

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, OCTOBER 11, 2021 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

MEMBERS ABSENT: Canton

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

VISITORS: N.D. Howard, Manor Brook Dr.; John Buda, Leaview Ln.; Brian Morrison, Woodside Rd.; Meghan Walsh, CVT, Greg Heilman

The Mayor called the Regular Council meeting to order and led the Pledge of Allegiance. The Fiscal Officer read the roll. Canton was absent. **Carroll made a motion to approve the minutes of the September 27, 2021, Regular Council meeting, seconded by Porter. Voice vote – ayes, all. Motion carried. Nairn made a motion to approve the minutes of the October 4, 2021, Budget Work session, seconded by Porter. Voice vote, ayes, all. Motion carried.**

VISITORS: Newell Howard, Manor Brook Dr., requested that Council take action to fly the new First Responder's Flag at the Police Department occasionally. He stressed the importance of recognizing First Responders and demonstrating the community's support through display of the flag. The Mayor stated that he does not like seeing the flag used for anything besides the flag. He did not like the red stripe or blue stripe, and although he would not call it a desecration, he considered it a change to the flag. Galicki explained that there had been concern expressed by a number of veterans within the community about the original First Responders flag Howard provided to the Police Department. It was felt that the blue line flag was a desecration of the American Flag. He supported the Mayor's comments and invited Howard to look at the Flag Code of the United States which addresses alterations of the flag. Galicki added that there were alternative flags that could be flown which would be more acceptable and less controversial. Howard did not feel the alteration was a desecration of the flag. He stressed the need to recognize those who had given their lives for the freedom enjoyed by others.

Chief Rizzo stated that the Police Department did not feel a lack of support anywhere in the community and truly appreciated this. He indicated that the department has the black flag with a blue line through it, which would be more appropriate. Flying of this flag could be further discussed.

Carroll offered that for National Fallen Firefighters' Week, his fire department flies the U.S. Flag at half-staff. There were other ways and flags that could be used to honor First Responders and he concurred with the Mayor and Galicki.

Howard suggested flying the First Responder Flag to see what reaction it would receive and to discuss what it represents.

Brian Morrison addressed Council regarding the plan to put a stop sign at Daisy Lane and Woodside Rd. Instead, he suggested putting a traffic circle in this location as a better solution. Additionally, based on research from the National Highway Administration and Ohio Department of Transportation, speeds could be reduced to 20 miles per hour. The traffic circle would cost more than the stop sign but would be more effective, according to Morrison.

Morrison addressed the upcoming election and stressed the importance of voting.

Meghan Walsh introduced herself to Council as the new Chagrin Valley Times (CVT) reporter for South Russell.

MAYOR'S REPORT: The Mayor and Solicitor met with John Finley, Trustee for Chagrin Falls Township, to create an escrow account for the six communities involved with the Chagrin Falls Fire Department donation. The legal expenses incurred in setting up this escrow account would be paid by the Chagrin Falls Fire Department.

The annual Chagrin Valley Dispatch (CVD) meeting will be next Wednesday.

The Mayor acknowledged the Fiscal Officer's efforts in arranging for the informational meeting with Bond Counsel and stated the meeting was very good.

A Zoom meeting was conducted with Lake Louise residents to explain the process with the bridge replacement.

FISCAL OFFICER'S REPORT: The Fiscal Officer distributed her monthly report. Referring to the report, Berger asked what the subject of the public records request was. The Fiscal Officer explained it was a request for all emails to and from the Mayor for a month and a half period.

The Mayor noted that there had been three straight months of record income tax collections. The Fiscal Officer stated she had attended the Ohio Association of Public Treasurers (OAPT) conference and found that this was the case across the board. Many municipalities expected to see a decline as the result of COVID but instead saw an increase.

The Fiscal Officer stated that Geauga County Auditor, Chuck Walder, would be conducting a training session in February or March for setting up Reserve Funds.

The Finance Committee would be addressing the changes required by the State Auditor for the Credit Card Policy. The Solicitor provided additional changes to the policy relative to the verbiage concerning the distribution of the credit cards to the four Department Heads. She indicated that there was no Department Head for the Building Department. The Fiscal Officer explained that she had been handling any credit card purchases for this department and the Village currently only has three credit cards. The policy specifies that the Village could obtain up to four cards in the event a Department Head was added to the Building Department. The Solicitor suggested changing the verbiage to indicate that the Building Department was not issued a credit card in its name. The Mayor stated he currently holds the title of Department Head of the Building Department, but did not have a credit card. The Fiscal Officer explained that the Mayor, as an elected official, could not be a Department Head. She further explained that the Building Department Administrative Assistant/Board Clerk/Assistant Zoning Inspector

answers to Mayor and Council. Berger suggested changing the word “will” to “may” relative to the issuance of a credit card in the name of the Department Head. The Solicitor said this was fine but explained that the Building Department was considered a separate department. Additionally, the Department Head oversees the employees’ use of the credit card. She questioned who would oversee the use of the credit card of the Building Department Administrative Assistant/Board Clerk/Assistant Zoning Inspector. Carroll offered that it would be the Fiscal Officer, and the Solicitor concurred. She concluded that if the Village were going to change the Credit Card Policy, all the changes should be done now.

Galicki clarified that the Fiscal Officer was currently ordering administrative supplies for the Building Department. She explained that most of the supplies ordered are on accounts and use of a credit card is the last resort. It has been years since a credit card was used for that department.

The Fiscal Officer indicated action was needed by Council to authorize the Ohio Public Works Commission (OPWC) culvert replacement project as well as authorization for the Fiscal Officer to sign the CFO certification of the local funds, which was needed for the paperwork for the grant.

FINANCE COMMITTEE: Berger made a motion to approve the amended Credit Card Policy as presented, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Berger made a motion to approve the Credit Card Report as of October 11, 2021, seconded by Carroll. Voice vote – ayes, all. Motion carried.

The Finance Committee met on October 5, 2021, and the minutes will be provided to Council. Pay scales were discussed. A joint Finance/HR Committee meeting will be held at the end of October to come to an agreement on this matter.

Berger requested a change to the November 2, 2021, 8:00 a.m. Finance Committee meeting because of Election Day.

Regarding the bond seminar, Berger noted that the interest rates for a 20-year Ohio Municipal Bond would be 1.952%. He said this was something to keep in mind.

SOLICITOR: The Solicitor had nothing to report.

ENGINEER: The Engineer provided an update on the progress of the Road Program on Fernwood and Chelsea Ct. The proof rolls of the recycled bases passed with flying colors. The asphalt intermediate course was applied to both streets and the next step was to raise any of the castings to an inch and a quarter above grade in preparation for the surface course. To avoid driveway aesthetic issues, the Engineer proactively spoke to residents with concrete driveways and showed them what the finished product would look like. The residents seemed fine with it.

The Engineer had begun to mark base repairs on Bel Meadow and marked the curb in Fox Run, which was over the planned quantity. He thought with some of the savings he was anticipating,

this would be ok. With all of the additional base repairs that had not yet been marked, the Road Program would come to \$410,000 for the final construction cost.

The Engineer was encouraged by how many residents on Bel Meadow took advantage of the culvert replacement program, and Carroll added that it was the result of being proactive.

Regarding the Lake Louise Bridge Replacement, the Engineer said that the project was well on its way. The bridge was being done a half at a time. To excavate and replace the foundations of the bridge on half at a time, sheet pile had been installed to make a hard separation to support the road that was open for use. It would remain in place forever and would be useful in future bridge replacements since it would not have to be done again. The Engineer added that a sizeable chunk of concrete was found buried on the south side of the bridge and portions of it would have to be removed in order to install the new bridge foundations. He did not know the scope of this but thought the contractor may ask for an extra \$5,000 for removal of the concrete. No one seemed to know why the concrete was there.

Nairn asked about the duration of the project, and the Engineer said it would be about three months.

Carroll asked the Engineer for a status update on the discharge from the collector pipe in Lake Louise. The Engineer heard from the Geauga County Health District. A representative met the Engineer and the Street Commissioner at the location and would follow up with identification of the septic systems that could potentially be tied to the pipe. Carroll concluded that they responded and were looking into it. The Engineer concurred. The Engineer asked the Street Commissioner what the plan was to reroute the discharge of the pipe, and the Street Commissioner hoped to get to it this month.

Galicki asked the Engineer about the strategic plan for the park. The Engineer had engaged Rich Washington, a CT Consultants landscape architect and planner. Galicki stressed the importance that Washington be aware of the areas of the park that were restricted.

Galicki asked the status of the lidar survey of The Preserve and Country Estates. The Engineer did not have a date yet, but indicated it was on the Survey Department's list of things to do. The leaf drop had been delayed. The lidar survey would be conducted after this and in conjunction with other lidar surveys for area communities.

Porter asked about the status of the detention pond project south of Village Hall. The Engineer said he knew it was in process. He had met with Clyde Hadden about capacity sizing and orientation. A walk through has been conducted for the wetland determination, which revealed that there likely were wetlands that would need to be avoided. The Engineer did not know if a delineation had been completed. Porter asked when it would be done, and the Engineer suggested that it could be complete, but he did not know. Carroll reminded the Engineer of the timeline and the desire to go out to bid before the end of the year. The Engineer said nothing had changed in this regard.

STREET COMMISSIONER: The Street Commissioner submitted his monthly report for September. Porter asked for the status of the West Bel Meadow and Chillicothe Rd. ditch, and

the Street Commissioner indicated it had been completed. He added that the portion located on the west side of Chillicothe was almost dry enough to address.

Shredding Day would be Saturday, October 16th at 9:00 a.m. until noon.

STREET COMMITTEE: Carroll addressed the possibility of splitting a hydro seeder three ways between the Village, Orange Village, and Chagrin Falls. It would be \$12,595.20 if split three ways. The Street Commissioner explained that after the purchase of the equipment, the only expense would be the cost of the seed and materials to apply the seed. It would be used every time the department ditched. Carroll verified it would be used often. Porter asked where it would be stored, and the Street Commissioner said Orange would store it.

BUILDING COMMITTEE: Berger distributed a copy of the amended software agreement for the new Building Department software. He asked Council to review it for possible approval at the next Council meeting.

On October 25th, at 6:00 p.m. there would be a special Building Committee meeting to discuss Bed and Breakfast rentals in the Village. The meeting would take place in Village Hall.

The Mayor stated that with COVID, the Village gave breaks to the businesses, especially along East Washington St. The Mayor met with the business owners to tell them they needed to bring their signs in. He also met with the mom with the soccer sign on Bell Rd. and sent an email out to the candidates saying to get their signs out of the right of way. People had been cooperative.

POLICE CHIEF: The Chief distributed his monthly report. Additionally, he provided the Engineer with an update on the traffic light.

SAFETY COMMITTEE: Porter stated that the Safety Committee met on October 7, 2021, and the minutes were distributed. The next meeting will be November 4, 2021, at 7:00 a.m. in the Police Department.

Porter made a motion that the Police Chief, Fiscal Officer, and Mayor be authorized to dispose of property from the cruisers that is obsolete, specifically the video systems that have been replaced, seconded by Carroll. Voice vote – ayes, all. Motion carried.

HR COMMITTEE: Nairn stated that there was a joint HR/Building Committee meeting on October 7th. The committees reviewed resumes received for the advertised part-time Zoning Inspector position. The committees were moving forward, and interviews would be set up for the position. Nairn added that there would be a joint HR/Finance Committee meeting October 29, 2021, at 8:30 a.m. in Village Hall to continue the exploration and to possibly finalize the tiered salary schedule.

PROPERTY COMMITTEE: Galicki had nothing to report.

PUBLIC UTILITIES: Nairn advised that a representative of the Northeast Ohio Public Energy Council (NOPEC) would be presenting its sustainable green energy program at the next Council meeting on October 25th.

PARK COMMITTEE: Galicki reported that the Fall Festival will occur on October 17th and the weather forecast is favorable. Galicki explained that four to six tents were requested by the committee for use by the vendors and asked if the Village could support this. He asked the Street Commissioner to investigate the status of the tents used by the Farmers Market, and the Street Commissioner clarified that they wanted to borrow these tents. The Solicitor stated that this was discussed previously and would not be allowed. The Street Commissioner volunteered to bring two of his own and the Chief said the Police Association had three or four. Galicki asked the Solicitor if this were permissible, and the Solicitor said no. She said it was a matter of the donation and the contribution. The Village could purchase or pay to rent tents. The Mayor said the Farmers Market tents were owned by the vendors. He would check. Galicki indicated that the Solicitor was saying the Village could not use them. Porter suggested renting the Police tents for \$10 each. Galicki would explore the cost of the tents, adding that the Fall Festival was almost at the budget. Despite what may have occurred in the past with tent sharing, Galicki would look for legal routes to pursue.

Galicki addressed staffing for the Fall Festival. The Mayor stated that it was a double time day for the Service Department staff, and the Street Commissioner stated it was time and a half or comp time. Galicki verified the volunteer schedule as well.

The Mayor stated that Chagrin River Watershed Partners (CRWP) walked the park and were happy with what they saw.

The Mayor reported that the Chagrin Falls Fire Department cancelled the smoke house for the Fall Festival because they did not want to be pushing little kids unmasked through the display.

ORDINANCES/RESOLUTIONS:

Berger provided a second 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 and declaring an emergency.

Carroll introduced an ordinance terminating the grant agreement between the Ohio Environmental Protection Agency and the Village of South Russell for the project titled Manor Brook Headwater Stream Restoration Project bearing Project Number 19(h)EPA-19 / SORUSS-FD31919 and authorizing the Solicitor to send written notice of termination to Ohio Environmental Protection Agency.

Porter asked for background on this legislation. Carroll stated that it included the fact that Manor Brook Homeowners' Association (HOA) wanted \$10,000 per year forever for an easement. Porter asked if this was really what they were asking. Carroll stated it was what the Village was told and was in the contract provided by the HOA. It was \$10,000 per year forever, no education signs, and a requirement that the Village pick up trash and dog waste daily. Carroll did not think they were showing any interest in having a good-natured approach to the project. Additionally, the ownership of the property was still unknown. The Engineer advised that he checked, and Whitetail still owned all four parcels.

The Engineer provided Council with a diagram of the project area. He felt there might be hope for the project. The Engineer explained that there were two parcels south of Manor Brook and a small parcel north of Manor Brook Dr. that Manor Brook Gardens was fighting to get. There was one remaining parcel that belonged to Whitetail, and the Engineer believed that half of the flood retention in the stream corridor could be done on this parcel without the remaining parcels. The scope of the grant would have to be amended.

Carroll reiterated that the demand for \$10,000 per year for an easement was ridiculous and if the Engineer could do the project on one parcel, he suggested the Engineer sharpen his pencil and get it moving. The timeline was very tight at this point. If Manor Brook Gardens wanted to do a 319 grant down the road to expand the project, so be it, but at least something would get done. Carroll could support the project if something could get done. The Engineer preferred to have all the parcels, but half would be better than none, and he would rather take a stab at revising the project rather than cancelling the whole thing. Carroll indicated that the Village should try to use the grant and meet its requirements on the single parcel with a small easement cost. It would be doing due diligence for the residents to not pay \$10,000 per year for an easement and would mean achieving some stormwater mitigation.

Porter stated that the deadline to complete the project was September 2022 and asked if there was enough time to complete it. The Engineer did not think so but had every indication from the Ohio Environmental Protection Agency (OEPA) and CRWP that if the Village provided a valid reason, it might be granted an extension. Porter asked if an easement should be obtained from Whitetail before doing anything else, and Carroll and the Engineer said “yes”. Porter asked if a motion should be made relative to engaging in an easement, and the Solicitor said a motion could be made regarding the cost of the easement. The actual proposed easement agreement had been prepared before Manor Brook Gardens came onto the scene. It could be revised. It may have said there was an offer for \$1,000 for the easement. Porter suggested offering \$1,000. Carroll suggested amending the agreement to reflect \$100 for the easement. Porter argued that it would be \$1,000 for an easement forever. Carroll replied that the vast majority of easements are \$1 to \$100. It had been communicated to the Village several times that Whitetail would probably just let the Village do the work.

Porter made a motion to authorize the Solicitor and Mayor to enter into an easement agreement for Parcel 1 on the Manor Brook Stream Restoration document provided by the Engineer and such easement not to cost more than \$100 in perpetuity, seconded by Carroll. Roll call – ayes, Carroll, Galicki, Nairn, Porter. Berger abstained. Motion carried.

The Mayor said he would contact Whitetail HOA tomorrow or later in the evening. The Solicitor asked who would be making the contact and reiterated that there was an agreement that just needed the amount amended. The Engineer recommended changing the parcel description and the amount. Porter asked if Peter Dougherty was still the HOA president, and Berger said yes. Carroll indicated that Council directed Porter to take the lead on this matter. Porter said he was happy to be part of the conversation if the Mayor would include him on the email chain, or with meetings, etc. Carroll reminded Porter that Council voted to make Porter the point of contact. Porter said he was happy to reach out to Peter Dougherty. Carroll stated that this was

directed months and months ago. Porter argued that the Mayor was the Executive. Carroll reiterated that Porter was directed by Council. The Mayor could be included and be part of the conversation, but Porter was directed to be in charge. Porter said he would be glad to be in charge and asked the Solicitor to forward him the amended easement agreement so that he could forward it to Dougherty with a copy to the Mayor and “yourself”. He would then call Dougherty and see where it would go.

Carroll introduced an ordinance authorizing the Mayor to prepare and submit an application for the Village of South Russell to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) for the Chillicothe Road Culvert Replacement Project and to execute contracts as required and declaring an emergency. Carroll made a motion to waive readings, 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 2021-64**

BILLS LIST

Carroll questioned the \$400 Engineering charge for the Manor Brook project. He explained that Council agreed not to spend any more money on the project until ownership was established. The Fiscal Officer explained that the charge was from July, prior to Council’s decision. **Carroll made a motion to ratify the bills list dated 9/29/2021 in the amount of \$25,114.81, seconded by Porter. Roll call – ayes, Carroll, Galicki, Nairn, Porter. Berger abstained. Motion carried.**

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

Berger made a motion to certify local funds/local repayment in the amount of \$96,700 in the State Highway Fund and that amount will be used to pay the local share for the Chillicothe Rd. Culvert Replacement project when required, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Carroll offered that the Bond Counsel presentation was excellent. One highlight was learning that although there had been references to a 20-year bond, due to the nature of the bond process, the duration was dependent on the entity to which the bond was sold. Another positive aspect he learned was that if a bond were granted for a project such as this, there would be no exposure to the Village, and it did not go against the Village’s future bond rating. From the standpoint of the Parkland Dam issue, this could be a workable option for the residents. It would not expose the Village needlessly to financial burden. Carroll stated that the positive factors presented by Bond Counsel would lead him to support a project like the Parkland Dam or a similar project. He thanked the Fiscal Officer for arranging the meeting which resulted in sound information being provided to Council.

Carroll also addressed a hydrant repair by the Chagrin Falls Fire Department in the Bellwood neighborhood.

Berger referred to an email sent to Council by a Kensington Green resident who asked that the Village publish the trick-or-treat times of the different neighborhoods in South Russell. The Fiscal Officer explained that trick-or-treat is always on Halloween, but Kensington Green was

doing a different date. The HOAs do not notify the Village of these changes. Berger suggested communicating this to the HOAs so that the Village could post the information. Carroll indicated that perhaps the individual neighborhoods would not want this information posted on the Village website. The Mayor did not think the Village would want to put this information out. The Mayor said he would respond to the resident.


Berger thanked the Police Department and Chagrin Valley Fire Department for responding to a false alarm at his home which was due to a faulty sensor.

The Mayor said he would be meeting with Dave Matty, the attorney who handled the Briar Hill Solon dam replacement agreement.

ADJOURNMENT: Being that there was no further business before Council, **Carroll made a motion to adjourn at 8:54 p.m., seconded by Nairn. Voice vote – ayes, all. Motion carried.**



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki