid opening on Friday with the potential of not being able to award because the bids were too high. This would necessitate a rebid, which would put the Village back a month on the project. The other possibility would be to issue an addendum by May 25th at noon to correct the engineer's estimate to \$330,000 for the project and then open the bids. He was disheartened that the bids for the bridge replacement would likely come in \$100,000 over what was expected. The Engineer asked for Council's opinion.

Carroll asked how tight the timeline was, and the Engineer said the Village was under a tight timeline. The Engineer explained that the Village would be getting \$100,000 from two previous funding rounds to assist in the project. However, he had been cautioned by OPWC that the Village was taking too long for the project. He attributed the delays to difficulties coordinating with the HOA and the relocation of the gas main. If the Village must rebid the project, the project would be further delayed by a month and the Village was already on precarious terms with OPWC with the timeline. Carroll suggested that it made the most sense to authorize the increase of \$100,000. The Engineer wanted Council to know that the construction costs would be more than the bridge engineer estimated. Porter asked the reason for the difference, and the Engineer did not know and the contractors preparing the bids could not identify a particular aspect of the project estimate other than that the bridge engineer's estimate was too low. He asked both contractors and the bridge engineer if there were anything that could be reduced, and the answer was no. Porter asked if the contractors were trying to gouge the Village. The Engineer explained they were competing against each other. The Engineer had never encountered this before. If the Village raised the engineer's estimate to allow an award, it did not mean that the contractors would come in at the Engineer's estimate.

The Fiscal Officer advised it would be necessary to amend the budget. If the Engineer were to do the addendum, it must be filed the next day by noon. The Engineer suggested adding days to the bid opening date to allow contractors a little more time. He explained that he would be increasing the Engineer's estimate from \$217,000 to \$330,000 and extending the bid date until Tuesday of the following week. The Engineer wanted permission to do this. Berger made a motion to increase the bid amount for the Lake Louise Bridge project engineer's estimate from \$217,000 to \$330,000 and to extend the bid date from noon, May 28th to Tuesday, June 1st at noon, seconded by Carroll. Voice vote – ayes, all. Motion carried.

The Fiscal Officer indicated that Council would vote to amend the budget before accepting the bids at the next meeting.

STREET COMMITTEE: Carroll had no report. The next meeting will be Friday, May 28th at 7:30 a.m.

BUILDING COMMITTEE: Berger stated that the committee met May 5th and the minutes were distributed. The committee would meet Thursday, June 3rd at 8:00 a.m.

POLICE CHIEF: No report.

SAFETY COMMITTEE: Porter stated there was a Special meeting of the Safety Committee concerning safety issues with the MC Art Studio student drop off. In the interest of safety for the children, the committee recommended that Council allow the drop-off to occur on Village property. The committee would require an agreement to indemnify the Village. The Chief added that Village should be an additional insured. Contact with MC Art Studio indicated the Village was, but Porter wanted to see it in writing.

Carroll asked what was happening with the business. Porter indicated that the business was growing, and Porter was uncertain how it would expand on its present lot. The Chief stated that they would not go beyond 12 students because it would necessitate hiring additional staff. Porter made a motion that the Mayor and Fiscal Officer, with the input of the Chief of Police, enter into some kind of agreement with MC Art Studio daycare that will permit students who are attending the daycare to have a safe drop-off and pick-up point on Village property provided there is indemnification agreement and the Village is listed as an additional insured on their general liability policy and that the Village has proof in writing of the same, seconded by Carroll. Voice vote – ayes, all. Motion carried. The Mayor informed the Fiscal Office and the Chief that he would set up a time to meet after Memorial Day.

HR COMMITTEE: Nairn stated that HR committee met with the Finance Committee on May 21st for the continuation of exploring the tiered salary schedule for full-time employees.

Porter thanked the Fiscal Officer for obtaining the employment records for the potential candidates for the part-time Building Inspector position. He had not looked them over yet but suggested discussing them at the next HR meeting.

PROPERTY COMMITTEE: Galicki advised that the Properties Committee met on May 12th and the minutes were distributed. The Committee also met May 24th. Regarding the property accountability draft legislation, the Ohio Revised Code (ORC) requires townships and counties to have legislation in place that addresses property accountability. The Properties Committee wanted to get the Village in alignment with these municipalities and provided a draft proposal for Council to review. No input was received. The committee decided that legislation would be prepared to introduce to Council at the next Council meeting.

Galicki advised that the draft agreement was provided to Council for the Police Department Association of the Village of South Russell proposed Car Show. One item on the proposal was food trucks, which were not currently authorized in the Village. However, the PC proposals concerning food trucks would rectify the issue and make food trucks permissible. The Solicitor considered the timing and felt that it would be cutting it close for the Car Show. She stated there would be public hearings for the zoning amendment changes on July 12th followed by a Council

meeting. The Fiscal Officer stated that if it were done by emergency, it would go into effect immediately. The Solicitor confirmed that both actions could be done in the same day providing there were no changes. Five council members would be needed to waive readings. Galicki advised PC was trying to rectify this issue as well as some other zoning issues.

Properties Committee accepted the task of reviewing a proposed provider for revising the Village website. On May 12th there were presentations and discussions, and all present in the meeting concurred that Company 119 would be the best provider under the county website agreement at the reduced rate. The only municipality that had contracted with the county website to date is Bainbridge. During the May 12th meeting, the committee reviewed the Bainbridge website but ultimately found that it was the old website and not the new Company 119 site. On May 24th, the committee found that despite the fact that Bainbridge had been under contract with Company 119, the site had not been launched and it was not clear when it would be. The committee revisited the other website provider, Dynamics Online. After this meeting, the committee felt it might not be the right choice to go with Company 119. Instead, the committee recommended going with the Dynamics Online organization. The price difference was about \$3,000. The Fiscal Officer explained the pricing and said that with Dynamics Online, the Village would have total control in the design of the website. It was also discovered that the county project is just being started, so the Village would be limited to a template which was not the type of website envisioned. While the concept of sharing the service was good, it might not be prudent to be one of the first participants. The committee was able to see the work in progress and agreed that ultimately it may not offer features the Village wanted. Galicki said it seemed like there were a lot of grinding of wheels for the launch of the product by Company 119. The Fiscal Officer added that Dynamics Online could be done in ten to twelve weeks. Galicki reported that Dynamics Online had worked for 14 years with the city of Beachwood and currently work with Orange Village as well as Chagrin Valley Dispatch (CVD).

Nairn advised that Dynamics Online used the Village's website to show what should be changed. She was impressed with the analysis and suggestions. She added that Bainbridge had been waiting since fall for the launch of the website, which was a long time.

The Chief stated that with Company 119, the template the Village would get would be the same one everyone else in the county would get. With Dynamics Online, the Village's website could stand out and be more aesthetically pleasing.

Galicki offered to provide more information so Council could vote at the next meeting.

There was discussion of other users of Dynamics Online.

Porter asked if either of the companies could show a website they built for a municipality. Galicki said that Dynamics Online could. It is also possible to view the Company 119 draft website for Bainbridge. Galicki offered to have the two contractors present at the next council meeting. He reiterated that it was possible to see Company 119's proposal for Bainbridge, but it looked like the Village's current website, and all the municipalities would look the same.

Council discussed potential opportunities to see work product comparisons for both website providers.

The Fiscal Officer asked if Council would consider passing a motion conditionally for the Car Show. Galicki clarified that the conditions were for the food trucks and insurance. The Chief advised he had the insurance, but that some modifications were needed. Galicki made a motion to authorize the Mayor to execute the agreement conditionally, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Galicki addressed the NOPEC grant. For the past six to eight weeks, the committee struggled to get a condition report on the roof of the entire Service Department building. Opinions were provided, but the committee did not see what Galicki would consider a professional evaluation which addressed condition reports, problem areas, life left on the roofs, etc. He asked several times, and this was not provided. Galicki had hoped to take advantage of NOPEC funds that were available for assisting with a roof replacement and/or repair for the entire Service Garage but failed to receive the information. Instead, five estimates were provided for repair/replacement for the flat portion of the roof only. Given the time limitations, he suggested going with the low bid for repair of the flat portion of the Service Department roof by Lashley Builders.

The Mayor referred to the inventory procedure and said there was a line in it that stated no Village property was to be used for personal use. The Mayor asked if that was necessary to put in the policy and thought it was a poke in the eye to Village employees. Carroll asked how this was the case. The Mayor asked if an employee wanted to borrow a wheelbarrow to do his mulch, would the Village let him. Carroll said probably not unless every employee were allowed the same opportunity. The Mayor asked if there was a problem. Porter did not think there was a problem, but if it were put in writing there would be no problem. Nairn stated that sometimes people just need a reminder. The Mayor asked how this applied to employees who bring in their equipment for Village use. Porter acknowledged this had been done. Carroll said there were safety issues and asked what would happen if an employee's personal item were to break. He thought this was a slippery slope. The practice should definitely not be done routinely, and the Village should rent the equipment when necessary; this would keep things clean. Galicki said there should be no expectation that people use their own personal equipment for the Village's purposes and vice versa. Berger asked if the mechanic provided his own tools, or if they were provided by the Village. Porter thought they were all Village tools, but it would not surprise him if the mechanic had some of his own special tools. Berger explained that some mechanics have their own tools as part of the job requirement but are compensated for them. Porter added that the mechanic position description was being developed and this would be considered. Carroll stated that Village equipment was for Village use only unless there was some special dispensation otherwise. Galicki offered that if there was a personal tool routinely used for Village work, then the Department Head should consider purchasing this tool as part of his budget. The Mayor reported that the Street Commissioner's personal cement mixer is used to pour footers in the Cemetery. The Mayor said Orange Village borrows the Street Commissioner's mixer as well. The Mayor stated this had been going on for 98 years and this

will be a change. Nairn said she had no idea this was going on, and the Mayor said he did not either until he began to look into it. Carroll advised that a one time situation might be ok, but not on a regular basis. He added that since the Village has a Cemetery, it should have a cement mixer. Porter advised that it would be discussed by the Street Committee.

Berger said that there could be similar situations in other departments and asked the Chief if his officers had personal weapons or vests. The Chief said no. Berger said that the Street Committee should come up with a policy statement. Galicki asked the Solicitor if she had any comments about liability with employees using their own equipment. The Solicitor explained that if there were an accident and on someone's personal trailer, for example, they were not insured by the Village, and this was an issue.

Berger said that the Street Commissioner would not always have this job. When he leaves, the Village will not have a cement mixer. Conversely, when a mechanic leaves, how does the Village know whether the tools he takes with him belong to him or to the Village? Galicki explained that this describes the need for accountability. Berger agreed and said it is important to set the policy up front. Porter agreed and added that he did not think that when the Fiscal Officer left at some point, she would take her Village laptop with her. The Fiscal Officer added that she does not use her Village computer for personal use.

PUBLIC UTILITIES: Nairn made a motion to send the Lashley proposal in the amount of \$7,100 to NOPEC for approval for the roof repair to be done on the Service Building, seconded by Porter. Nairn added that there is about \$3,000 left over from the grant. The Street Commissioner was looking into sweeps for the doors to preclude cold air intrusion. The Fiscal Officer would contact NOPEC to see if the funds could be put in escrow. Voice vote – ayes, all. Motion carried.

PARK COMMITTEE: Galicki had nothing to report. The next meeting will be in the first week of June. Avery Shinkawa will be invited to discuss his Eagle Scout project.

The Mayor told Galicki to put the donation of two free plastic kiddie tables for the middle of the playground on the Park Committee agenda.

ORDINANCES/RESOLUTIONS:

Nairn introduced an ordinance authorizing all actions necessary to establish an Opt-in Natural Gas Program pursuant to Section 4929.27(a)(1), Ohio Revised Code, jointly through NOPEC as a NOPEC member and declaring an emergency. Nairn made a motion to waive readings, seconded by Galicki. Roll call – ayes, all. Nairn made a motion to adopt, seconded by Galicki. Roll call - ayes, all. Motion carried. **ORD 2021-37**

Nairn introduced an ordinance approving the Plan of Operation and Governance for the NOPEC Natural Gas Aggregation Program for the purpose of jointly establishing and implementing a Gas Aggregation Program as a NOPEC member and declaring an emergency. Nairn made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Nairn made a motion to adopt, seconded by Porter. Roll call - ayes, all. Motion carried. **ORD 2021-38**

Berger introduced a resolution declaring it necessary to Levy a Tax in excess of the ten mill limitation for operating expenses and declaring an emergency. Berger made a motion to waive readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Carroll. Roll call -ayes, all. Motion carried. **RES 2021-39**

Berger introduced a resolution declaring it necessary to Levy a Tax in excess of the ten mill limitation for road and bridge expenses and declaring an emergency. Berger made a motion to waive readings, seconded by Carroll. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Carroll. Roll call -ayes, all. Motion carried. **RES 2021-40**

Porter introduced an ordinance to approve the agreement among Chagrin Falls, South Russell Village, Russell Township, and Bainbridge Township for emergency and non-emergency road assistance and authorizing the Mayor to execute the agreement and declaring an emergency. Porter made a motion to waive readings, seconded by Nairn. Roll call – ayes, all. Porter made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **ORD 2021-41**

BILLS LIST

Carroll made a motion to ratify the May 14, 2021 bills list in the amount of \$195,443.54, seconded by Porter. Roll call -ayes, Nairn, Porter, Carroll, Galicki. Berger and Canton recused themselves. Motion carried.

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

Porter suggested that the Village's receipt of the American Rescue Plan Act (ARPA) funds provide an opportunity to put it into its own line item or the stormwater line item. The Fiscal Officer advised that it must be in its own fund. Porter added that it should be designated for the purposes in part of stormwater remediation which could take the form of dredging, dam repair and things of that nature perhaps. Carroll added digging a detention/retention pond and buying the red ranch to create another pond. Although many of the issues are on private property, Porter stated this was a windfall that did not happen often. Nairn stated she was concerned that with the receipt of the Federal funds, the Village would be in the business of forever taking care of dams and dredging. Porter acknowledged this was a good point and maybe if the Village were to take on the responsibility it might be forever. The Federal funds would dry up. When the Village knew it would be losing the inheritance tax, it planned ahead. He offered this suggestion in terms of such planning. Nairn agreed that something needed to be done about the stormwater. Carroll stressed that he and Porter had been requesting the Stormwater Report from the Engineer for too long.

The Mayor stated on June 2nd at 9:30 a.m. he is meeting with Kent Christensen at the Sleepy Rooster along with other citizens who were on the dams and dredging meeting to come talk about a comprehensive stormwater plan for the Village. He invited Porter to attend. Carroll cautioned that the Village must be careful how it approaches settling ponds and dams. Sugarbush could be easily justified because it was a failure by the Village to ensure it was properly dredged. Council needed to be cautious with other private property issues. Porter added that once the Village dredged one pond, everyone would think the Village is in the


dredging business. Nairn added that it is important to indicate that projects undertaken by the Village are for the benefit of solving flooding issues for the Village as a whole.

Carroll wanted the focus to be on a project on Village property that could have a big impact for many of the areas rather than dredging a settling pond that is a private property issue.

Porter said that if the Village starts at the step that will matter long term like the detention/retention ponds, then down the road the Village can improve stormwater by keeping the lakes functioning the way they should. Carroll added that this could be accomplished with maintaining the ditches.

The Mayor suggested going back to the 2004 CT Consultants recommendations to see what the Village had accomplished and what was left. He thought CT hit it on the head and the Village got it done. Carroll said that all that had been done from that study was the Chelsea Court project. The Mayor stated that the Village had addressed everything else except some things with the Western Reserve Trail. Carroll stated that Fox Run was a high priority and there were others and the recommendations did not include 319 grants. Porter said that with the Federal funds, the Village can do something remarkable.

ADJOURNMENT: Being that there was no further business before Council, Porter made a motion to adjourn at 10:21 p.m., seconded by Nairn. Voice vote – ayes, all. Motion carried.


William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki