

**RECORD OF PROCEEDINGS
TAX BUDGET HEARING AND
REGULAR COUNCIL HYBRID MEETING
MONDAY, JULY 12, 2021 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

MEMBERS ABSENT: Nairn

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

VISITORS: Mayor Dan Fritz, Moreland Hills; Joan Hollis, Alderwood Dr.;
Lorraine Sevich, Ridgecrest Dr.; Craig and Jen Lyndall, Woodrush
Circle; Angela DeBernardo, Chagrin Falls Village Council; Doug
Meil, Anglers Dr.; Barry and Melinda Stees, Anglers Dr.; Kate
Jacob McClain, Geauga County Auditor's Office; Ron Leyde,
SAA; Joe and Sara Kaseler, Alderwood Dr.; Tonis Iphone; Bob
Rebeta; Jim; Randy Gloriosso; Greg Heilman; Kathy McClure,
Maple Leaf; Morgan; Gaila Witter; Chris Bell; Phyllis Marino;
Julie; Jessica Kiffner; Kristina Gillespie

The Mayor called the Tax Budget hearing to order. Berger stated that the Fiscal Officer prepared and distributed the 2022 Tax Budget to Elected Officials. The proposed 2022 Tax Budget includes estimated revenues for General Fund, \$1,033,537; Safety Fund, \$1,404,232; Operating Fund, \$3,080,666; Road/Bridge Fund, \$237, 609; and Special Revenue Fund, \$2,209,150.

The Mayor adjourned the meeting.

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. Nairn was absent. Carroll made a motion to approve the minutes of the June 11, 2021, Special Council meeting, seconded by Canton. Voice vote – ayes, all. Motion carried. Carroll made a motion to approve the minutes of the June 14, 2021, Regular Council meeting, seconded by Galicki. Voice vote – ayes, all. Motion carried.

VISITORS: The Mayor stated that there were seven different visitors and a full agenda and asked that comments be kept as brief as possible. The Mayor introduced Moreland Hills Mayor, Dan Fritz, who is also the Bedford Heights Fire Department Captain as well as the Assistant Chief of the Orange Village Fire Department. Angela DeBernardo, Chagrin Falls Village Council, joined Fritz for his presentation. The Mayor explained that for many decades, South Russell Village has received Emergency Medical Services (EMS) and fire services from the

Chagrin Falls Suburban Fire Department (CFSFD). The fire department also provides EMS and fire services for Chagrin Falls Village, Chagrin Falls Township, Bentleyville, Moreland Hills, and Hunting Valley. The Mayor described the CFSFD as a perfect example of regionalism. Each community pays a different amount based on usage. The Village's contract is approximately \$1,000 a day for fire and EMS. The Mayor stated that the Village is very happy with the arrangement, however, the facilities of CFSFD are in dire need of some remodeling. A capital improvement campaign has begun, and the Village is being asked to help. The Mayor invited anyone and everyone to join him next Wednesday morning, July 28th at 9:00 a.m. for a tour of the facility. The idea of South Russell Village contributing funds for the Chagrin Falls Fire Department remodeling is a unique idea and will take a unique solution to continue to provide the protection the Village's residents need and expect. The Safety Committee and Finance Committee have had brief discussions on how to create the unique solution. He suggested closely listening to what Fritz and DeBernardo have to say, tour the facility, and be ready to pass a motion at the next Council meeting on August 9th.

Fritz explained that he and DeBernardo were present to talk about the Capital Improvement Fund with CFSFD. He said he was solicited by CFSFD to speak on their behalf. He had had discussions with them about what could be done as a community, meaning the Chagrin Valley, to step up and help with the capital improvement campaign. Fritz indicated that a packet had been distributed to Council which discusses the 'nuts and bolts' of the program and why it was being done. Fritz advised that he was not present to convince Council to participate.

Fritz stated that CFSFD identified a \$1.5 million project of improvements to include new facilities including facilities for female firefighters. He felt this was a worthy project. A dramatic layout change has been proposed for the living quarters, which constitutes a big chunk of the \$1.5 million along with the addition of locker rooms for the female firefighters. Fritz stated that CFSFD had already undergone a tremendous philanthropic effort where \$700,000 was raised through private donations. As a mayor, he liked the idea of adding to the capital improvement fund that had been infused with private donations more than the idea of the individual municipalities eating up the \$1.5 million in contract costs. If CFSFD wanted to roll the \$1.5 million into the contracts, they would have had to have started three contracts ago. They also felt that with that large of an ask, they are blessed to be part of a community in the Chagrin Valley where they think they can undergo a philanthropic campaign with lots of private donations and save the participants from having to take that burden under contract costs. Overwhelmingly, they have gotten there by almost half already. He and Chagrin Falls Council member Erin Grube got together with the Fire Chief and suggested coming up with a way to ask communities to get some skin in the game. They have private donors who want to donate or have donated and are willing to donate more. From a structural point of view, they felt that communities should have buy-in and contribute to the project. CFSFD was quite certain that after the potential infusion of donations from member communities, they could increase their private donations. They have been told that, expect it, and are confident with the metrics reflected in the information distributed to Council. As the Mayor of a community that puts great value, like South Russell, with fire and EMS coverage at a reduced cost with regionalized services, Moreland Hills would be looking at \$47,000, which is a lot less than absorbing the

percentage share of the \$1.5 million price tag. He was thankful for CFSFD's efforts to secure non-profit donations. A big gala is planned for next year as a high-end fund raiser.

Lastly, should they move forward through the Chagrin Valley collectively and each community steps up to donate its identified metric, it will also be a new springboard for a revitalized campaign to seek more donations. The Mayor of Bentleyville has agreed to draft a resolution which will be considered by mayors through their law directors and treasurers to determine if it will work. It would essentially state that it is the Village's intent to contribute a specific amount of dollars to this capital improvement fund, providing no unforeseen financial issues arose. It would be a nonbinding resolution. There would be plenty of time to look at it, vet it, and legislatively have time to consider and vote on it. The goal would be for the communities to pass the resolution in the fall. An escrow account would be set up, which would transfer to CFSFD next year in July if and only when the \$1.5 million project as presently defined was executed through contract. He added that provisions could be added to the escrow account to protect the participating communities. An example would be if the money were transferred to an escrow account and then for whatever reason, the project were cut in half, it could require a percentage return because the parameters of the project had changed. They would all talk collectively as members in the Chagrin Valley under the leadership of one particular finance director. The Moreland Hills Treasurer might step up if no one else was interested. One of the individuals would take the lead in drafting the structure of the escrow account with input from all the other communities to make sure everybody felt confident that their money was being held and transferred as they agreed. Fritz stated that Moreland Hills expected the resolution would easily pass because everyone seemed to be on board subsequent to the presentation.

DeBernardo advised that this matter was presented in Chagrin Falls after it was discussed by the Finance Committee and then Council at the last meeting. A majority of Council was in support. She advised that one issue discussed, given that it would be a regionalized project, was what the other communities were doing. Chagrin Falls and Moreland Hills were in favor of it and hoped South Russell would consider it.

Carroll asked who currently owned the building, and Fritz stated it was the Village of Chagrin Falls. The CFSFD rents it for \$1 a year. Carroll asked who paid for the last major renovation, whether it was the Village or someone else. Fritz suggested asking CFSFD. Carroll did not think that South Russell or any of the other participating communities participated in that. He knew that in 1992 when he worked there, they had dorms and sleeping arrangements because they were staffed 24/7 and even prior to that because they took on EMS for a period of time. He worked with female firefighters there at the time, so those were the two big questions he had. Being that they are a private, not for profit fire company, unlike the Chagrin Valley Dispatch (CVD), which is a Council of Government (COG), there is difference of make-up. It is a private contractor. Carroll asked if the representative from all the communities had met prior to this capital campaign because within the contract they are to meet and collaborate. It could have been a perfect opportunity to poll everybody, and CFSFD elected to go on their own. Carroll did not see it as being different than if the mechanic who works on his car and who might want a bigger garage increased his contract costs. It is a private contractor. Fritz stated this was true,

but with the mechanic, the customer could expect prices to go up. Carroll added that he then could find a new mechanic. South Russell has options for fire and EMS. He believed it was a good cause, but he had questions. Fritz stated he thought they were fair questions. Carroll was concerned by this coming to the Village at the eleventh hour when suddenly they need more money, when it kicked off over a year ago. Five years ago, when they started talking about it would have been a good opportunity to leverage the contract and collaboratively give all the participants options. He further explained that really, the Village has no say in what they are going to do with it being a contract for service. It is for a specific project, but if they want to build something a certain way or use a certain methodology, the Village will have no say in it. Fritz said they could with the escrow account. Any parameters anyone would want could be included in the way the escrow money would transfer. It could be more clearly defined. Carroll stated that as a private entity, they have a lot more flexibility. Public entities are tied to strict rules. Fritz stated this input of developing the parameters to ensure the communities are protected is what will be needed. He agreed that private entities can move forward doing things differently and maybe not as cost effectively. However, he felt CFSFD had always been cost sensitive. Carroll stated that if they were a Fire District, the matter could be brought to the voters, and it could be easily done.

Fritz addressed Federal COVID and American Rescue Plan Act (ARPA) funds received by the communities. Although he did not discount the \$47,000 Moreland Hills would be asked to contribute, he understood the alternative would be having costs rolled into a contract which would mean paying more than \$47,000. He questioned the ability to use the ARPA funds for the contribution and acknowledged that it may not be possible to make a direct allocation.

Galicki asked who the author of the action plan was. Fritz stated he wrote the action plan in conjunction with Erin Grube and CFSFD. Galicki asked if this was on behalf of the private fire company. Fritz replied yes and no. He explained that they got together and discussed an effort that they wanted to undertake to help them out. They met with CFSFD and the items on the plan distributed to Council were not fed to Fritz, but rather generated by Fritz. Galicki asked who had fiscal oversight of the private corporation, in terms of how the money is being spent, whether it is on track in terms of project starts, whether it is on budget, etc. Fritz explained that all the communities would provide this oversight through parameters applied to the escrow account. Galicki asked then if the adage pertained that if everybody is in charge, nobody is in charge? Fritz addressed the ability to apply strict guidance to the escrow accounts. Galicki reiterated that there is a private entity that appears to be looking for a large check with little fiscal oversight. If the Village were considering the allocation of public funds, there would be a responsibility that public funds were being spent in a responsible manner. Fritz agreed.

Additionally, Galicki wished to read into the record an article from the Chagrin Valley Times last edition that said, "July 12th Chagrin Falls Village Council agenda will include a discussion of how or if it can budget a one-time donation to the Chagrin Valley Fire Department to conclude a years' long fundraising effort to improve and expand its Walnut Street Station House. Council President Erin Grube introduced the idea at the conclusion of last Monday's meeting and suggested a sum of \$50,000." Galicki stated that this was less than 1/3 of what Fritz's plan was

suggesting that Chagrin Falls should contribute with respect to \$151,783. Galicki continued, “she said she had discussed the idea with Moreland Hills Mayor Daniel Fritz and hopes to include the remaining four towns in the department’s fire and emergency medical service area including Chagrin Falls Township, South Russell, Bentleyville, and Hunting Valley.” Galicki asked Fritz how he would explain the disparity at what Chagrin Falls is suggesting. DeBernardo stated it was a misquote and was not said at the meeting. That \$50,000 was not the figure that was given to Council. \$150,000 was the figure. Galicki asked what was concluded. Given that the discussion was “if” they could do it, Galicki asked how Chagrin Falls decided that they were able to provide the sum of \$150,000. DeBernardo said that she thought they had gotten the same presentation that the Village is presently hearing about the possible resolution and just getting the escrow account. Galicki referenced DeBernardo’s statement that she made earlier that there was unanimity from Chagrin Falls. DeBernardo stated that Moreland Hills said they have unanimity and Chagrin had a majority of Council which expressed support to participate in the program. Galicki thought the comment alluded to the fact that the Chagrin Falls Council had already discussed and decided on the matter. DeBernardo said it was part of a miscellaneous section of the meeting where issues are discussed that will be brought forward at a future Council meeting. It was a report from the Finance committee and was basically the document distributed to South Russell Village Council. It was discussed with the expectation that it would be presented as legislation later.

Fritz acknowledged Galicki’s questions concerning oversight. Galicki referred to a statement on the last page of the proposal pertaining to, “if consensus is reached with unanimity, then an aggressive campaign can be launched under the guidance of Chagrin Valley Fire Department. We want to discuss their messaging and follow their lead so that our messages do not clash or impose counterproductive conflicts.” Galicki asked who “their lead” was. Fritz explained that this meant if one of the communities did not participate, they did not really want to partake as a united Chagrin Valley on the political realm an aggressive promotional campaign that might paint somebody in a negative light if they were not participating. However, if everybody were going to participate, it would behoove them to work with CFSFD and project the fact that they were doing this and help them solicit additional funding. He described it as a “feel good” statement where they did not want to make anyone look like a bad guy if they may not participate. Galicki observed that Fritz’s statement is in favor of using public funds for a private entity. Fritz asked which statement, and Galicki explained the support of the proposal. Fritz agreed that he and his Council were in support of a donation of \$47,000 from Moreland Hills to the Chagrin Valley Fire Capital Improvement Fund Campaign.

Porter asked what would occur if the project costs exceeded the \$1.5 million cost and asked what would CFSFD come back to the municipalities and ask for. Fritz did not think so because if the project were to go over \$1.5 million, CFSFD would be able to close the gap with donations. He did not want to identify the donors, but once there was community buy-in, he was told that certain donors would step up. Fritz thought the \$47,000 made sense to his community since they had received \$900,000 in Federal Aid.

Carroll said there was talk at one time about building a substation close to Moreland Hills. Carroll asked if Fritz saw a need with this, and Fritz explained that discussion of this had died down and was not a part of the proposed plan.

Fritz again acknowledged the concerns about oversight, and Galicki offered that it would be prudent to discuss the safeguards before soliciting funds from public entities. He felt sure there would be people who would like to have some oversight on how taxpayer dollars were being utilized. Galicki stated that it was not a question of support for first responders, but it was also not an issue that he would want to be told to support unquestioningly. Fritz offered that the resolution could contain a caveat that it was subject to the construction of an adequate financial structure with proper oversight.

Carroll said he would encourage all participating communities to actively participate in the part of the clause of the contract with CFSFD. This body had not met for as long as Carroll had been on Council, and he felt that regular meetings could have made the current discussion much easier. This would provide oversight for concerns that people have.

Kate Jacob McClain, Chief Compliance Officer, Geauga County Auditor's Office, and Ron Leyde, Chief Deputy Auditor, Geauga County Auditor's Office, addressed Council regarding a proposed change to the distribution of Undivided Local Government funds (UDLG). This is money distributed from the state to the county and then from the county to the local subdivisions. Leyde provided the history of and changes over time to the distribution. In 1981, the Geauga County Budget Commission along with the majority of the townships and villages of the time, passed an alternative formula for the distribution. It was \$10,000 per subdivision, 38% went to the county, and any remainder was distributed by population amongst the townships and villages. In 1989, it was revisited, and park districts were added to the distribution as a \$1 per capita. The distribution had not been reviewed since. During review by the current County Auditor, he questioned whether it was still equitable and fair. The Budget Commission reviewed the distribution and proposed a distribution of \$15,000 per subdivision to the townships, villages, and city. It would be necessary to be wholly in the county of Geauga. If the municipality were not wholly within the county, it would be limited to a \$1 per capita. The county would still receive 38% and the remainder would be distributed by population. This would take the need subjectivity out of it and would utilize a straight formula that would allow entities to use the money however they chose. This proposed change would bring approximately \$5,300 per year to the Village as an increase over the previous formula. McClain stated it was a net gain for South Russell.

Carroll stated that Russell Township Park is located in Hunting Valley and Cuyahoga County. He asked how it would be impacted. Carroll explained that part of Hunting Valley actually lies within Russell Township, and tax monies were going to Cuyahoga County instead of coming to Geauga County and he wondered if this was an example of where it would be different and they might lose money. McClain said Hunting Valley would be the one that was impacted. Carroll thought they might be the only one in the county that crossed into another county. McClain reiterated that this was a gain for South Russell. The only requirement was that the municipality

submit a budget and follow the law. She added that this should not be an issue because the Fiscal Officer does a great job.

The Mayor asked what the sense of urgency was on this issue since it seemed to have hit the paper about a month ago and exploded. McClain explained it was just a timeframe in terms of when the distribution occurs. If it did not happen this year, it certainly could happen another year. It was set in terms that it required the majority of townships and villages and a positive vote from the Commissioners and the City of Chardon. She reiterated that it could be done at another time but would not want to see it be delayed another 30 years. Carroll asked if there were any township or community taking a significant hit by this new formula. McClain stated that to her knowledge it would be Hunting Valley. Leyde explained that there was somewhat of a sense of urgency in that there was a statutory deadline to have it filed with the state of Ohio by September 1st. This was the current urgency, but otherwise there was no urgency to do it this year versus another year. The Mayor suggested that at the August 9th meeting, Council could vote on it without delaying anything. Leyde stated that there was quite a bit of calculation that went with it and dealing with all of the added budgets. Budget hearings were submitted in August, so their staff would need time by the end of July to make sure it was taken care of. Carroll advised that it was on the agenda and could be addressed at the current meeting. McClain stated that although it would not negatively affect South Russell, it did take out the funding for the parks. They were not entitled by municipal statute to have funding from this, only the townships and municipalities. It would revert to the 1981 concept where the parks were not included. The villages and townships could choose to voluntarily fund their parks. The South Russell Village Park is funded by the Village and does not directly receive UDLG funding. The proposed new calculation for UDLG is a net gain for South Russell and South Russell can choose to spend it on its parks or whatever else it might choose. Carroll questioned the impact on Geauga Park District, and Leyde said it would be about \$93,000. Carroll suggested that this would mean that another levy would be necessary. McClain offered that the Village could choose to give money to the Geauga Park District.

Regarding the Parkland dam, the Mayor stated there would be a meeting with the dam owners on July 28, 2021, at 7:00 p.m. just to talk with them face-to-face.

Jen Lyndall, Homeowners' Association (HOA) President of The Preserve of Chagrin Falls, addressed Council regarding the ongoing issue between The Preserve of Chagrin and Country Estates. She was happy that Council had approved funds for a lidar survey, and felt it would serve residents from both communities as they try to determine the extent of the issues and what steps were necessary to fix them. Originally, she planned to encourage Council to act quickly on the lidar survey. However, after learning there were issues with it, she reframed her request. She explained that the HOA hoped to do some groundwork to address the issues in the fall since spring was when they experience their water issues. They wanted to move quickly in taking these steps. Lyndall encouraged Council to move quickly on the survey work.

The Engineer reviewed that at the last Council meeting, Council authorized CT Consultants to move forward with an aerial survey of the region to include Country Estates, Alderwood, north to Modroo, and south to the park, and not just the specific drainage pattern between ponds. He

met on site with one of the CT geospatial staff who handles the aerial lidar surveys and the pilot to do a preflight walkthrough on Tuesday, July 6th. According to the pilot, the tree cover was too much of an issue for the lidar to be effective between Ponds 2 and 3 and between Ponds 3 and 4, on which the Engineer wanted to focus. The pilot would not rely on data obtained with the tree cover, especially with the relative flatness of the area. The recommendation from both the CT geospatial specialist and the pilot would be to wait until the leaves came down in the fall. The Engineer said that typically with lidar, some tree cover is not an issue for areas within the right of way that are paved. This is not the case with this survey area. In an effort to obtain the information more expeditiously, the Engineer determined that a boots on the ground survey for the area would cost approximately \$25, 000, which was more than double the lidar survey. He would not recommend the Village do this and suggested waiting until the leaves were off the trees in the fall.

Galicki advised that lidar is used in Central America to penetrate jungle dense coverage to discover ancient structures. He asked the Engineer how a few trees would interfere with the survey and questioned the necessity to wait for the leaves to fall when other entities use the same lidar in much more dense foliage to some degree of accuracy. The Engineer said that they do, but they were not using it to a survey grade of accuracy in those cases. The Engineer said he did not have enough first-hand knowledge of the technology and must rely on the recommendations of the pilot and geospatial team.

Carroll asked what contractor CT was using. The Engineer said it was in-house. Carroll asked if the Village could locate a contractor with better lidar, and the Engineer said he could look into this. However, he stated that the data is the data if it comes from CT or someone else. Carroll explained that if CT did not have the technology per se that another contractor might, it would be prudent for Council to consider another contractor. Carroll stated this was a pressing matter and would rather hear from a couple of other subject matter experts.

Lyndall added that once the data is obtained, she asked that the information would be presented to residents of both The Preserve of Chagrin and Country Estates at the same time so that they could have a common understanding of the information that is presented. The Mayor thought this was a good idea.

Eric Dolan, 106 Anglers Dr., asked the Engineer if there could be a blended approach to the survey instead of having to wait three to four months. The Engineer explained that the initial area of the survey was the area around the Country Estates ponds. The survey was expanded when both neighborhoods expressed interest in the survey, and it became more cost effective to do the aerial survey. Additionally, the aerial survey would eliminate the need for permission from individual property owners. He offered that it would be possible to revert back to the original minimal survey between the ponds.

Carroll stated that to be clear, initially part of the issue was that only Country Estates was being considered, and there was consternation with this. It was critical to look at the whole area because it would help The Preserve, Country Estates, and the Village do what was needed to

solve the problems. He was in favor of it being a hybrid survey to allow issues to be addressed sooner rather than later.

Lyndall added that if the initial survey were to be conducted, she thought there was general consensus on areas involving Ponds 2 and 3 as well as the area north of Pond 3 which was a mix of Preserve of Chagrin HOA and Country Estates HOA property. The Engineer stated he still thought the lidar would be the best approach, but if the Village were to move forward with a pared down bench line approach, there must be some frame of reference. Just arbitrarily identifying areas may not produce the needed information. The boots on the ground survey could be done quickly but would focus on where the water introduced to a pond travels through the ponds.

Doug Meil, Anglers Dr., commented that the Engineer was still focusing on Country Estates. He was all for information, but the conversation always went back to Country Estates. He asked what the plan would be for the other half. Carroll stated that The Preserve had expressed that it wanted to get some work done but needed the information to ensure the work was effective. With only focusing on Country Estates when it seemed to be a bigger problem, Carroll thought it was important to consider the approach of the survey. He reiterated that it was important to look for another contractor, and/or possibly consider doing a hybrid method that incorporated everything; picking and choosing was not solving the bigger problem.

Meil provided a presentation. He stated that Country Estates and The Preserve had a meeting the previous week. He felt that if they kept talking, they could make some improvements. They may not agree on everything, but at least they were talking directly and would keep working on this. He provided a recap of what had made this process so difficult from the Country Estates perspective. First, there was a lack of a clear problem(s) statement; what, where, when, and context. Everything was jumbled into one problem, from soggy grass to flooded basements. There was little to no baseline research. Even Council was not aware of some of the history and had not seen topographic maps until he showed them last month. The conversations usually started with accusations combined with solutioning such as but not limited to Country Estates is flooding Emerald Lakes II (The Preserve) and therefore a 36" pipe is needed. This did not help. Meil said that Mayor Koons picked sides really early in June of 2020. The Mayor made it really clear as to whom he was listening and whom he was ignoring. There were repeated notes in Council meetings that he was mediating, but then there were accusations of not following the ordinances, of being in violation, and legal threats. That did not help. The process never felt collaborative.

Meil recapped a portion of the Emerald Lakes II development history, to include road construction failures between 1992 and 1994 prior to residents moving in in 1995. He thought he was the first person to bring up the construction issues to Council. He took exception with the lack of honesty with the development history because the fact that it took three tries to get a stable road indicated that there was a high water table in the area. Meil was empathetic, but said ignoring the history was not being honest with the history of the environment. Likewise, it was not understood until he presented the topographical map to Council that there was actually water coming in that ran north. This is why it is important for the aerial survey to focus on the larger

area. There are wetlands north of The Preserve bringing in water. This is in contrast to the things that Mayor Koons had been saying about the eastern flow of water, which is a natural waterflow indicated on the wetlands map. Meil said he was not ignoring or excusing conversations that will continue about the pond, but any drop of water that lands east of the pond is going to go east. It is critical to understand this fact in order to have an honest conversation.

Likewise, Meil asked if Council were aware of the Chagrin River Watershed Partners (CRWP) report on 137 Teaberry Circle, which is specifically one of the areas in question. Council indicated they had not seen it, and Meil asked why it had not come up and had not been addressed in the last 14 months of conversations. Meil obtained the report from CRWP who sent it to him when they had a sense that the Mayor was being very one-sided in the conversation. The report essentially states that it is a low-lying area with a high water table. They did not blame Country Estates.

Meil addressed the 'new owner dynamic.' When 137 Teaberry is sold to a new owner, the very next year the accusations of flooding begin again. In October of 2013, residents of Country Estates were called in with the flooding accusations. In 2014 there was a walk-through. Water levels were at the bottom of the pipe, the tree line was dry, and there was standing water in the Teaberry backyards. This had been grossly misinterpreted by Mayor Koons and Eric Haibach. Meil explained that the evidence was contained in the 2014 Council meeting minutes. The Mayor had not made these minutes available for public reference, and Meil just recently discovered them. The minutes described a good meeting where the issue was discussed. The minutes reflect that Country Estates residents had cleaned out the channel, which was contrary to the false accusation that Country Estates had taken no action. Furthermore, the minutes reflect the observation that the pond was not spilling over and there was water standing in Teaberry's back yards. The prior Mayor said that there was an issue with water in the backyards on Teaberry that the residents would have had even if there were no pond that existed on Anglers Dr. The minutes reflect that the Engineer said that the whole area was wetland/marsh when it was developed. Meil advised that the current Mayor brought this up and his recollections of the 2013-2014 meeting were exactly the opposite of this. He said that Country Estates was supposed to have done something, but that was not how it actually ended.

After this, things went dormant for a couple of years. The point at which the residents of Country Estates found that it was not a fair process was when the walk-through occurred without permission of the residents and then the Mayor's refusal to do a walk-through when he was invited. It became worse from that point. Then, there was the owner dynamic with a change of owner of the 137 Teaberry property. The Mayor stated he was refereeing, but in July, Country Estates was referred to as "the issue." There was no information gathering or effort to find the problem, but simply that Country Estates was the issue.

Regarding CRWP, Meil said they were brought in for the matter. A year later, the Mayor prevented CRWP from talking to Meil. Country Estates was bad and responsible for wet basements and soggy grass. The reports the Mayor was passing along were from a 2002 CT Consultants report, but not the 2011 CRWP report that specifically addressed 137 Teaberry. He was also not referring to the January 2014 Council minutes that stated the same observation with

the water level being low in the pond and standing water over at Teaberry. It then became worse, and things went off the rails in April with residents being called unpleasant, “the issue,” and other insults, which did not help matters.

Consistently, what Country Estates residents had observed was water at the bottom of the pipe and water in the Teaberry backyards. Even on April 29th, the baseline condition with a lot of rain was the standing water. He was not doubting that there was water in the back of 137 Teaberry, but thought the search needed to be east, north, or both for the source of the water. The immediate focus on the north pond did not help anyone. Meil continued and said there were more insults and the claim that CRWP said that the Country Estates HOA was supposed to do things, which they did not actually say. The Mayor stated, ‘had the residents acted in 2013, then there would not be an issue,’ which contradicted the January 2014 Council minutes which basically state no, that Country Estates actually cleaned out the channel, did the walk, and it did not actually match the description. When Meil attempted to clarify the accuracy of the Mayor’s statement with CRWP, Mayor Koons told CRWP that they could not speak to Country Estates. Meil questioned if this was collaboration or a matter of the Mayor trying to cover his tracks. It was obvious he was telling them not to help Country Estates in any way. Meil offered kudos to CRWP because they sensed it was not fair play and sent Meil correspondence which stated, “these recommendations do not state Country Estates HOA or the residents of Country Estates are responsible for flooding of The Preserve.”

Meil was still willing to work with The Preserve on this matter to make improvements, but the CRWP’s correspondence made it really hard for Country Estates residents to come to the table and say that they would trust the Village.

Meil addressed the focus on the pipe, which had led people astray from what should be discussed, which was the channel. He showed Council photos and explained that he felt this was a Village issue. He described the pipe coming from Pond 3, which came in from the street. The photo was from July 8th and showed that the channel was 100% full of street water. The water was flowing backwards from the channel into the pond, not the other way around. Assessing this situation with the lidar survey would be helpful. The focus on the pipe had resulted in larger issues being missed.

Meil presented photos of the resulting water from rains on July 12, 2021. The water was again flowing backwards. He described the situations pictured as south and looking east towards the pipe. He indicated that the banks were solid on the pond and that there was standing water at 137 Teaberry. Meil said he honestly did not know where the water was coming from, but suspected it was from the east or north and cited the situation as a reason the wider survey was needed. He added that it was not coming from the pond. Meil acknowledged that the water did rise as it did on April 29th. The water built up and travelled east toward the drain in the ground. He and his neighbor, Eric Dolan, both looked at the situation and neither could see how the water was turning north. It was something that would continue to be discussed between the neighborhoods and he agreed that it needed work.

Canton stated that he took the liberty that afternoon to travel to 112 Anglers Drive. He had been given permission to walk on the property. This was after the first heavy rain around 12:35 p.m. As he was travelling west on Manor Brook, he observed the flow of the water from the street. The water was on both sides of the road flowing into the drain as it should. He did not see any water bubbling up from the drain at that time. The same was observed on Alderwood. When Canton approached the backyard of 112 Anglers, he could see about 90% of the 12" pipe. He saw no water flowing over the banks. Regarding the channel or swale, the pipe which leads to the pond was underwater, but the water could be seen coming out of it; the water was freely flowing northwest. This was what Canton observed between 12:35 and 12:50 p.m.

Porter asked if Meil would allow a boots on the ground survey team access of Pond 3, and Meil said he would like to see the whole plan first.

John Novak, 133 Teaberry Circle, asked if Meil was implying that the water was flowing from The Preserve into the pond. Meil explained that what he had said was that the water was west of 137 Teaberry towards Country Estates and was not coming from Pond 3. Novak said he saw Meil's pictures and saw that the bank was solid, but if Meil had gone down a little further that day, the water was pouring out of that pond, through the woods, into that black pipe behind 135 and 133 Teaberry. Meil said this was his 2:00 p.m. picture. Novak asked if Meil was implying that the water was running from Teaberry into the pond, and said that was not true. Meil stated that this was literally not what he just said. He explained that he specifically said that 137 Teaberry was really wet at 1:30 p.m. even when the pond level was still solid and it was half the pipe. Novak said if Meil had walked down a little further down to 133-135 Teaberry Circle, he would have seen the pond had breached the bank and was flowing into the woods. Meil stated that it was not doing this at 1:30 because he walked it both times. Novak said he had pictures and videos that would demonstrate that Meil was wrong. Meil said he was not, and stated that at 1:30 p.m., there was only water flowing in, and said he would show Novak pictures. Novak responded that he would show Meil video.

The Mayor stated he was giving Lyndall the floor and then wrapping up the discussion. Novak responded that Meil could make those kinds of statements which were absolutely false and he did not have a say in it. The Mayor stated that he had a chance to respond and knew Novak's situation.

Lyndall stated that the HOA knew that there was an area within The Preserve of Chagrin that is wet which is the area northwest of 137 Teaberry. She explained that it was the priority of The Preserve to have information that would enable them to effectively sequence repairs the HOA wished to accomplish without having water intrusion from other areas undermining the repair. She advised that the HOA had videos from the latest rain event and would share them with Country Estates, Council, and Mayor.

The Mayor stated that Novak would have a chance to provide his information, pictures, and videos. Novak referred to the previous Council Meeting, and said he listened to Meil talk about how the water was flowing from Teaberry into the pond, and it was not breaching the banks. When he looked behind 137 Teaberry, that may be true, but if he were to come down a little

further by 133 and 135 Teaberry it is absolutely not true. The water was gushing out of the pond into the woods, down to a black pipe. He reiterated that it was pouring into that pipe and the pipe was halfway blocked because it brought all the debris out of the woods which blocked it due to the rebar installed in it to keep children from climbing into the pipe. He could not understand why everyone was just sitting there and letting Meil make these statements with no one to refute him when in fact it was false.

The Mayor stated that there had been a lot of things said, but this discussion was ending. It was important to get the data. The Engineer said there was a possible problem between Country Estates on the east side and the west side of The Preserve, and the Village would work on that. This was what needed to be done and fast. The Mayor asked Novak to provide his information and it would be available at the August 9th meeting. Porter added that Council had heard from Country Estates and wanted to hear from The Preserve too. Council was not there to pick winners and losers, but to fix the problem. Novak continued to express his concern about the claim of the direction of water flow and said there was a major breach in the bank of the pond. Novak argued that Council was accepting what Meil was saying. Meil responded that he did not say what Novak was claiming he said. Porter said he would like to see Novak's video, which would help to provide a complete picture.

Galicki expressed how the conversation illustrated the importance of getting the survey done sooner rather than later because the situation would not get better over time if it were kicked down the street.

The Mayor introduced Ralph Richards, 1541 Chillicothe Rd. as the next speaker. Richards explained that he had been fighting the water issues for over 20 years. The pipe under Chillicothe Road according to all specifications should be 36" but is 10". His neighbor had to purchase flood insurance and his garage and crawl space were flooded again today. They had been begging Council to do something, and he was continually told that it would be fixed. He called Geauga County, and they said they would be out the following day to replace it until they realized it was in South Russell. Richards addressed Council and said they had all promised him it would be taken care of, and he wanted to know when. His yard was a mess and he had spent thousands of dollars this past weekend putting in a new driveway because of erosion. He questioned how much erosion had occurred today with the rain and said it had been running over the driveway at the tune of 6-inches all day. He questioned why the Village could not correct the size of the pipe. Richards stated that the Village spends money on the parks and everything else but does not care about where it is in violation of the State law.

The Engineer stated he had a design meeting two weeks ago for three culverts, including the one Richards was referring to. One was in bad shape and two were undersized. The Village has applied for Ohio Public Works Commission (OPWC) grant financing for the culverts and the money, if granted, would be available June 1, 2022. Richards said he had been hearing this for five years. The Engineer stated that if the Village did not receive the funds, it would proceed with the project anyway. Richards reiterated that he had been hearing this for five years. He had been in his house for 25 years. Last March, his basement flooded for the first time. He knew a lot of people had trouble, but every time he turned around, it was 'next year, next year.' People

on this Council told him it would be done in 2019, then 2020, then 2021, and now the Engineer was telling him 2022. Richards asked the Engineer what he was going to do about it. He had walked and surveyed the property. The county said it should be done. Richards told Council to reach into the coffers, pay the money, and get it done. He said money was put into parks and gazebos and everything else, but asked what was the Village doing about his situation. The Engineer began to explain the factors involved in the decision to replace culverts, and Richards indicated that the Engineer was addressing Village owned property and pointed out that the Village could put a park and gazebo in in just a few years, but in 20 years could not replace this culvert. The Engineer said the reason the Village could not just open up the culvert had to do with the issue of what to do with the water once it got to the west side of Chillicothe Rd. Richards said this was a simple question and asked why it had not been addressed 20 years ago. The Engineer said the Village was working on addressing it now. Richards expressed dismay at the Village delaying another year. The Mayor said it was. Richards said that was ridiculous and indicated the Mayor knew he had been fighting this issue for years and every time he was promised that something would be done. Richards said he may not be here next year. He added that he came to Council years ago and showed where the Village was overpaying on things and helped save money, and they would not invest it in this. He stated, "wait another year, Ralph" adding that perhaps the Mayor should wait another year to run for re-election. He said the Mayor told him it would be done in 2019, and then told him 2020 and 2021 and now 2022. That was four times he put it off and said it was crap.

Carroll asked if this issue was identified in the 2004 Stormwater Study, and the Engineer said it was. Carroll stated that prior to the 319 grant that the Village was spinning its wheels on, Council was told that the project would help potentially with stormwater coming across Chillicothe Rd. and did nothing. Council was told it would help with it and now there is water coming across. The Mayor stated that Carroll could not say it did not help. Carroll reiterated that there was water coming over the road. His point was that from the 2004 Stormwater Study, Chelsea Court was done. Carroll referred to a previous statement by the Mayor that the Village had done most of the things from the 2004 study when in fact, according to the Engineer, the only thing done from the 2004 study was Chelsea Court. Nothing else had been accomplished from this. To Richards' point, these were things Council told residents the Village would address, and they must be done. Council keeps kicking the can down the road because of the 319 grants that are not helping.

MAYOR'S REPORT: The Mayor addressed the Western Reserve Land Conservancy (WRLC) quarterly newsletter which featured a photo of resident Megan Malloy and her three children in the South Russell Village Park.

The Mayor distributed an article to Council regarding how Bentleyville is dealing with a private road possibly becoming public.

The Mayor would be sending out a list of upcoming events to officials.

The Geauga County Department of Water Resources would be increasing its septic reporting standards beginning in 2022. More information would be provided in January.

Regarding the Sugar Bush silt pond, Council agreed to provide \$6,500 to assist with dredging. Council agreed to this because the silt pond received a large amount of silt during the 2014 repaving of Bell Rd. This was half the anticipated cost at the time. However, two updated estimates were \$17,000 and \$19,500 and a third contractor would not consider the project because of the difficulty. The question of splitting the \$17,000, paying the additional \$4,000, or asking Sugar Bush to pay the additional \$4,000 would be referred to the Street Committee for discussion. The Mayor hoped to have a decision at the August 9th Council meeting.

The Mayor stated he was reluctant to address the final issue on his report, but reported that a resident who was one of five homeowners of a lake in Chagrin Lakes on the opposite side of the Parkland Lake, was seeking help with the lake and its failing dam.

FISCAL OFFICER'S REPORT: The Fiscal Officer distributed her monthly report. Berger addressed the reference in the Fiscal Officer's report about continuing to have the public meetings available through Zoom. Berger asked if Council was interested in continuing to Zoom the committee meetings. The requirement to be in-person for meetings was reinstated July 1st. The Fiscal Officer noted that some committee meetings had been available through Zoom and some had not. Galicki said he did not see anything wrong with continuing to have the committee meetings on Zoom and that it was good for transparency. Citizens who might otherwise not have the opportunity to attend the meetings on the Village campus could always use Zoom and even participate from their workplace. Berger asked if all the committees must be on Zoom. Carroll stated that the meetings were not consistently recorded and that if the Village planned to be consistent with Zoom, it should be consistent with recording. Presently, it was left up to the Chair of the committee as to whether to record the meetings and the same could be applied with Zoom. He agreed with Galicki that he supported providing the Zoom access for transparency and allowing residents to know what was going on in the Village. He added that this being the case, all meetings should also be recorded so that there were accurate and complete minutes.

Berger explained that in order to Zoom the meetings, Council would need access to the technology and people who could run a Zoom meeting. The Chief and Mayor had run the meetings but did not know if all the committees had someone technically capable of doing it. If not, it was necessary to have a way to make it happen. The Mayor agreed and said there was more transparency and involvement. He did not think it was that difficult to lay out the steps. It was not necessary to have the Chief do it but would be helpful for the first couple of rounds. Berger suggested training for all the committees. Carroll asked if the Village had a Zoom account or it was just the Mayor's account. Carroll thought the Village should have its own account. The Fiscal Officer explained that the Village has a Zoom account, which was what the Mayor used. Berger stated that those who were trained to operate the Zoom should have access to the account. The Chief suggested the committee members conduct the Zoom meetings utilizing their laptops. It would not be necessary to use the technology in Council chambers, which was more advanced.

The Fiscal Officer asked that she be notified when the committees decided to Zoom the meetings so that the meetings were properly Sunshined.

The Fiscal Officer advised that the cemetery software had been updated and now the information was accessed through, and saved on, the cloud. Additionally, the new website is under construction.

Regarding the ARPA funds, which were about half of what was initially anticipated, the application portal was opened last week. The Fiscal Officer advised that there were more restrictions on these funds than the Cares Act Funds the Village received in 2020, and it was necessary to register to receive them. She was hoping Council would provide a motion to allow the registration process to begin. The Village should receive approximately \$392,000 in total, which could be used for stormwater purposes.

The Mayor stated that he meets with the area Mayors and they are outraged about losing half of their money. He asked how the State did not see that the townships had not been included. The Fiscal Officer relayed that they were omitted from the top. The townships are now receiving a portion of the money, which is a lot of money, and therefore it cut the amounts for municipalities approximately in half.

FISCAL AUDITOR: The Fiscal Auditor provided his report for the month ending June 30th. The fund balances at the end of June were \$3,255,368.93. That amount as well as each individual fund balance that he arrived at independently, matched the Fiscal Officer's Cash Transaction Report. The funds that were not in the checking account were in Star Ohio. Overall cash balances decreased in June by \$125,000 and the Village was slightly lower than the start of the year. He expected this to improve this month when the Village started to get its second installment of Real Estate Taxes. Notable revenue sources were cable franchise fees, which he noted were slowly decreasing. Real Estate Taxes and Homestead & Rollback were right on target if not a little higher. He would not opine about Village Income Tax as to where they would end up for the year. Other revenues included Cemetery fees and plots, grants, and park pavilion rentals. The Fiscal Auditor asked the Mayor who would be reporting for the Treasury Investment Board, and the Mayor stated that would be decided at the August 19th meeting.

Porter asked what the checking account interest rate was, and the Fiscal Auditor explained that the Village gets a credit against its fees based on the fund balances and the interest rate. He would need to confirm this amount, but believed it was low.

The Mayor reported that the Treasury Investment Board met and discussed whether the Village should hire someone to invest its money or keep it in Star Ohio. Keeping it in Star Ohio meant very little basis points, but if it were invested, then it was necessary to look at how it would be invested. The Fiscal Auditor met with a company about this, and references were being checked. Consideration was being given to the implication of tying up money that the Village might need as well as the cost of hiring a professional to do the investing. The Fiscal Auditor addressed interest rates and investments in response to Canton's observations about inflation, interest rates, investments, and liquidity.

FINANCE COMMITTEE: Berger made a motion to approve the 2022 Tax Budget as presented earlier in the evening, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Berger made a motion to approve the amended method of distribution for the Undivided Local Government Funds beginning in 2022, which was approved by the Geauga County Budget Commission at its meeting on May 25, 2021, and further amended at its meeting on June 14, 2021, pursuant to Ohio Revised Code Section 5747.53, seconded by Canton. Carroll verified that the Park District would be losing \$93,000 and concluded that this would have a negative impact on their budget. He realized the Village could reallocate funds to them if it chose to do so but could very well not. McClain described the manner in which the funds were distributed to the area parks, and explained with this legislation, the money could go directly to the South Russell Village Park. Carroll observed that while the municipalities were getting some of the money back, it would not cover the total cost of what those Park Districts would be losing either. McClain stated it was more involved and that instead of going to the Budget Commission, the municipalities could decide whether or not they wanted to fund the parks according to the priorities of the residents. Carroll understood this but was concerned that it would be necessary to add another layer with the way funding was collected since 1981, which worked pretty well. He did not know that the funds the Village would receive would make much of a difference and would rather see the money stay with the Park District. Galicki added that there were all sorts of issues with the Park District which just divorced itself from fiscal oversight from the county. It accepted a whole bunch of other financial risks. He noted Carroll's concern about the Park District, but the Park District had set a course where there might be more financial implications than what was apparent in the refund per se. Galicki said that there was no fiscal oversight now, and they had hired additional people at added expense. They must fund their own insurance. He concluded that there were a lot of issues going on with the Geauga Park District. The Mayor added that most of the employees received a handwritten check for payroll. Berger agreed. Galicki said it was done in a rush, and they would be going through some interesting machinations in his opinion. Roll call – ayes, Canton, Galicki, Porter, Berger. Nay, Carroll. Motion carried.

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

Berger reported that the Finance Committee met on July 9th. The next meeting will be Monday, August 9th at 8:00 a.m. As discussed by the Mayor and Fiscal Auditor, the Treasury Investment Board would be looking at investment plans. If Council wanted to have an investment plan of funds, then a strategic plan was necessary of what Council would expect to spend for the next three years. Some planning had been conducted for internal items, but it would be necessary to identify external items such as how much money would be spent on the street program for the coming years, etc. Council would need to come up with a long-term strategic plan that identified the funds required in 2022, 2023, and 2024. This would give the Fiscal Auditor direction as to whether there would be any money to invest or whether it would all be spent. Berger did not think the Village would spend it all, but said it was a possibility especially with stormwater projects. Finance Committee recommended that the other committees consider this, and a special meeting would be called in September or October for strategic planning for finances. The Fiscal Auditor explained that the Treasury Investment Board would be looking for expenditures over and beyond the normal budget year. For example, the Village already has a Road Program, but questioned whether Council anticipated a larger one. Carroll added that the committee discussed Bell Road East and the Parkland Dam project as examples. However, he

added that the Village has \$1.5 million in projects identified in the Stormwater Study that needed to be addressed. Carroll explained that this was not to say that the Village would or would not consider the Parkland dam issue more closely, but it would be a big commitment of funds from the Village for a period of time. His position was that Council should develop the strategic plan and look at what would be done with expenditures over the next three to five years. Discussions would occur with the Engineer and the Street Commissioner about the roads. These considerations must be made before making any kind of commitment for any large expenditure, specifically like the Parkland dam.

Berger made a motion to authorize the Mayor and Fiscal Officer to access the State portal to register South Russell Village to receive ARPA monies, seconded by Carroll. Voice vote – ayes, all. Motion carried.

SOLICITOR: The Solicitor provided an update on the Purdue Pharma bankruptcy. She advised that like with ARPA, there was a wide expanse between expectations of the amount the Village might receive and what it may actually receive under the plan. At this point, the bankruptcy trustee was asking for a vote in favor of the restructuring plan. If Council wished to cast a vote, it was due July 14th by email. The Solicitor could do this if authorized by Council. Berger made a motion to authorize the Solicitor to vote in favor of the bankruptcy plan for Purdue Pharma, seconded by Carroll. The Solicitor explained that this pertained to the opioid crises, and money would be used for all the resources that were spent for the nuisance that it caused in all the communities. Voice vote – ayes, all. Motion carried.

ENGINEER: The Engineer wanted to discuss stormwater and highlight some of the comments made earlier in the meeting. He addressed the undersized culverts under Chillicothe Rd. which transmit water from the east side of Chillicothe to the west and said it would be easy and expedient for the Street Department to install a 36-inch culvert. The Engineer explained that the remaining issues would involve what problems this would cause downstream, and whether the Village would be trading one flooding issue for another. Berger stated that while driving out of Whitetail on Manor Brook Dr. that evening, the pond on the north side of Manor Brook had breached and the water was flowing onto Manor Brook Dr. If the culvert pipe under Chillicothe Rd. were to be opened, more water would be put in the stream, which would put more water in the pond, which would make the flooding of Manor Brook Dr. that much worse. The Engineer added that it would affect Manor Brook, Fox Run, Sugar Bush, and Chelsea Ct. The responsible way to address stormwater would be to start at the low end and work up. Chelsea Ct. was addressed many years ago and until recently the Village had not determined a good way to accommodate the increase of the pipe sizes under Chillicothe Rd. Retention was necessary because it was currently happening on the east side of Chillicothe Rd. It would be necessary to mirror that amount of retention somewhere else before it caused a problem for everyone else downstream. There was more retention built into the Manor Brook Stream project than what was currently being held on the east side of Chillicothe Rd. This was a great option. The Engineer, Mayor, and CRWP are putting together a meeting with the Manor Brook HOA to talk about the project again and get it back on track. They have been kind enough to forward a whole litany of questions that they would like to have answered or addressed. Carroll stated that he would like Porter to attend this meeting. The Engineer did not know the date of the meeting. The Mayor

stated it would be on Tuesday, July 27th at 6:00 or 6:30 p.m. and would be hybrid. Carroll asked that the list of questions be forwarded to all of Council. Carroll added that the Village is still waiting on an easement. The Engineer stated it was a matter of determining property ownership.

The Engineer reiterated that the Village could replace the culvert this week but would be trading one problem for a whole host of new problems. He realized this was not what the residents on the east side of Chillicothe wanted to hear. Carroll asked what was worse, the flooding on the east side or the west side. Galicki offered that there were no homes that were involved on the west side. Canton stated that there were more houses on the west side. Carroll said he was wondering if they were being impacted by the water. Porter said they will be. The Engineer said he would worry for the Manor Brook roadway first, and the streets in Fox Run that are adjacent to the waterway. If nothing were done to mitigate the water, personal properties would definitely be impacted on the west side. Carroll said that at one point, the Engineer stated that when looking at doing the culverts, that they would not get any more water but rather the same amount just quicker. The Engineer reviewed findings and recommendations of the Northwest Drainage study that described extensive upstream and downstream interventions. In comparison, the Village could address the retention issue immediately as it crossed Chillicothe Rd., which was the goal of the Manor Brook Stream project. He stated that the responsible thing to do would be to accommodate the flow before sending it over. Carroll asked if a retention/detention pond would work as well or better than restoring a stream? The Engineer said it would work about the same.

Carroll referred to the 319 grant next to Village Hall, and said it did not seem to do a lot for the water going across Chillicothe Rd. The Engineer said first, he did not design this project. Carroll stated that it was designed by CRWP. The Engineer said a benefit of the project was that it would provide a little bit of extra retention. Carroll stated that this was his understanding of all of these projects because it explicitly stated with CRWP that it was not for water retention but for wetland restoration. The Engineer explained that when done properly, storage can be incorporated in those stream restoration projects by widening flood plains instead of suggesting a pond. The Engineer said that without incorporating all of the property the Village has to the south, it would not have enough property. Carroll argued that the Village does and indicated that it was sitting on South Russell Village property now. The Engineer explained that the pilot 319 grant project in the park and next to Village Hall did not have a stormwater storage component included in the design. Carroll said he thought that was part of the purpose of doing the project, and that Kensington Green had originally been included to incorporate stormwater. The Engineer reiterated that he did not design that project and did not have a say in how much, if any, stormwater storage requirement the Village would get. It was a CRWP project and presented as having the benefit of providing some extra storage, but the stormwater storage component was not calculated nor was it designed into the project. Porter stated that it slowed the water down. The Engineer agreed and said that maybe water would have reached Chillicothe Rd. sooner had the project not been done. Galicki asked if all the mistakes that occurred with this 319 grant next to Village Hall were not in the design of the Manor Brook project, would it be history repeating itself with CRWP. The Engineer took exception with use of the word mistake and explained he would not say it was not designed well, just not designed to maximize retention because this was

not a concern of CRWP. He added that they were worried more about stormwater quality not quantity. With the design of the Manor Brook project, all the boxes were checked for stormwater quality, habitat creation, etc. It also included a large component of stormwater quantity control.

Galicki stated that he was surprised that when he walked The Preserve property that Manor Brook Dr. flows right into that development. He asked if the Village would be channeling more water into The Preserve with the Manor Brook project. The Engineer stated no and explained that Manor Brook did not intersect Alderwood. It ran through the Fox Run development, into the Sugar Bush development, and into Chelsea Ct. Alderwood intersects Manor Brook on the west end. Galicki observed that the irrigation seemed to be going downhill towards The Preserve. The Engineer stated that it goes up before it goes down. The stream/drainage areas are separated from each other geographically.

The Engineer was overwhelmingly encouraged by some of the remarks made by Doug Meil. He had been advocating all along that the channel that connects Pond 3 to Pond 4 was so shallow and undefined that it did not have the capacity to transmit water. This would benefit Country Estates and the Manor Brook subdivision. The Engineer had met with so much resistance every time he raised this issue, and was told that they did not have a problem, there was nothing for them to do, etc. He was happy that Meil acknowledged in his presentation that they get a lot of stormwater that comes in off of Anglers and has nowhere to go. He was encouraged that they were looking at this and felt good progress was being made.

On the Lake Louis Bridge project, the Engineer was working with the Union Industrial contractor to coordinate with the gas company's relocation work. The project was moving forward.

The Engineer had engaged his design team to come up with a preliminary on the Chillicothe Rd. culverts. Whether the Village received the requested OPWC grant or not, it was something the Village should proceed with. Ohio Department of Transportation (ODOT) would be repaving Chillicothe Rd. in 2023 and the Engineer wanted the culverts done next year ahead of the paving. He hoped that the Village would receive the \$100,000 in grant money but should proceed if it did not. The Engineer said that if it were done this year and the Village received the grant, it would be null and void. Carroll stated it could be done this year, and the Engineer agreed and said the Village could withdraw the grant request. However, the Village did not have the receiving end of it taken care of on the west side of Chillicothe Rd. Carroll stated that the Village would want the receiving end even if it started the 319 grant next year. Carroll advised that it was a little like the chicken and the egg but recalled discussing at one point in time that a restrictor could be installed on the inlet. He did not see waiting as an option. The Engineer asked if the Village replaced this culvert now and put a restrictor on it so that it continued to function as a 10-inch pipe, what problem had it solved. Galicki asked the Engineer if at one time he made a statement that if that culvert were replaced, even without the Manor Brook project, the ditches could be dug deeper to retain more water on the west side of Chillicothe Rd. Carroll agreed that this would buy some time. The Engineer said that this would basically do what they were looking to do with the 319 grant project. They could forgo the grant project and build it themselves. There

would still be a buy-in and agreement from the homeowners because it involved private property. Carroll thought the ditch was in the right-of-way. The Engineer said it was not and that as soon as it discharged on the west side of Chillicothe Rd., it was out of the right-of-way. Any ditching work or widening would still be on private property. Carroll asked if it would encompass all four parcels, or one or two of the HOAs. The Engineer said it was making the ditches a little deeper and eight times wider than they currently are, which was a significant change, and access and permission were required. The Engineer said it would encompass all four properties.

The Fiscal Officer indicated that with the OPWC grant, the project could not be awarded before July, but it could go out to bid. It was important to be sure to act promptly on the project in July so that it would be complete by the end of the year since paving would be done in 2023.

Porter said it would still be necessary to deal with the problem with tripling the size of the inlet, which would involve even more water running faster through the pipe and downstream. Richards' problem might be fixed, but everyone who was in Council chambers would see the effect of the pipe being tripled in size. The Engineer commented that it was more than triple. Carroll said that if the ditches were widened, it would accomplish what the 319 grant was supposed to do. The Engineer concurred but said that it was providing the Village had permission from the property owners to do it. Carroll added that a lot of money had already been spent on the 319 grant. Taking a step back, perhaps it should have been considered that ditching may have been a better way to go. The Engineer said that in essence, the 319 grant project was a big ditching project. Carroll said it was probably more costly because of the additional work that had been done including engineering and legal costs. The Engineer said these would still be needed. As he previously expressed, Carroll said the Village needed an alternate plan in case the 319 grant project fell through. The Village had been waiting a long time and was currently stuck in this quicksand of not getting an easement because the HOAs were stuck in determining who owned the property. The Village was also stuck on wanting to pay a reasonable cost for an easement. The Engineer said that regardless of how the project was addressed, the trip hazards were all still there. Carroll reiterated that there just needed to be an alternate plan. Galicki added that the Village had already spent \$125,000 of the Village's money for the Manor Brook project and could not even figure out who owned the property. The Solicitor clarified that the residents could not figure out the ownership issue, which was not a Village issue. Galicki said that the Village had expended the money and had nothing to show for it. The Engineer said that the effort that went into determining how wide the channel needed to be to accommodate a certain amount of storage was translatable whether a 319 grant was used or not and did not see it as wasted money. Galicki and Carroll addressed the difficulty with resolving the ownership issue, and Carroll said it did not seem like there was a high priority in getting it resolved. Porter stated that he was not detecting any. The Engineer advised that there would be a meeting towards the end of the month to give it another push.

Porter asked about the project south of Village Hall for which Council had appropriated \$120,000. The Engineer said that preliminary design was underway. Carroll asked the Engineer about the status of permit inquiries. The Engineer did not know, but the Environmental

Protection Agency (EPA) and the Army Corps of Engineers had been contacted. Porter indicated that if nothing else, this was a project the Village could and should do.

The Mayor stated that on July 29th at 9:00 a.m. he scheduled a tour of the Madison Cemetery, which was the prototype of the 319 grant. It would be similar to what would be done at Manor Brook. He invited members of Council to attend.

STREET COMMISSIONER: The Street Commissioner submitted his month end report for June. The 1998 plow truck sold for \$13,202. The buyer of the truck would like to donate back the salt spreader and snowplow, which he did not need. The Street Commissioner advised that the Village has two other trucks on which the items would fit. He consulted the Solicitor, who would look into it to see if there could be an issue. The Solicitor explained that normally, Council has decided that equipment is obsolete or not needed for Village use, and she wondered if accepting it back would be a problem. The Street Commissioner indicated that the truck was advertised and sold with the equipment. Porter thought there would be no problem accepting the items as donations to the Village since the plow fits two other trucks and the Street Commissioner has storage for the plow and spreader. The Solicitor and Fiscal Officer indicated that there was legislation stating that it had no value to the Village. Porter argued that this pertained to the truck. According to the Street Commissioner, the individual did not want to sell the equipment, nor did he want the Village to sell or donate it.

The Mayor stated that the owner of the bucket truck was still anxious to get rid of it and had fixed the brake lines so that it was drivable. He would like to give it to South Russell and Chagrin Falls would store it. It would be one of the few things that South Russell shared with other people, which would be the intent. The Mayor said it could be shared with Orange, Chagrin, or anyone else who needed it. Carroll stated that Orange already had one that the Village used. The bucket truck being offered was almost 40 years old, and then it would potentially put the Village in a position of having to replace it. He felt that if the Village needed it, one could be rented or borrowed from Orange. For the half dozen times a year it would be needed, it would just be another vehicle that would have to be maintained, titled, repaired, insured, etc. The safety of the hydraulics was an issue, and this was why there were not too many 40 year old ladder trucks driving around. If Chagrin wanted it, it could be given to Chagrin.

Berger asked if the technology for the bucket was outdated. The Street Commissioner said it was the same technology used today. Carroll questioned the safety issues with a 37-year-old truck. Berger asked whether the bucket could be transferred to another truck in the event the truck were to fail. The Street Commissioner stated that the bucket apparatus was self-contained. Berger stated that theoretically if the truck were to fail in three years, the bucket could be removed and put on a different truck. Porter suggested taking the truck and selling it on GovDeals. Carroll did not see the value in accepting the truck when a newer one could be borrowed. Berger said the lift could be taken off, put on one of the Village's vehicles, and then the Village could get rid of the truck. Porter explained that this would mean losing a truck that was generally used for snow plowing. He agreed with Carroll about borrowing it from Orange and questioned how often it was needed. The Street Commissioner said if he had his own, they

would. He further explained that he feels guilty because he has nothing to offer Orange when the Village borrows its truck. Porter explained that it is necessary to store it and maintain it. The Street Commissioner said that Chagrin would store it and the Village would maintain it. Chagrin was open for anything. He thought that if the Village did not take the truck, Chagrin would not touch it. Porter and Carroll suggested that if Chagrin were to take it, the Village could borrow it from them. The Street Commissioner concluded that he still had nothing to offer, but that's ok. Carroll offered that the Village has an exchange of services with them.

The Mayor concluded that the answer was no on the bucket truck. Carroll and Porter concurred.

STREET COMMITTEE: Carroll stated the Street Committee discussed the bucket truck. It also discussed the driveway on Hazelwood. Carroll asked the Street Commissioner if he investigated the bond on this. The Street Commissioner said he did not know when the meeting would be, but it would include Hovevar, the Engineer, the Street Commissioner, and the concrete contractor. Carroll explained that the driveway had been installed on Hazelwood Dr. and there was some damage done. Normally it would be the responsibility of the property owner to repave the area over the culvert. Due to damage caused during the installation, the residents were seeking repair by the Village. Carroll's position was that since there was a bond pulled for the concrete work, the contractor should fix it. Carroll added that there was some ambiguity in the permit process of exactly how it should be done. The committee recommended that the Village's permitting of culvert pipe replacement explain explicitly how it should be done, to include saw cutting it. There was some gray area which the committee would like to straighten up in the permitting process. The Street Commissioner clarified that this would not be the culvert pipe installation but rather the driveway replacement.

The committee also discussed the extension of Fernwood. The Street Commissioner explained that the Village gave Russell Township the opportunity to have their section of Fernwood Rd. paved at a reduced cost, but they opted out.

The committee discussed the approval of Specialized Construction's lowest and best bid for the Road Program, which was the base bid plus alternates A and B.

Carroll added that the Village Campus parking lot was also discussed by the committee and recommended including it in the 2022 Road Program. The Engineer said the parking lot came in at \$44,000.

The Mayor stated that Gail Witter wished to address the driveway repair at 306 Hazelwood Dr. Eli Jones, Witter's husband, explained he was addressing the driveway incident referred to by the Street Commissioner. He had requested that the Village replace his culvert pipe. In the process, a backhoe was used to break up the asphalt driveway which caused an irregular fissure on the driveway. The apron was left in a state that was cracked up, and it was not possible to bring the concrete to it. The Village should have brought in a saw the first time to make a clean cut. They just need the asphalt to go in to finish joining the street to the driveway. The Mayor asked if Jones would be present with the meeting with the Street Commissioner and the Engineer later in the week. Jones said yes and asked for the time of the meeting. The Mayor said Jones would be included in the meeting with the contractor.

BUILDING COMMITTEE: Berger stated that the Building Committee met July 1st and minutes were distributed. The next meeting will be on August 12th at 8:00 a.m. At the July 1st meeting, the Building Committee selected City Force as the provider for the new Building Department software and requested a draft contract for review at the August meeting. City Force is the successor company to the existing Franklin software. The committee anticipated a minimal cost for the conversion of the software.

Berger also asked for the activity reports for comparable periods over the last three years be provided to Council. The activity through June 30, 2020, was approximately \$29,000 and the comparable this year was \$99,000 in activity. There had been a significant increase. In the expenses provided to Council, Inspection Solutions billed \$2,200 in June above the retainer amount. A lot of inspections were occurring and according to Hocevar, there were six new homes in process in addition to remodels. The Building Department is busy.

POLICE CHIEF: The Chief distributed his month end report. The Safety Committee had a preemptive discussion on License Plate Recognition (LPR) cameras. It also discussed implementing new software in the Police Department which will be provided by the State of Ohio at no cost to the Village.

Canton stated that the Chief probably expected more activity since society had opened up since COVID. The Chief said there had been a significant increase from the previous year.

SAFETY COMMITTEE: Porter stated the Safety Committee met July 1st and the minutes were distributed to Council. Regarding the traffic cameras to which the Chief referred, the Street Committee recommended that the cost be put into next year's budget and that the cameras would have come in handy with the latest car thefts in the Village. Porter further advised that his privacy concern would be that the company would only keep the data for two weeks rather than 30 days.

Porter explained that the genesis of the amendment to the noise ordinance being presented to Council was that trash trucks were out on the roads increasingly early, and residents were not happy. One item added to it was that the snow removal could be conducted at 10:00 p.m. if need be. Carroll asked what the new time would be, and Porter explained that the ordinance would be amended to have pick-up, delivery, rubbish removal, or street or premises cleaning except by Village, county, or state personnel engaged in snow removal or maintenance not allowed before 6:00 a.m., Monday through Friday, or 7:30 a.m. on Saturdays, and not at all on Sundays. The first violations would be a minor misdemeanor, and then escalating from there. Berger said there were commercial trash haulers which serviced restaurants, etc. on Sundays. Berger asked if there were an ordinance pertaining to how early grass cutting could occur. The Chief said there was, and Porter advised it was in the attachment to the ordinance in Subsection (C). Grass may not be cut before 7:00 a.m. or after 9:00 p.m. The Mayor clarified that homeowners could do it at any time. Porter stated that it could be done at 8:30 a.m. on Saturdays and Sundays. Carroll clarified that this was for commercial providers, and the Chief said no, that it applied to everyone.

Porter stated that the next committee meeting will be August 5th at 7:00 a.m. at the Police Department.

HR COMMITTEE: Porter reported that a second interview was conducted with a candidate for the part-time Building Department official job. He and Nairn will communicate it to the Mayor and go from there.

PROPERTY COMMITTEE: Galicki had nothing to report.

PUBLIC UTILITIES: Galicki had no business from the Public Utilities Committee to report.

PARK COMMITTEE: Galicki stated that the Parks Committee met June 10th and June 24th and the minutes were distributed to Council. The new date for the 2021 Fall Festival is Sunday, October 17th, 2021, from 1:00 p.m. until 5:00 p.m. The committee was in the process of obtaining estimates for events and vendors with a \$9,000 budget this year. Although this budget was higher than previous years, Galicki indicated that through committee research it had been determined that having all of the identified activities for the duration of the event would exceed the budget. He asked the Fiscal Officer if food were included in the budget. The Fiscal Officer said yes. Galicki explained that prices from some of the vendors had gone up. Just for the bounce houses, it would be \$3,000. It was \$1,800 for the face painting. It was \$800 for two hours of pony rides. The next meeting would be August 12th at 6:30, and the committee would have a better idea of an amount. He added that this amount did not include transportation costs. Lolly the Trolley was out of business, and the Mayor reported that the public school system busses were not available. Transportation may have to be provided by Precious Cargo, but Galicki did not yet have an estimate for this. Canton verified that the Mayor approached the school system and they said no. The Mayor concurred. Canton commented that they still want \$500 for the After Prom. The Chief suggested investigating on-site parking as an option.

The Mayor asked what provisions there would be for weather. Galicki said that weather is weather and the Festival would be a go. October 10th was the earlier desired date but was already taken, and the committee felt that the September dates presented a problem because they interfered with the Browns' schedule.

ORDINANCES/RESOLUTIONS:

Carroll introduced an ordinance for the Mayor and Fiscal Officer to sign a contract with Specialized Construction in the amount of \$371,028.30 for the roads of East and West Bel Meadow, Chelsea Court, and Fernwood Dr. to the corporate line, and including miscellaneous base repairs. Carroll made a motion to waive further readings and declared an emergency, seconded by Porter. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2021-48**

Galicki provided a second reading on an ordinance establishing new Section 230.07 of the codified ordinances adopting an Inventory Procedure and declaring and emergency.

The Mayor stated that during the last discussion, there was some comment about the Mayor having discretion of use of public equipment and wondered if it had been resolved or clarified.

Carroll acknowledged he was the one who mentioned ‘one-off’s’ but after thinking about it, he thought Council should stick to the rule that public property may not be used for personal use. Doing otherwise would open a Pandora’s Box.

Porter introduced an ordinance amending Section 648.05 of the codified ordinances of the Village of South Russell declaring an emergency.

Berger introduced an ordinance amending the Zoning Code and enacting new Chapter 13 of the Zoning Code, (regarding regulating use of food trucks), of the Village of South Russell and declaring an emergency. Berger added that as amended, the “or” becomes an “and.” 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 2021-49**

Berger introduced an ordinance amending Section 2.01(106)(2) of the Zoning Code (ensuring that food trucks are not included in the definition of Retail and instead are regulated in accordance with Chapter 13 of the Zoning Code), of the Village of South Russell 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 2021-50**

Berger introduced an ordinance amending 3.01 of the Zoning Code (ensuring that zoning permits are not required for food trucks), of the Village of South Russell 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 2021-51**

Berger introduced an ordinance amending Zoning Map of the Village of South Russell and declaring an emergency.

The Solicitor, Fiscal Officer, and Galicki discussed the appropriate handling of Zoning Code change regarding split rail fences.

Berger made a motion to send the proposed ordinance amending Section 4.01(b)(4) of the Zoning Code, (regarding split rail fences along the boundary line of a property), of the Village of South Russell back to the Planning Commission for clarification regarding split rail fences on the boundary line and the allowance or not of chicken wire or other fencing attached thereto, seconded Carroll. Voice vote – ayes, all. Motion carried.


BILLS LIST: Berger made a motion to ratify the May 28, 2021 bills list in the amount of \$15,370.58 and the June 29, 2021 bills list in the amount of \$36,901.47, seconded by Carroll. Roll call – ayes, all. Motion carried. Berger clarified that there was a bills list from June 14, 2021, in the amount of \$83,202.87 on which neither he nor Canton could vote. This left only three members of Council which would not be the quorum needed to pass it.

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

Berger notified Council that he would be meeting with all the members of the Police Department on July 20th and July 21st for ten minutes to talk to them about the Court Appointed Special Advocate (CASA) program in Geauga County. He is a licensed CASA and wanted to make the Police aware of the program and services.

ADJOURNMENT: Being that there was no further business before Council, Carroll made a motion to adjourn at 10:47 p.m., seconded by Canton. Voice vote – ayes, all. Motion carried.


William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki