

**RECORD OF PROCEEDINGS
REGULAR COUNCIL HYBRID MEETING
MONDAY, JUNE 14, 2021 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

MEMBERS ABSENT: Porter

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

VISITORS: Nina Lulich, 1137 Royal Oak Dr.; Randy Glorioso, 112 Anglers Dr.; Eric Doland, 106 Anglers Dr.; Barry and Melinda Stees, 108 Anglers Dr.; Tim and Lori Kanieski, 110 Spring Dr.; Julie and Doug Meil, 110 Anglers Dr.; Peter and Stephen Keim, 102 Anglers Dr.; Chris Perkins, 114 Anglers Dr.; Colleen Angel, 100 Anglers Dr., Marc Bloch, 6005 Parkland Dr.; Bruce Hendricks, 5224 Maples Springs Dr.; Joan Hollis; Morgans; Countryside; Jen Lyndall, hhalderman, Laila, Stan Rothschild, Kaselers, Kathy McClure, Gred Heilman, Nanci, Joan's iphone, Morgans Susans iphone, Judy Abelman, Steven Waugh, Avery Shinkawa

The Mayor called the Regular Council meeting conducted in person and via the teleconference service Zoom to order. The Pledge of Allegiance was led by Eagle Scout candidate, Avery Shinkawa. The Fiscal Officer read the roll. Nairn made a motion to approve the minutes of the May 24, 2021, 8:00 a.m. Northeast Ohio Public Energy Council (NOPEC) Public Hearing, seconded by Canton. Voice vote – ayes, all. Motion carried. Canton made a motion to approve the minutes of the May 24, 2021, 7:00 p.m. NOPEC Public Hearing, seconded by Nairn. Voice vote – ayes, all. Motion carried. Carroll made a motion to approve the May 24, 2021, regular Council meeting minutes, seconded by Nairn. Voice vote – ayes, all. Motion carried.

VISITORS: The Mayor welcomed the visitors and explained the history of Village Hall.

The Mayor stated that Avery Shinkawa would be the first visitor to address Council, then the Parkland Dam owners, and at the end, Steve Keim.

Galicki explained that at the last Council meeting, Shinkawa presented the proposal for his South Russell Village Park bat house project. Subsequently, he presented the project to the Park Committee and received wholehearted support to go forward with it. Shinkawa discussed the anticipated schedule for his project, with a goal of installing the bat houses in late July. Galicki made a motion to accept Shinkawa's proposed project to install the bat houses in the Village Park, seconded by Nairn. Voice vote – ayes, all. Motion carried.

The Mayor stated that the residents with the Parkland Lake dam came to the Village last November to request help with shoring up their dam. According to the Mayor, they are looking at approximately \$425,000 as a maximum price for the project. At the last Council meeting their engineer spoke of the issues and the Mayor hoped to have a decision to either support or not support the project by the July 12th Council meeting. The Mayor invited Marc Bloch to speak about the Parkland dam situation, and Bloch said he had nothing more to add from what was said at the previous meeting.

Carroll asked Bloch if the level of the dam had been lowered, and Bloch stated it had been raining since then so there was no opportunity to do this. Bruce Hendricks advised that Chris Courtney, the engineer consulting on the dam, did not recommend this action because it would leave the muck area exposed which would become a hazard in itself. Carroll explained that the Village Engineer thought it would be an appropriate measure because the higher water level was causing extra pressure on the dam. It would not fix the problem, but it could potentially help preserve it longer. Berger asked if the Engineer could provide clarification for the community, so they knew what the process was. The Engineer stated it was a private dam. However, if he were a resident who was concerned about incoming waters overwhelming the outlet control structure and then subsequently building up to spill over the emergency overflow of the dam, before any restorative or reconstructive measures were taken, he would want to increase the factor of safety by lowering the water level to allow more storage in the lake before water reaches the emergency overflow level.

Bloch stated that they had agreed to lower it a foot and it was just a question of when. Once they could get the project underway, they would do that.

Carroll did not think they needed to wait for a decision by the Village to lower it. Bloch explained that they had to dry it up.

The Mayor introduced Doug Meil. Meil asked how much time he had, and Carroll told him as much as he needed. The Mayor stated that normally visitors were given five minutes, but he thought the issue would take more than that.

Meil stated the presentation would be in two parts. He would first address the interaction history. Most of what had been stated in prior Council meetings was grossly inaccurate, according to Meil. After addressing this matter, he would speak about the North Lake, South Lake, and general development. He distributed a handout.

Meil stated that he and his wife had lived on Anglers Dr. since 2004. They are residents and not official representatives of the neighborhood. In October 2013, Meil and four residents of Anglers Dr. were called to the Village by former Mayor Brett with accusations of Country Estates flooding the Emerald Lakes II community. The accusation was that there was a six-inch pipe in place which needed to be a 12-inch pipe, and the residents were asked what they were going to do about it. They clarified that it was a 12-inch pipe. A walk-through occurred in January 2014, at which time the water level was at the bottom of the pipe and there was a lot of water on the other side of the fence on the Emerald Lakes II side. They walked along the tree line which was dry. He pointed out that it rains on both sides of the fence, and clearly this water

was not coming from the north pond. There was a member of the Chagrin River Watershed Partners (CRWP) in attendance and possibly the Engineer. After this walk, it seemed like the issue was over. The water was not leaping over a 14-foot gap over the dry berm to Emerald Lakes. The issue sat until April 2020 when the accusations began again. Most of the residents were on the call. At this time, there was an allegation that the north pond actually flowed south and only went north when the wind blew, according to a Preserve Homeowners' Association (HOA) member.

Then, two things happened that cemented the dynamic as far as residents of Country Estates were concerned. The first was when Mayor Koons led a walk-through with members of the Preserve on Country Estates property without permission. When Country Estates residents were able to schedule a walk-through with Mayor Koons, he instead showed up with plans and said, 'this is what you have to do to basically fix the damages you are causing.' According to Meil, the Mayor refused to go on a walk-through. The Mayor agreed to do the walk-through and 20 members of Country Estates were gathered for it in a cul-de-sac. It was all Meil's wife could do to talk to the Mayor in their backyard for two minutes, and he basically gave them the thousand-yard stare, which Meil was sure Council had seen when the Mayor was not listening or actually blocking information. Meil reiterated that the Mayor came to the neighborhood and agreed to go on a walk-through. However, he then refused to go. Meil stated that on one hand, the Mayor would meet with the Preserve and go on a walk-through on Country Estates property without permission. Then when asked by the Country Estates residents to go on a walk-through with them, the Mayor refused.

No one in Country Estates believed they were getting a fair shot of having an actual discussion. Meil was aware there had been complaints about Country Estates in Council meetings, but the residents did not do anything more until they received letters about obstructions. Most of the residents called in and said they were not obstructing the pond. Meil decided to try once more to arrange a walk-through, which he did with the Engineer, Mayor, and a number of residents. They walked through again, and the conditions presented the same with water levels at the bottom of the pipe, standing water on the Preserve side, and the tree line was dry. There was also a trail of water leading uphill to the Preserve. Meil stood there for 30 seconds showing this to the Engineer, who ultimately admitted it was coming from the Preserve. This was the opposite of the complaint that Country Estate was flooding the Preserve. There were two points where water from the Preserve was actually flooding into Country Estates. He was not looking to sue anyone but stated that they were not even talking about the same situation. Meil asked the Engineer about getting minutes from this meeting and was told they would be available in a couple of weeks. Meil waited a month and then wrote them up himself and sent them to the Engineer and the Mayor and included pictures.

Meil advised that it seemed like they could at least say there was a difference of opinion. The accusations did line up with what Meil sees every day. Meil stated that nothing much happened until April. From April to May, he described what he was reading in the Council meeting minutes as bananas. In the April 26th minutes, there were question about whether the Village actually needed permission to go in and rip the pipe out and discussion of replacing it with a 36-

inch pipe. Insults were hurled in the meeting and Meil was called “unpleasant.” Meil asked the Mayor if this was correct, and indicated the Mayor was giving him the stare to which he previously referred. Meil stated the Mayor had taken two shots at Meil when he was not present, but when he was sitting in front of the Mayor, he questioned where the insults were.

Meil continued to say that there was a flood on April 29th, of which Meil took photos. Subsequently, Mayor Koons was quoted in the Chagrin Valley Times saying that Country Estates was flooding the Preserve. This was said in public. In response, Meil sent a 59-page document with pictures to the Mayor and Engineer. They had this in hand at the time of the May 10th Council meeting, which Meil described as crazier than the prior Council meeting. Meil said that the Country Estates residents were trying to communicate and be part of the process, but the insults only got richer. Meil quoted the minutes, which referred three times to ‘a plan of attack’ and he asked the Solicitor about this. He clarified that the Mayor said the Solicitor was responsible for the ‘plan of attack’. The Solicitor explained if there was to be legal recourse, this was what the Mayor meant. Meil asked if there was a plan, and noted it was important enough to say it in the Council meeting minutes three times. Carroll stated that based on the information Council had at the time, the plan was to follow zoning requirements for a potential zoning violation. He explained that assuming it had factual information, Council discussed that a process would be followed. This involved a letter that was supposed to have been sent a while ago but was not sent. After it was finally sent, there was a motion to say that if there was a violation and it appeared to be causing the issue, then the Village must respond accordingly. This was ensuring that the letters went out in a timely fashion because Council did not want to sit on it any longer. There seemed to be a lot of discussion and no movement. Carroll reiterated that this was based on the information Council had at the time. The ‘plan of attack’ was a plan to follow through on what the Village needed to do. A visitor stated she was asked to sign a waiver with a blank line on it and she questioned ‘who does that?’ She thought the waiver should have been very specifically worded so the resident would know exactly what rights were being waived.

Meil continued and said that there was a crucial allegation that said that if Country Estates had only done what was recommended in 2013, none of this would have happened, which implied it was all their fault. Unfortunately, that allegation was flat out false. He knew this because he was there in 2013 with CRWP who said the water was not actually flooding. Meil stated that he contacted them again after the April meeting and escalated it after the May meeting. The allegation that there was some report citing Country Estates for damages was false. Meil forwarded this to Councilman Carroll the previous week. He reiterated that this was huge and that they were not talking about the same reality. In the May 10th meeting, it was conveyed that if Country Estates had just done what CRWP told them to do. Meil stated that first of all, this was false, and then afterwards, Mayor Koons got caught in that lie. He then told the CRWP that they were out of the process and were not needed anymore. Last month, it was like, ‘you stupid Country Estates people, you should have done what CRWP told you,’ and now CRWP is out. Meil questioned what was going on here. Most of the things Council had heard about Country Estates, at least from the Engineer and the Mayor, were false.

Meil stated that this was the preamble and explained that Country Estates had experienced a hard time even having a balanced discussion about the matter. He was prepared to present Council with pictures and photographic evidence of what was actually happening if Council was interested. Carroll stated yes.

Meil provided a presentation and explained he would be first addressing the Anglers Lakes. He referred to the Preserve presentation which contained false information. Meil indicated that Country Estates was built 20 years earlier than the Preserve. The first owners of Emerald Lakes II/the Preserve moved in 1995. He pointed out Teaberry Circle on the presentation, which was a part of the Preserve and was specific to the first slide of the Preserve presentation. He believed that they had had drainage and water issues since the inception of the other development, and he did not think it was because of Country Estates.

He began to take pictures on January 4th. This was about the time of the walk-through with Mayor Koons and the Engineer. The pictures show a typical January and reflect the same conditions as seven years earlier in January of 2014 when the other walk-through occurred. He indicated that water was pictured at the bottom of the pipe, and there was a lot of water on the other property while the pond was within its banks. There was water encroaching from the Preserve into Country Estates in that one location. He noted the 14-foot gap between the pond and the Preserve property and indicated that since the water could not be jumping this gap, it must be coming from somewhere else. Meil referred to the picture, indicating that it was looking east and uphill into Teaberry Circle. He called Council's attention to a drain in the ground and a large storm pipe. This was the same thing that the Mayor, Engineer, and Country Estate residents saw in January. The water was clearly coming from Teaberry, not from Country Estates. The water was pooled right at the edge of the drain in the ground.

Carroll stated that during the Special Council meeting of June 11, 2021, there was discussion of whether this pipe was possibly an intake not a discharge pipe. The Engineer said he had not had a chance to look at it. Since he did not have a survey crew available at a moment's notice, he was going to go out with a four-foot level and stick it on the flow line of the pipe to see which way it was tipped. He believed it was an intake that drained the water east to Alderwood. A visitor agreed that it was an intake pipe, but that they were intaking their own water. The Engineer said it was water that was rained from the sky. The visitor clarified that it was water that was raining on their property. The Engineer stated that it was unfortunate that the storm sewers on Alderwood were rather shallow in that location. They would be better served if that pipe were lowered, but it can only drain to its lowest point.

Meil added that the baseline of the conversation was that Country Estates, according to the Preserve, was the cause of every problem that the Preserve had. However, he repeated that the accusations did not match what the Country Estates residents had seen.

Galicki directed a question to the Engineer. At the stormwater meeting, Galicki was under the impression that the Engineer was saying that the pipe being discussed was there to alleviate water levels that rose to that level. The Engineer said this was correct. Galicki added that much of Country Estates would have to be inundated before it reached the pipe. The Engineer said the

pipe would only be effective in the worst scenarios. Galicki said it appeared the pipe was angled towards Country Estates. The Engineer said he wanted to check that.

Jen Lyndall, Preserve of Chagrin, offered to give some background on it. The Mayor indicated that Meil had the floor and asked her to hold her comment.

Meil continued with his presentation, indicating on February 28th there was more rain. The water level was at the bottom of the pipe, there was water encroaching from the Preserve into Country Estates, and water flooding in from Teaberry to Country estates in two locations. In March, the same conditions were noted. Meil indicated that the photos were taken in such a way that they were looking uphill, which was why the accusations that Country Estates was flooding the Preserve did not make sense. On April 12th, Meil said that again the water level was at the bottom of the pipe and there was more water going uphill.

A visitor indicated that the Mayor had just left the room and asked Meil if there was a reason to continue if the Mayor was not going to listen. Carroll called to the Mayor to return. The visitor indicated that this was what the Country Estates residents experienced, and it was rude. Carroll said he did not disagree.

On April 29th, after South Russell Village had sent out letters accusing Country Estates of flooding the Preserve, Meil took pictures during a rain event which showed the water level at midlevel on the pipe and more encroachment of water that did not come from Country Estates. Referring to the presentation, he indicated an area where the berm was still solid, but there was a ton of water way up a hill. Looking closer, it appeared that there was water coming out of the drain in the ground running down the hill. The water in question did not come from the pond, but rather it ran down the hill from Teaberry. Carroll clarified what he was seeing in the picture. At 1:00 p.m. the same day, it was still raining, and Meil photographed the pond and pointed out that the water level was at 7/8 of the pipe which was still flowing. He called Council's attention to the dynamics of the accumulation of water they were seeing and suggested that perhaps the drain was backing up, or the pipe was kicking out water or both. This was uphill from the pond so it should not be possible. There was possibly some minor overflow of the pond, but not enough to get all the way up the hill. He presented the view at 5:00 p.m. where it had been raining all day. The pipe that was said to be backing up, was still at 7/8ths full and was still flowing. The water levels were receding. Ironically, it was being fed out of the pipe that was accused of being backed up. All the runoff was happening through Country Estates through the same pipe. At 7:00 p.m., it was still raining, and the pipe was still functioning. Furthermore, comparing the 11:30 a.m. pictures with the 7:00 p.m. ones, it was clear the water build up was happening on the Teaberry side flooding towards Country Estates.

Regarding Teaberry Circle as seen from Anglers Dr., Meil stated it is a three-to-four-foot rise straight out of the lake. Meil described the backyard of 137 Teaberry, stating that there are four foothills that are basically like a cuff, dropping straight down off the backyard on both sides. 135 Teaberry is actually pumping their water into 137 Teaberry through a French drain, although the two residents may not realize this. The French drain terminates at the edge of the property, and the 137 Teaberry resident may want to look next door as being the source of some of the

water. To get a better sense, Meil indicated that it was necessary to look at the other side of Teaberry where there is a 150-foot asphalt ramp with a two-foot drop. It was not an optical illusion and could be seen on the topography. Meil said water is dropping from Teaberry Circle, and questioned where that water coming from. Looking north, it is coming downhill from Alderwood. Meil indicated the slope from Wood Rush Dr. as well. There are two cul-de-sacs which are both pitched west dumping water onto the edge of the HOA property and also to Country Estates. Looking up from Wood Rush Dr., Meil said that in a rainstorm, it looked like the log ride at Cedar Point. It was a straight rush of water. What the Mayor and the Preserve had not wanted to talk about was the macrotrend of the elevation where there was 1130, 1120, Federally registered wetlands up north at a higher elevation from the Preserve. It comes down and dumps off west into Teaberry, Wood Rush, and into Country Estates. Furthermore, from the northeast and east, there is Manor Brook dropping in and an area designed to collect water because it is a wetland.

Meil showed a photo from the previous Tuesday which depicted the scene after five minutes of rain where water rushes down into back yards. Meil was amazed that he actually had to explain this and said he was not even a civil engineer. People had been complaining about Country Estates for a lengthy period when they should have been looking at the Preserve for the source of the water. He added that there had been complaints from Button Bush Dr., which was right behind Meil's property. The Mayor emailed Eric Doland and said that 122 Button Bush was flooding, which was not an actual address, but he assumed he was referring to 121 and 123 Button Bush. Meil explained that there was a three-foot rise from his yard to Button Bush, and said that allegedly, his pond was jumping a three-foot height and then flooding the houses above. He described this as insulting. He asked that the complaints about Country Estates doing damage to the Preserve to stop.

Regarding the pipe, Meil noted that the minutes refer to the pipe as having been installed a few years ago, but the pipe was installed at a minimum 30 years ago, which was before Emerald Lakes II was built.

Regarding the South Lake, when the Mayor and Engineer have discussed this lake, they have used a flat map. In utilizing the elevation filters on Geauga Real Link and the Federal Wetlands database. It shows the way the water wants to go due to the elevation. Meil obtained this information from speaking with the Federal Wetlands database personnel. However, Meil stated that the Mayor has repeatedly said that any water going east is an aberration and should never happen, which is literally the opposite of what the topology indicates. Meil reviewed the area elevations and explained the dynamic of how Country Estates could not be flooding the Preserve. He reiterated that the whole Preserve development was literally wetland. Meil explained that before the development of Emerald Lakes II, the area was a marsh. During construction, the road failed twice due to the water table in 1992-1994. He added that there was a court case, and this was before the homes were built. Meil added that it was not surprising that the homes have water issues. Meil showed Council a graphic depicting a high density multifamily zoned housing development that was built on wetlands. In South Russell's defense, the Village tried to stop it, according to Meil, but the lawsuits were lost.

In 2015, Emerald Lakes II changed its name to the Preserve. He noted that all the streets were named for wetland plants. He empathized with the residents of the Preserve but thought there was serial nondisclosure of the history not only to the residents, but more importantly between the Preserve HOA, the Village, and residents of the Preserve. No one wanted to talk about the history. Meil concluded his presentation.

Canton asked if there had been any additional water diverted from the Village park onto any of the properties in question. The Engineer explained that additional water would come from impervious surfaces that were constructed or just additional rain. He stated that the Village had not constructed enough additional impervious surfaces to say that there was more water being discharged from the park from anything but additional rain. Canton asked if anyone had any photographs or video of water flowing over the banks of any of the ponds on to any other property. A visitor stated that she lives on Anglers Dr. and her property butts right up to the pond and she does not get flooded. Canton verified that there was no video or photographs that proved that water was flowing over. Another visitor, 137 Teaberry, stated that there was. She stated that many of the photos in the presentation were very strategically taken. She said it was very clear that on April 29 and many of the other rainy days that the water was overflowing and had created streams and other little ponds that were overflowing into the Preserve land. She added that it was clear and that the Mayor and Canton had seen it. Canton stated he had seen the flooding. She said there was no question that this water was overflow. She stated that she wanted to address the recommendation that was made in 2018. It was not to go from a six-inch pipe to a 12-inch pipe, but rather to go from a 12-inch pipe to a 36-inch pipe and to be lowered. On every stormy day, she has noted that the pipe was above the water level and not draining the excess water that needed to be drained from that pond. It seemed like the solution was so clear to her, and she was not sure why there was so much backlash.

The Mayor stated that this was the portion of the meeting where Council asked questions. The visitor explained that she was answering Canton's question to say that she had video. Canton clarified that he had the opportunity to walk in the backyard of 137 Teaberry Circle and saw standing water. He did not see any water flowing over the banks. Canton explained that history was important, and he taught history. He stated that President Truman was always looking for a one-handed economist because he always said with these economists, they say on one hand, it could be A but on the other hand it could be B. Canton felt the same way. On one hand, he was looking at this and saying, 'tough, it's part of the property. You buy something, it's your responsibility to take care of it.' On the other hand, Mayor and Council ran and were elected to offer help to people and make it a better Village. If there was something they could do, he wanted to do it. Canton stated that there had to be a study and permission to go on private property to do what had to be done and to make and file reports so everyone could come together again and talk it out. Perhaps everybody could talk it out and work together because this was a problem, and it was about time we take care of this problem.

A visitor commented the study should be of both sides because the indication Country Estates had been getting was that only Country Estates was being told what it would have to do for the

Preserve. Canton stated he was not an engineer, but if he lived back there, it would be fair to have both sides done.

Carroll stated that it was determined at the Special Council meeting on June 11th that it would be possible to do an aerial study that was accurate up to ¾-inch. It was something the Village would like to do and would include areas from Pond 4, the common property as high as possible, and across Bell to look at the Village property to determine if the Village is contributing to the problem. Until the Village could get the actual information, it was difficult to make an educated decision. Carroll advised that he also walked the property and saw a lot of water behind the Teaberry property. It was soggy and was a wetland. From what he observed, it did not seem like the water was breaching the lake per se. But as discussed at that time, it was known that between Ponds 2 and 3, there was some maintenance potentially needed. Once the Village had all the information on the elevations and determining the source of the water, as well as examining the pipe on Teaberry, it would be better equipped to make a good decision. In answer to the question, Carroll thought both sides should be examined.

Joan Hollis, Alderwood resident, thanked Mayor Koons. She said that contrary to the way he had been spoken of earlier in the presentation, had attempted to bring two different neighborhoods together and invited them to meetings. He solicited input and showed up on days where there was flooding in people's basements. She added that this was not a laughing matter and that anything she could do to be helpful, she was glad to do. The Preserve's HOA had taken steps to widen ditches and do other things. She did not appreciate the presentation but respected Meil's point of view. Hollis was tired of the character assassination and pettiness.

John Novak, 133 Teaberry Circle, addressed the pipe behind the property that Council was discussing. He said he did not know how anyone was getting the idea that water was flowing the other way from the pipe. Rebar had been installed in the pipe to keep kids out of it and when it rained, water flowed like crazy into the pipe. It was necessary to clean out debris so it did not back up. He reiterated that it was not flowing from the pipe out.

Jen Lyndall, Preserve of Chagrin HOA, thanked the Meils for coming to the meeting to address the issues. She reviewed that as Meil pointed out, there had been efforts to have a friendly discussion since May of 2020 for a problem that had been ongoing for decades. She advised that the HOA fully understood that the Preserve was built on a very wet area and they were not blaming all of their water issues on Country Estates. At the last Council meeting, a presentation was provided which contained video of both the breaches of the north and south ponds. She would be willing to share this video again. In the June 2020 meeting with both Country Estates and the Preserve, they agreed there would be a joint walk-through, but only Preserve residents showed up. This gave the perception of a one-sided walk-through. She reiterated that the invitation was extended to everyone. Regarding the French drain that is behind one of the houses on Teaberry, it pulls water out of that area that is near the breach and directs it to the stormwater drains along Alderwood. That drains water to the Preserve ponds. She also explained that there are drains at the ends of the cul-de-sacs which direct the water to the storm sewer system and not to Country Estates as identified in the presentation.

The HOA did not think that all the problems were attributable to Country Estates and had done internal work to make sure their ditches were maintained and to improve water flow. She added there might be another area that needed to be addressed behind Wood Rush, but this would need to be conducted in conjunction with Country Estates since the property abuts Country Estates' property. The HOA would like to have the breaches addressed because they were not sure how much they were connected. There might be some future work for the HOA to do, but they were trying to make sure that their efforts were not undermined by ongoing flood issues.

Melinda Stees, Anglers Drive, asked where the photos and videos could be seen that the Preserve provided which documented water overtopping the Country Estates ponds. She asked if Council members saw them at the last meeting. Carroll and Galicki could not recall seeing this. The Mayor stated there were videos of the water going over. The Mayor stated that he had a lot of information and stormwater power point presentations he could send. Stees stated that she would like to see specific photographic documentation because had Country Estates been shown this early on, perhaps it would have helped the HOA understand what people were complaining about. Instead, what had been said was so different from what residents see. Because of this, it was hard to get off the ground to talk about it. The Mayor offered to forward the information to Stees.

Nairn wanted to clarify the issue of flooding in the basements that had been mentioned. Nairn thought this was a utility issue and asked the Engineer to speak to the matter. The Engineer said that to his knowledge, all the basement flooding that had happened in the Alderwood vicinity had a sanitary sewer component. The water was overwhelming the local collector sanitary sewer system. When these pipes were overwhelmed, the water backed up into the next possible source of relief, which unfortunately would be people's basements. It was not directly a surface water or surface drainage issue. Rather it was an issue of the capacity of the sanitary sewer in that area.

Meil thanked Nairn for asking this question, because it was precisely what drove the Country Estates residents batty. There are different kinds of flooding that have been lumped into one conversation. He could empathize with flooded basements, but had a hard time believing that this issue was because of the north pond supposedly coming up 600 feet. He would appreciate if they could stop talking about basements in this context and saying that it was Country Estate's fault that someone on Alderwood or Arrowood, or another cul-de-sac was having flooded basements because of Country Estates.

The Engineer stated that issues that were somewhat related but distinctive were being lumped together. The Alderwood Emerald Lakes area had its own drainage issues. There were also drainage issues in Country Estates, specifically the former swale that drains Pond 3 (the north lake) to Pond 4 (the common lake). Julie Meil stated this had been there since 1980. Doug Meil said this was the thing that he just finished showing pictures of, and the Engineer said that Meil showed pictures of between Pond 3 and Alderwood. What he was talking about was the 12" pipe that discharged to the northwest and directed water to the common pond, Pond 4. He did not think it got there very rapidly or well enough. There was almost a nonexistent swale. Julie Meil stated that they had never seen the pipe overflowing. The Engineer stated there was also a pipe

that comes off Anglers which was street drainage and ran in an easement between the houses and discharged to a swale that was just a hole in the ground. The swale was not there anymore. Miel stated that if the Village wanted to define the swale where that sewer pipe was going, great, but do not complain about that pipe holding everything up and overflowing because it did not. The focus was on this pipe, which had been there since 1980. The Engineer explained that there is a 36" pipe that discharges into Pond 1. There is a 36" pipe with an easement between Pond 1 and Pond 2. It is in good shape and water is entering and exiting well. There is no free-flowing condition between Pond 2 and the common pond. Miel said the question was whether there was a blockage problem. The Engineer stated he did not know and needed survey information so he could see. A visitor asked if they signed the survey waiver, would the Village come out and take a look. The Mayor stated no, that they did not have to. He explained that the Village wanted to send out a survey crew and four people would cost the Village \$8,000. The Village did not want them to come out there until they could flow back and forth and see what they want to see. Right now, the Village had six of the 11 properties that had given permission for the Village to come onto their property. He would want to have them all. The visitor clarified that the survey would just be on the Country Estates side, and the Mayor stated yes. The Engineer interjected that the Village would take a bigger look.

Julie Meil stated that everyone was focusing on Country Estates again, and they were back to square one. The Engineer stated that he thought there were distinct drainage issues in the Alderwood neighborhood, but there is not a free-flowing condition from Pond 1 through Pond 4 in Country Estates. Meil stated that the pipe was not blocked, and the Engineer stated he did not know that for sure since there was a 36" pipe coming in and only a 12" pipe going out. Julie Meil reiterated that it had been there since 1980. The Engineer stated it was not part of the initial drainage schematic of that subdivision.

Barry Stees thanked Council for allowing him to speak and praised Canton for bringing the discussion to a higher level in talking about civics and responsibility. He was having trouble getting to that level himself partly due to things like an unauthorized walk through his property by Village leadership and five members of the Preserve. They went on his property without letting him know and asked how he was supposed to trust the process they were trying to do. Additionally, he took exception with the threatening letters they had received from the Preserve and the Village. If there was a goal of coming together, there was repair work that needed to be done.

Canton stated that there were three sides to every story, your side, my side, and the truth. People came to the meeting passionate and well prepared. Canton stated that Stees was right, and he respected that. The people who were passionate on the other side were just as passionate. The matter could be discussed forever with no action being taken, and he would like to see some action taken. It would be necessary to do a study which would require getting permission to go onto their properties. A study must be done and then discussed with everyone together. Then, leadership from the Village and their communities must come together to make it happen. Julie Meil asked, "make what happen?" Canton replied that they should take care of all the water problems possible. Stees asked how he was supposed to get to that point where he was willing to

cooperate when he was receiving threatening letters and people were walking on his property. Canton asked if there was a copy of the letter. The Solicitor explained that there were three letters, and Stees asked which one Canton wanted to talk about. Canton stated all three. Lori Kanieski stated that she had the one from May if Canton wanted to see it, and Canton stated he would like to have it read.

The Mayor invited Steve Keim to speak.

Galicki asked if part of the question was going to be a clarification of the letter and the reading of the letter. Canton stated that was one letter. Keim asked if this should occur first, and the Mayor stated that Keim had the floor.

While Keim prepared to share pictures he had taken, Galicki asked the Engineer if the aerial survey would preclude the necessity to obtain permission. The Engineer said it would preclude what was on the ground and would allow him to take a broader look. Galicki verified that it would still provide the accuracy without waiting for concurrence of every property owner to conduct the survey with boots on the ground. The Engineer stated it was not quite as accurate, but for the Village's purposes, a lidar survey would suffice. Carroll asked if this would address the issue between Pond 2 and Pond 3 with the swale, or whether boots on the ground would still be needed. Carroll wanted to ensure the survey was broad enough to cover both sides as well as the park. The Engineer explained that he would start north of Pond 4 on Country Estates and go all the way east and pick up the entirety of Alderwood and all of the cul-de-sacs to the west. He would then continue south to the park to get an accurate representation of the water that collects at the park and in turn goes out to Bell and into Pond 1. He recommended taking the broader look through the lidar study and if there were lingering questions, then it would make sense to revisit those areas on the ground.

Keim said that he has lived at 102 Anglers for 19 years. He explained that in response to the discussions, he removed a dam in his pond. The pond dropped two to three inches and the wildlife had been affected. He showed Council a photo of the current state of the pond. Over the past five years, he noticed that there had been more and more water. When he had the dam in place, during normal rains, the water would not go over the dam. From his perspective, the only thing removing the dam did was lower the average water level. He signed the document sent by the Village, and there were things he did not like in the document. However, he felt it was necessary to figure things out and to be objective by having the survey done, but not just on Country Estates. Keim added that when he was looking for a home in South Russell, he was told not to purchase a house in the Preserve because he would have a wet basement. He explained, however, that he has had his basement flood in Country Estates.

Randy Glorioso, 112 Anglers, stated he was the new owner of the home where the 12" pipe was located. He signed the waiver from the Village and was happy to allow the Engineer to inspect the pipe visually. He thanked the Mayor and Council for addressing the matter and thought it was important for both sides to be involved in the discussion.

Lori Kanieski, 110 Spring Dr., explained her property was located on the corner of Spring and Anglers. The back of her property ends in the lake. She was shocked by the letter from the Village. It said:

“Dear Lori Kanieski,

On April 30th, a letter was sent to you from the Village asking your permission to allow the Village Engineer to enter your property to conduct a survey regarding the water that is flowing on to neighboring properties.” Kanieski thought this was important to note that the letter said “regarding water that is flowing onto neighboring properties,” because she did not know that it had been determined which way the water was flowing. She continued, “To date, the Village has not received your permission or any response.” Kanieski explained that she received no letter on April 30th, so when she received this letter, she was in a state of shock. She said it continued to say, “The copy of the release and waiver of liability is attached for your reference. Please review and if you approve, sign and date and return to the Village within seven days in the enclosed self-addressed envelope. If you fail to respond, the Village may seek to enforce Section 660.04 of the Codified Ordinances against you.” Kanieski asked if Council was familiar with this ordinance and explained that it states that you cannot impede the flow of water, which would be impossible for her property because her property ends in a point. They could not impede the water flow if they wanted to. The ordinance also states that residents are not permitted to have anything that is offal, which is like animal carcasses, or filth or noisome. She maintained that she does not meet the criteria to violate the ordinance. The attached waiver basically said the Village would be allowed to come to her address to do a scope or work that was left blank on a date that was left blank. It then states that the resident forever releases the liability and hold harmless South Russell from any damages on her property. Kanieski interpreted this to mean that the Village could come to her property, do some kind of work that they had not told the resident about on whatever date and would not be held responsible for any damages. Furthermore, if she did not sign and return it within seven days, then she would be subject to the enforcement of a code she had not violated. As a good community resident, she was shocked and insulted by this. She responded to the Mayor and was told that the Village wanted permission to walk the property that butts up against Alderwood Trail, but her property does not do this. So, she still did not understand why she received the letter in the first place.

Canton asked who signed the letter. Kanieski stated it was signed by William G. Koons. Canton asked the Solicitor if she happened to see the letter before it was mailed. The Solicitor stated she did. Canton asked her opinion of the verbiage in the letter and whether it was consistent with letters that would go out for such a subject, and the Solicitor said absolutely. Carroll asked about the sections for the scope of work and date. The Solicitor stated that this was to be filled in by the property owner. It was just a general release for any work that the Village does on any private property. Kanieski stated that the letter did not mention anything about a survey, just blanks for the scope of work and date. The Solicitor agreed that this was confusing and probably should have had the specific scope of work. A previous letter mentioned May 1st as the date. She reiterated that this was a general typical release where the homeowner fills in the scope of work and the Village normally does not. Kanieski stated she did not believe there was any work

required on her property and did not know why she was included. She added that the letter indicated that if the waiver were not signed within seven days, the code would be enforced. The Solicitor advised that it said, 'may be enforced.'

Keim asked if this letter was sent to the Alderwood residents, and the Mayor stated no. He clarified that the Village did not want to conduct surveys there, and the Mayor stated no, that the scope was to look at Pond 2 and Pond 3. Meil added that this was because the Mayor had decided that Country Estates was flooding all of the Preserve, which had been the basis of every conversation. Canton interjected that Council made it clear it wanted both sides examined. Meil did not think the Mayor was agreeing. Carroll said that what needed to be done was the aerial survey of the whole area to identify areas that required more detail and address those residents specifically. He thought the first step for Council would be to authorize the Engineer to do the aerial survey to start the process.

Keim asked that the work be done professionally done by an Engineer because the Country Estates residents had been told about surveys and studies that had been done, but they had never seen anything that looked like professional engineering work on it to include the scope of work, steps taken, findings, conclusions, etc. The Mayor explained that the aerial survey just came up last week, and all the Village had been asking for was to allow a survey crew onto their properties to look at the situation and then get recommendations from the Engineer. Keim understood the value in determining the scope but emphasized that there needed to be a professional report generated. To date, they had not seen anything that would justify spending money to tear up their property. The Mayor reiterated that the first step would be to get some sort of survey and then get the Engineer's recommendation based on it. The Village would then decide how to handle the recommendations.

Eric Doland, 106 Anglers, addressed the legal requirements of residents to ultimately comply with the Engineer's recommendation.

Kanieski referenced the discussion of the Preserve being built on wetlands and asked if as much consideration was going into that as was going into the Country Estates ponds. The Mayor said that in her case, the Village wanted to get every homeowner from 102 Spring to 112 Anglers.

Canton asked how old the ponds were, and Meil stated they date to roughly 1974. Canton asked if there had ever been maintenance on them and asked if there were records. A visitor stated that they probably needed to be dredged.

A visitor proposed that CRWP be involved. Carroll asked why their involvement was stopped. The Mayor stated it was because they were not engineers and basically dealt with plant life. If they had their choice most of the time, they would say open it up. Get the dams out of there, it should be a stream. Carroll indicated that the Village had used them, and the Mayor said they did a report in the early 2018. Julie Meil stated that they never got a report.

The Mayor concluded that hopefully there would be an aerial survey and the Village would want permission so that a survey crew could get on the property. The Engineer stated that first, information should be obtained through the broad look as discussed. If there were

inconsistencies in that information or gaps in the lidar, then a targeted survey could be conducted.

Nairn asked the Engineer what the remedy, approach, or plan there was to assist where real estate had been built on a marsh. The Engineer stated not a lot. He explained that there would likely be some obvious and subtle problems, but it was important to know what was not known now without the data. He explained that around Pond 3, there was a defined swale that collects and delivers water from the southeast to the northwest to the common pond. That swale becomes less defined and almost invisible in some places. The data may show that this needed to be regraded and opened back up. Ditches and swales are a good conveyance method for water, but they are not permanent without some maintenance. It was likely there would be a recommendation that the swale that drains Pond 3 to Pond 4 be opened back up. With survey elevations, it would be possible to quantify this.

The Mayor apologized to the Stees for walking on their property last year.

Carroll made a motion to authorize the Engineer to spend \$12,000 for the aerial survey as described by the Engineer for the north Pond through Alderwood, Country Estates, and South Russell Village Park, seconded by Galicki. Carroll emphasized to the Engineer that he wanted this to happen sooner rather than later. He added that after obtaining the information, it might be necessary to reengage CRWP because they had ideas about water diversion and collection. Galicki indicated that CRWP would work with HOAs in addition to municipalities and Meil stated this was not true, that he had been told that they work on behalf of the Village and the Village must say that CRWP is allowed to work with the residents. Roll call – ayes, Canton, Carroll, Galicki, Nairn. Berger abstained. Motion carried. Berger explained that he had a conflict because 104 Spring, which is on one of the ponds, is the parsonage for the United Methodist Church of Chagrin Falls of which he is a trustee.

MAYOR'S REPORT: The Mayor stated that Bill Howell, a member of the Park Committee, was taking the rest of this year off. The Mayor recommended that Greg Studen replace Howell just for this year. Galicki made a motion to approve the Mayor's appointment of Greg Studen to the Parks Committee, seconded by Nairn. Voice vote – ayes, all. Motion carried.

The Mayor stated that Bill Stone had left the Board of Zoning Appeals. The Mayor asked Chris Bell to replace him.

FISCAL OFFICER'S REPORT: The Fiscal Officer distributed her report. Based on the June 11, 2021, Special Council meeting, she made some changes to legislation that would be presented by the Finance Committee.

FINANCE COMMITTEE: Berger stated the Finance Committee met on June 1, 2021, and the minutes were distributed to Council. The July 6th Finance Committee meeting will be rescheduled.

Berger made a motion to accept the June 14th Credit Card Report and the WEX Bank ACH payment, seconded by Carroll. Voice vote – ayes, all. Motion carried.

FISCAL AUDITOR: The Fiscal Auditor distributed his report for the month ending May 31st. The fund balances arrived at independently from the Fiscal Officer matched to the penny. For the month, the Village was at \$3.38 million. The investments moved from Star Plus back to Star Ohio because Star Plus was discontinued. Balances went down by \$123,000 in May, but the Village was still up by \$115,000 for the year. Notable revenues included \$26,000 in ambulance fees, and a salt refund. It was a strong month for Village Income Tax.

Based on the Fiscal Auditor's report, Berger made a motion to approve the May 2021 fund balances as reported, seconded by Carroll. Voice vote – ayes, all. Motion carried.

SOLICITOR: The Solicitor reported that Chagrin Falls adopted and agreed to the Mutual Aid (Road Assistance) Agreement, so all four communities had signed the agreement.

ENGINEER: The Engineer said he would prioritize the aerial lidar survey of the Alderwood/Country Estates area in order to access how the drainage was flowing through there now versus how it should be and make recommendations accordingly.

The Engineer addressed the requirement for Council to make an award relative to the bid for the Louise Drive Bridge Replacement project.

STREET COMMITTEE: Carroll reported that the Street Committee met on May 28th and the minutes were distributed to Council. Regarding the Road Program, the Street Committee recommended doing the Road Program as submitted plus alternates A and B which are Chelsea Court, which came in at \$55,000 and Fernwood, which came in at \$123,498. This would be below the total budget for the Road Program. He had asked the Engineer to provide information about the Village campus parking lot, and the Engineer had a rough estimate. First, he wanted to make sure all the miscellaneous base repair areas were an item in the bid and what they would be so he could come up with a more accurate anticipated total for the Village.

The Fiscal Officer clarified that Council budgeted \$350,000 and the Village would be getting a grant for \$100,000, so it was at \$370,000. To do the additional \$90,000, it would be necessary to go out to bid because it was over \$50,000 more being added to the program. It must be recorded in gross, which would mean recording it at \$371,000. She explained that the Village budgeted \$350,000 and out of the Village's pocket, \$370,000 would be paid, which would require amending the budget. The Village would be getting a grant, so the net would only be \$270,000, but it must be recorded in gross. If Council wanted to go over that and add on \$90,000, it could be done, but anything over \$50,000 must involve the bidding process because it was not in the original bid. The Engineer said he did not know if this were correct. If the Village were starting a new project and the expenditure was \$50,000 or greater, it would be necessary to bid the project. If the Village was amending an existing project, he did not think it was necessary. The Fiscal Officer indicated that it was more than the budgeted amount of \$350,000. The Solicitor concurred that this was the issue. Carroll said he would report back in July.

Carroll stated that the Lake Louise Bridge project came in higher than the Village anticipated.

The committee would be meeting the last Friday of the month.

STREET COMMISSIONER: The Street Commissioner submitted his monthly report.

Carroll thanked the Street Commissioner for putting the spreadsheet together for tracking mechanical hours. Carroll advised that he added more items to it. The Street Commissioner acknowledged receipt of this.

Nairn stated that the committees wanted to see this data over three seasons, so it had a complete picture of the mechanical work being done over the course of the year.

BUILDING COMMITTEE: The Building Committee met on June 3rd and submitted minutes. The next meeting will be July 1st.

POLICE CHIEF: The Chief submitted his month end report. He advised that activity had spiked to a new record which had kept the department busy.

SAFETY COMMITTEE: Canton advised that the committee met on June 3rd and minutes were distributed to Council. The committee would meet on Thursday, July 1st at 7:00 a.m.

The Chief asked that Council consider a proposed addition to the disturbing of the peace ordinance relative to the early morning operation of garbage trucks.

The Mayor asked if the Chief wished to discuss the MC Art traffic flow issue. The Chief stated that the agreement was drafted, revised, and completed. The Solicitor stated it had been sent to Carlene Holtz for execution. The Fiscal Officer reminded Council that it had been approved at the previous meeting.

HR COMMITTEE: Nairn stated that a joint HR/Finance Committee meeting was held May 21st and the minutes were distributed to Council. HR would be conducting a follow-up interview of a candidate for the part-time Building Inspector position at 8:00 a.m. in Village Hall on Friday, June 25, 2021. Carroll asked Nairn to consider a date for the next joint HR/Finance Committees meeting.

PROPERTY COMMITTEE: Galicki advised that at the last Council meeting, there was discussion of entering into an agreement for a new Village website provider. The two contractors were Dynamics Online and Company 119. The committee recommended entering into an agreement with Dynamics Online. \$10,000 was budgeted for the project, and the Dynamics Online bid came in at approximately \$9,000. Galicki made a motion to allow the Mayor and Fiscal Officer to enter into a contract with Dynamics Online for the purpose of IT services and website for the Village of South Russell, seconded by Nairn. The Solicitor asked to be provided a copy of the contract for her review. The Fiscal Officer would provide this. Galicki modified the motion to add, "pending the Solicitor's approval." Voice vote – ayes, all. Motion carried.

Galicki stated that he would be introducing legislation concerning the property inventory and accountability procedures for the Village. The Mayor had recommended that the committee remove the policy's restrictions for use of publicly owned property for private use. Galicki asked for Council's input. Canton asked if this was currently happening. Galicki stated he did not know, but that it was not universally enforced. He could only speculate and defer to the

members of the Street Committee to see if it was happening in the Street Department. It was not happening in the Police or Administrative Departments. Canton asked the Street Commissioner if it were occurring in his department, and the Street Commissioner stated that on occasion an employee would change his own oil after working hours. Canton asked if the employee would ask permission before doing this, and the Street Commissioner stated yes. Canton asked if any of the employees borrowed tools to take home, and the Street Commissioner stated it happened on occasion. Canton asked if they would first ask permission, and the Street Commissioner said yes. Canton asked if there was a sign-out sheet, and the Street Commissioner said not at this time.

The Mayor stated that the use of equipment by employees for private use was not his issue. It was the way it came across and thought there should be a statement that somehow it should be tempered a little bit. There should be a statement saying, 'employees use of Village equipment should not be used for private enterprise.' People used to borrow the tables and chairs for graduation parties. He did not think this was the goal. He did not think the Village wanted its guys taking their stuff home. The Mayor thought maybe a clearer statement than what they just had. Carroll stated by the letter of the law, Village personnel cannot use Village property for personal use. It was just not allowed. He asked the Solicitor if this was a fair statement, and she responded it was. She added that it was definitely a best practice to now allow it. Carroll acknowledged discussion of the 'one-offs' but using the Street Commissioner's cement mixer to do Cemetery work was ridiculous. The Village should purchase its own and that would not be a 'one-off.' He saw exceptions to the policy as creating a potential ethical violation issue. Regarding the tables and chairs, it was Carroll's understanding that after running into some problems with the practice, it was stopped. It was necessary to be consistent and follow the law. Carroll thought the statement was fine.

Canton asked if there were any wiggle room at all. The Solicitor stated yes. She explained that with theft in office, if there were permission granted, there was no theft in office. However, the best practice seen from the Department of Administrative Services was to establish a blank disallowance. Canton asked if she had read any studies for Villages and cities in Ohio that allow it with permission and sign-in and sign-out sheets. The Solicitor stated not studies. She had seen sample policies and they were very regulated, to include documented permission. Canton stated that it could be done. The Fiscal Officer stated that there was liability, and the Solicitor agreed. The Fiscal Officer questioned that if the employee were using Village equipment for personal use and was injured, whose responsibility would it be. Additionally, if the employee were to break the equipment when using it personally, who would be responsible?

Carroll believed the statement should remain as such and if there were wiggle room and the one-off that Council wanted to allow, it must be very explicitly spelled out. For purposes of moving forward, the policy proposed was appropriate.

Galicki stated that in his experience in the Federal Government as well as private industry in manufacturing, almost every company had a policy which prohibited the use of company equipment for private use whether it be a computer, tool, etc. He stated that if Council were

going to consider a policy, it should adopt it to the law and not begin the policy with a raft of exceptions, because this could present a slippery slope.

Berger agreed, but stated that there was agreement that there would be the 'one-offs.' All such events could not be anticipated. If Council adopted the policy that stated there shall be no use of Village property for personal use, it should be enforced to the letter of the law to say there will not be any one-offs.

Galicki deferred to Carroll who introduced the concept of 'one-offs,' and asked what he meant by that statement. Carroll explained that he was speaking from a practical standpoint, but such events should be more the exception and not the rule. Berger stated that the slippery slope started with having a rule that states that there shall be none and immediately stating that there are one-offs. They will either have to be acknowledged or say it will not ever happen. Nairn said that Council was not keeping it clean by eking out a little exception here and there. Galicki posed the question of what if he were to bring his taxes over to Village Hall to make copies. Right now, that should not be permitted. Berger agreed. He proposed that the statement, 'South Russell Village has adopted as a best practice that Village owned property and equipment should not be used for personal use' allowed for the one-offs. The Solicitor stated that this was not bad language if Council wanted to allow for one-offs. The Fiscal Officer asked what the one-offs were and if she could she change her oil. The Mayor stated that when a little old lady pulled in and asked someone to look at her tire, our guys are going to look at her tire. Berger explained that this was not personal use, it would be helping a resident. Berger was referring to the employee who wanted to do their oil change on Village property. Nairn added that this was something for which the taxpayers were footing the bill. Galicki asked about an employee who had a motorcycle repair business who brought the motorcycle over to the Village to fix. Berger said if it was a one-off and it should be left to the Department Head to decide if it was a reasonable use or not. He was fine saying never but cautioned that if that was the policy then one-offs should not be allowed.

Nairn asked Berger if he was okay with the statement on the Inventory Sheet but modifying the wording. Berger stated yes and added that as a business owner with employees, he has done this thousands and thousands of times saying, 'sure, you want to take a tool home', etc. That is the give and take of the employee - employer relationship. Carroll indicated the difference with the public sector. Berger stated that as a corporate owner, he owned the property, so he had the right to give it to somebody. He does not own the property for the Village. He reiterated that if the policy was going to allow exceptions, then it must be somehow put in the document. Nairn thought the statement on the form was a good thing because as she had said, people just need to be reminded.

Galicki asked if the policy was being supported by Council as modified by Berger. The Solicitor reminded Council that the statement would be in the proposed Codified Ordinance, not just on the form. Galicki advised if this were the consensus of Council, he would recommend deferring any action on the proposed ordinance until the ordinance could be modified. The Solicitor stated the change could be made at the current meeting.

PUBLIC UTILITIES: Nairn stated that the NOPEC Energized Community (NEC) grant was approved for repair of the Service building roof. The remainder, which was a little over \$3,000 could be put into escrow.

PARK COMMITTEE: Galicki advised that the Park Committee met on Thursday, June 10th. The Fall Festival was scheduled for October 10th and committee members were in the process of soliciting availabilities from vendors. They will meet again in two weeks. Galicki reported that the Mayor said the Chagrin Falls Fire Department had already committed to participate. Restrictions as they pertain to food service were being researched, but it appeared they had been lifted by the State.

The Park Committee entertained a project for a Butterfly Garden, and it was recommended that the garden be moved to an area that was encroaching on the Western Reserve Land Conservancy (WRLC) property. The Mayor was asked to request written confirmation of support from WRLC on that location, but Galicki has not received this written confirmation.

The next Park Committee meeting will be June 24th at the park pavilion at 6:30 p.m.

Galicki asked the Fiscal Officer about the monies earmarked for the Fall Festival from the previous year. She explained that it just stays in the fund, but that monies are then not added to it. In other words, he would not have a double budget. Galicki thought there was some grant money associated with the Fall Festival, and the Fiscal Officer explained the Village received \$1,500 last year, which it was allowed to keep in addition to the \$1,500 received this year.

The Mayor asked about addressing the MC Art property issue. The Solicitor stated that it was distributed to Council so everyone was aware that the Village was trying to work out an agreement with the MC Art property owners because the building encroaches on the Village property. There was a discussion about a possible fence. Council would need to give authority or permission to put in the fence. The Fiscal Officer advised this was not distributed to Council because the discussion had not advanced to that point.

The Mayor explained that part of the MC Art Studio is on the Village's property and the Village wanted to be covered. The Solicitor is addressing it. The Solicitor stated she sent it to Holtz for review. Holtz spoke of a survey that was done many years ago, and it might be provided to the Village. The Engineer stated that for purposes of the agreement, the lines on the Geauga County Auditor's site are accurate enough.

ORDINANCES/RESOLUTIONS:

Galicki introduced an ordinance establishing new Section 230.07 of the Codified Ordinances adopting an Inventory Procedure as modified in Section 1d about adoption of best practices and declaring an emergency.

Galicki introduced an ordinance authorizing the sale of Village Personal Property not needed by the Village and declaring an emergency. Galicki made a motion to waive readings, seconded by Nairn. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Galicki. Roll call – ayes, all. Motion carried. **ORD 2021-42**

Berger introduced an ordinance amending appropriations increasing Street Maintenance expenses \$25,000, Lake Louise expenses \$245,000, ARPA expenses \$130,000, Income Tax transfers \$100,000 and declaring an emergency. Berger made a motion to waive further 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. **ORD 2021-43**

Berger introduced a housekeeping ordinance transferring funds from the Income Tax Fund to the Safety Fund of \$300,000 and the Special Road Fund of \$15,000 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. **ORD 2021-44**

Berger introduced an ordinance transferring funds from the Income Tax Fund to the Lake Louise fund of \$100,000 and declaring an emergency. Berger made a motion to waive further 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. **ORD 2021-45**

Berger introduced an ordinance advancing funds from the Income Tax fund to the Lake Louise fund of \$35,575 and the ARPA fund \$130,000 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. **ORD 2021-46**

Carroll introduced an ordinance accepting the bid package for Union Industrial Contractors in the amount of \$338,260.75 for the Lake Louise Bridge project and declaring an emergency. Carroll made a motion to waive further readings, seconded by Berger. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Berger. Roll call – ayes, all. **ORD 2021-47**

BILLS LIST: Carroll made a motion to ratify the bills dated May 28, 2021 in the amount of \$15,370.58 and the bills list of June 14, 2021 in the amount of \$83,202.87, seconded by Nairn. Roll call – ayes, Carroll, Galicki, Nairn. Canton and Berger abstained. The Fiscal Officer noted that without Porter, there was not a majority. These Bills Lists would be brought before Council at the next Council meeting.

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

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


William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki