

**RECORD OF PROCEEDINGS
SPECIAL COUNCIL MEETING
MONDAY, SEPTEMBER 27, 2021 – 5:30 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, Solicitor Matheney

VISITORS: Officer Michael Harding and family; Ray Schloss, Mapleridge Rd.; Ruth Cavanagh, Paw Paw Lake, Greg Heilman, Chillicothe Rd.

The Mayor called the Special Council meeting to order and led the Pledge of Allegiance. The Fiscal Officer read the roll. The Fiscal Officer noted a correction to the minutes from the September 13th Regular Council meeting which erroneously indicated it was a hybrid meeting. **Porter made a motion to approve the minutes of the September 13, 2021, Regular Council meeting, seconded by Carroll. Voice vote – ayes, all. Motion carried.**

The Chief introduced Officer Michael Harding. With the recommendation of the Safety Committee, the Mayor appointed Harding as a part-time Patrolman for the Village of South Russell. **Porter made a motion that the Mayor’s appointment of Michael Harding as a part-time Village Police Officer be confirmed by Council, seconded by Berger. Voice vote – ayes, all. Motion carried.** The Mayor administered an oath to Harding.

MAYOR’S REPORT: The Mayor reported that former Mayor Don Barriball passed away. He was mayor from 1972 until 1979.

The Mayor referred to the notes and minutes received at the last Council meeting pertaining to the long-range planning meeting of September 8th. He asked if there were any questions and indicated that the Budget Work Session will be Monday, October 4, 2021.

The Mayor stated that a letter requesting support was received from the Chagrin Valley Fire Department in July and Moreland Hills Mayor Dan Fritz made a presentation to Council about the Resolution of Support. In August, the six municipalities which employ the Fire Department held a meeting to discuss the operations of the department. All six were happy with the services provided. In September, the proposed non-binding resolution created by Bentleyville Mayor Spremulli was received. In October, the Mayor and Chagrin Falls Township Trustee John Findley will work with the Solicitors from Chagrin Falls and South Russell to create an escrow account for the funds, assuming the Village approves it. Chagrin Falls Fire Department will cover all the costs and there will be no cost to the Village. He hoped Council would take action on this resolution at the present meeting.

FISCAL OFFICER’S REPORT: The Fiscal Officer distributed her report to Mayor and Council. She addressed the Veterans’ luncheon scheduled for November 8th, which had not been

budgeted. Although the Mayor planned to take it from his budget line item, it required approval by Council as a Village sponsored event, along with the Fall Festival. **Carroll made a motion to approve the Veterans luncheon on November 8th, seconded by Porter. Voice vote – ayes Canton, Carroll, Porter, and Berger. Galicki abstained.**

Carroll made a motion to approve the Fall Festival event on October 17, 2021, seconded by Porter. Voice vote – ayes, all. Motion carried.

The Fiscal Officer asked for Council's input on the printing of materials for the Council packets. All the information is available online. She asked Council members to identify those items they would still wish to have printed as hard copies. Porter and Berger advised they would access the information online and Canton and Galicki wished to continue to receive hard copies. Carroll requested printed minutes and agenda only.

FISCAL AUDITOR: The Fiscal Auditor stated that the balances at the end of August were \$4.15 million. The Village was up \$900,000 from the beginning of the year. August was a positive month for the Village and the revenues were right on track. Ambulance fees were received, but he explained that this is in the form of a credit on the bill. The Village budgeted \$54,000 for the year, and it had achieved this with one more remaining quarterly installment. Everything else is either on track or ahead of schedule. The Village received everything budgeted for Homestead and Rollback and real estate taxes. Grants were not budgeted and are significant. The Village is lagging in the expense department because there were project expenses that had not hit yet, which was why there were high balances. The Fiscal Auditor indicated that balances would likely decline from this point until the end of the year.

FINANCE COMMITTEE: Berger indicated that the next Finance Committee meeting was scheduled for October 5th at 8:00 a.m. Berger was attempting to coordinate an information gathering meeting between Council and bond counsel.

SOLICITOR: The Solicitor had nothing to report.

The Mayor provided the Solicitor with the signed work agreements for the two residents of Anglers Dr. and the Homeowners' Association (HOA).

STREET COMMITTEE: Carroll stated that the Street Committee met Friday, September 24th. He reported that the Road Program had begun, and the committee agreed to striping both sets of lines this year instead of splitting it over alternating years. The memorial pavers were discussed for a walking path in the park. The Street Commissioner was supposed to present the proposed bricks to the Parks Committee as an alternative memorial to trees and benches. The Street Commissioner raised the issue of replacing deteriorating benches with the current style of benches which were easier to repair. Carroll asked him to include this cost in his capital budget request. Regarding memorial tree replacement, the Street Commissioner provided the committee with information from another community which did not replace the trees when they die. He suggested the Park Committee review this community's policy.

The Street Department was contacted by Virginia Dix, Paw Paw Lake, about getting salt from the Village for their street. Carroll did not have the details and planned to obtain more information.

The minutes of this meeting were distributed to Council.

BUILDING COMMITTEE: Berger stated that the Building Committee would be meeting October 7, 2021, at 8:00 a.m.

SAFETY COMMITTEE: Porter stated that the Safety Committee met and interviewed Michael Harding. The next meeting will be October 7, 2021, at 7:00 a.m. in the Police Department.

HR COMMITTEE: Porter stated that in the absence of the committee Chair, there was no report.

PROPERTY COMMITTEE: There was no report.

PUBLIC UTILITIES: Galicki stated that in the absence of the committee Chair, there was no report.

PARK COMMITTEE: Galicki stated that the Park Committee met on September 16, 2021. The minutes were distributed. The committee was preparing for the Fall Festival and were within the budget limitations.

Materials for the benches and tables in the park were discussed. Park Committee member, Ted Kruse, had a lot of experience with composite materials and was highly supportive of going to a wood appearing composite material for longevity. Galicki asked Kruse to provide two to three recommendations at the next Parks Committee meeting.

The memorial pavers were discussed. Galicki noted that the benefit to the paver was that it could be placed right into an existing spot in the current brick walkway, which was the path from the parking lot to the pavilion. There was enthusiastic support by the committee, but they had not discussed the details of what to charge for the memorials. This was being researched.

Galicki referenced the discussion at the previous Council meeting about Fall Festival vendors. It was stated that the popcorn vendor and ice cream truck just happened to show up as vendors. However, several members of the committee indicated that this was not the case and that they had been invited in the past. The committee also favorably looked at the idea of potentially opening the door to several other vendors to show their wares during future events. The committee thought that the number should be limited and there should be some sort of application process that would be publicized instead of being first come first served or through invitation. It would be too late for this year but going forward the committee felt the process should be established for future years.

The Mayor asked if the memorial park pavers would present competition between the park and cemetery. The Fiscal Officer explained that the cemetery bricks were more expensive. She thought there should be a process for all the memorials. There had been a recent inquiry about purchasing a memorial bench, and the Fiscal Officer described the resulting confusion with not

having a plan and not knowing what Council had agreed to relative to the number of trees/benches that were available for sale.

The Mayor said the plan was for nine benches and as many trees as possible. There was a vacant spot reserved for a bench for Sally Butz Voss. Because of shipping costs, the bench had not been ordered. There will be two benches at the butterfly garden, and he thought by ordering multiple benches from the same location the shipping cost might be eliminated. The Fiscal Officer asked if the Village would be buying the benches and then be reimbursed, or if the individuals were purchasing the benches on their own. The Mayor stated that the Butz-Voss bench and Nairn bench had already been paid for and the Nairn bench would be in the butterfly garden. Judy Harvey would be buying a bench for the garden as well. The Mayor thought the issue to be considered would be how many benches to allow around the butterfly garden. Galicki said the issue was that there were no policies or guidelines for the donated trees and benches. He suggested having a written policy. Carroll asked if this would be considered in the land management and land use project. Galicki said that was a strategic program which would take some time. He thought the Village could just establish a policy for memorials in the park. Galicki viewed the strategic plan as including the placement of larger items in the Park, like restrooms, soccer fields, wildlife habitats, etc.

The Mayor verified with Canton that there were nine concrete pads for benches and 14 trees as the goal. Canton agreed. There were currently eight or nine trees there now. The Fiscal Officer reminded Council of the previous miscommunication about the trees where Klynn Nursery was told to hold 14 trees, but Council said that only five or seven would be purchased. She reiterated that tree and bench donations are rising in popularity, and she had no policy to use that would outline the cost and location where they would be installed. She added that the trees along Bell Rd. were planted by Ted Kruse as memorial trees for purchase, but the transactions went directly through him.

ORDINANCES/RESOLUTIONS:

Berger provided a second reading of a resolution in support of the Municipal Funding Plan for the Chagrin Valley Fire Department and declaring an emergency. Berger made a motion to waive further readings, seconded by Canton. Carroll asked why it was necessary to waive readings and inquired as to whether all the other municipalities had accepted it. The Mayor stated they had. Berger stated it was non-binding and Porter verified that the Village could back out of it. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Canton. Roll call – ayes, Canton, Carroll, Porter, Berger. Nay, Galicki. Motion carried. **RES. 2021-62**

The Solicitor explained that in 2004 there was an ordinance that discussed the authorization of the expenditure of public funds for food and drink that would be consumed by Village Officials, guests, and employees. This pertained to seminars, meetings, annual retreat, annual budget meeting, appreciation day brunch, etc. A section of the ordinance discussed that the list would not be exclusive and would apply to other Village sponsored functions or events. She addressed the matter in terms of Council's approval of the Veterans' Luncheon and the Fall Festival. She suggested revising the ordinance to include these events. Another issue concerned special

meetings. The Solicitor described an Auditor of State bulletin that was issued in 2003 and raised an issue with spending public funds for food and drink for Village officials, employees, and their guests. She had been looking at the matter with respect to the Fall Festival and Veteran Luncheon, but then an additional issue developed with the suggestion of having food and drink on the taxpayers' dime for the current Special meeting, which was just a rescheduled regular meeting. She explained that there must be a determination of whether the expenditure is necessary to further a public purpose and that it cannot be arbitrary or unreasonable. The Fiscal Officer reminded Council that this issue came up with the last State audit. The State is very strict about paying for food. Canton asked about coffee. The Mayor proposed getting rid of food for Council and the Solicitor explained that there was a list of events, and Regular and Special Council meetings were not on it. The reference in the original ordinance about meetings of the Village as authorized by Council addressed in the ordinance pertained to seminars or conferences that were outside of the jurisdiction. She added that there was also literature pertaining to the matter by the Ohio Attorney General. It came up because of the Fall Festival and she suggested revising the ordinance to include the Fall Festival, which was an annual event. She advised that in order to expend public funds, it was necessary to have the ordinance in place according to the State Auditor. Regarding the coffee, she surmised it was also for staff during the day and assumed there was a distinction. There was a question of whether Trash Day was included, and the Solicitor explained that by including a catch all phrase in the proposed ordinance, it would be included as a Village sponsored function. The Fiscal Officer explained that when this matter came up in the State audit, she realized there could be an issue with the Fall Festival as well as other functions, which was why she asked the Solicitor to consider the issue. The Solicitor further explained that it did not only pertain to Village officials, but also applied to the guests, residents, and anyone who attended. When she drafted the revision, she did not include Trash Day but thought they were Village sponsored events. In other words, if Council just made the determination that it was a Village sponsored event, even by motion, it would be covered in the catch all.

Porter indicated that the proposed legislation identified items that required authorization by Council, and some did not. He thought that the original ordinance allowed for other events that were not listed and allowed the Village to just do it because it stated that it was hereby authorized. Porter asked if this new legislation would get the Village into trouble with the State Auditor in the event some events were approved, and some were not. The Solicitor did not see it as creating a problem with the State Auditor, but rather a way for the Village to protect itself. It would just be necessary to determine that the events were necessary to further a public purpose. For example, if the Village wanted to have a Special Council meeting and serve a meal at the taxpayers' expense, she thought there should be a determination that the expenditure was necessary. The Solicitor explained an incident where the Attorney General took issue with the matter. There was a Board of Education meeting that conducted a rescheduled regular meeting, such as Council was currently doing. They decided to have dinner paid for by the public. It had nothing to do with the amount spent or what it was, because it was not elaborate. The point was that there was no determination that this was furthering a public purpose. The Attorney General focused on the fact that it occurred within their jurisdiction and was just a regular meeting of the

Board of Education, but at a different time. It was specifically not for a public purpose, but for a private purpose.

Porter suggested changes to the proposed ordinance, which the Solicitor indicated were already addressed in the current legislation. The Solicitor explained that the original ordinance stated that the list of events was not exhaustive and there would be other similarly authorized Village sponsored functions. The Fall Festival was being added because it is now an annual event.

Carroll clarified that had Council wished to have food at the current meeting, it would have been necessary to have determined it was necessary for a public purpose, etc. by making a motion ahead of the event. The Solicitor explained that, according to the Attorney General, any policy that is in place is prospective only. This means it is for future events and retroactive approval of a sponsored function was not permitted. The Solicitor reminded Council that this matter had been discussed recently during the Village's audit, and she felt it was prudent for the Village to be covered.

The Mayor suggested that the Solicitor and Porter work on the legislation. Berger suggested doing a first reading.

Berger provided a first reading on an ordinance amending Ordinance 2004-6 which authorizes the expenditure of Village funds and the reimbursement by the Village Clerk for food and drink expenditures incurred by Village officials and employees at certain events.

Berger introduced an ordinance amending Annual Appropriations increasing General Fund expenses \$60,000, Street Maintenance Fund expenses \$22,500 and Park Fund expenses \$2,500 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 2021-63**

BILLS LIST

Berger made a motion to ratify the bills list dated 9/21/2021 in the amount of \$65,847.69, seconded by Porter. Roll call – ayes, all. Motion carried.

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

Carroll asked if there were an update on Manor Brook. The last report was that they wanted \$10,000 forever, no signage, etc. He asked if there was any movement on the issue. The Mayor said he sent an email to Kate Jacob, who said the County Auditor's Office was waiting on the law firm to verify that they were using both law firms, and that it was proven that this was understood. This was the last he heard. The Solicitor clarified that the Mayor was addressing a waiver of conflict. The Mayor said yes, something like that. Berger stated that it was his understanding that the document was signed that morning. Porter asked what document was signed. Berger stated it was a waiver of conflict. It was required by the County. The Mayor said that he has said that the Village will not do anything to incur any expenses from the Solicitor or Engineer until titles are transferred. Carroll asked if signing the document meant they were getting closer to the transfer. The Mayor did not know. Berger said this was his understanding. Porter clarified that this was the transfer from Whitetail to Thomas and Thomas. Berger stated it

was back to Thomas and Thomas and then from Thomas and Thomas to Manor Brook Gardens. Porter asked if this would happen all at once, and Berger said he did not have any other information.


Carroll verified that in terms of what was being requested, the HOA still wanted \$10,000 per year forever, no signs, the Village to clean up waste, etc. The Mayor said he was not going to do anything until things were transferred. Then he would suggest they talk. The Mayor said otherwise it would be a waste of time and it was a waste of time to read the seven pages with the suggestion of \$10,000 per year every year.


The Mayor stated that he misspoke about the benches at the playground. Last year they cost \$492 and freight was \$255.

Construction of the Lake Louise Bridge would begin Monday. A zoom meeting would be held at 5:00 p.m. on Wednesday with the residents to tell them what would happen.

It was suggested to the Mayor that there should be a community wide garage sale the week before Trash Day. The Village would encourage residents to do this.

ADJOURNMENT: Being that there was no further business before Council, **Carroll made a motion to adjourn at 6:19 p.m., seconded by Porter. Voice vote – ayes, all. Motion carried.**


William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki