

**RECORD OF PROCEEDINGS
REGULAR HYBRID COUNCIL MEETING
MONDAY, FEBRUARY 28, 2022 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Bell, Berger, Canton, Cavanagh (Virtual), Galicki, Porter (Virtual)

OFFICIALS PRESENT: Fiscal Officer Romanowski, Police Chief Rizzo, Engineer Haibach (Virtual), Solicitor Matheney

VISITORS: Matt Valencic, Bell Rd.; Greg Studen, Manor Brook Dr.; Cindy Nairn, Whitetail Dr.; Libby Sharkey, Sundew Ln.; Patrick Holtz, Garden Park; (Virtual) - David York, Greg Heilman, Katherine Malmquist, John Hitchcock, Brian Monroe, Judy Harvey, Madison Monroe

The Mayor asked Libby Sharkey, the daughter of former Park Committee member Greg Pike, to say a few words about her father. The Mayor then called the Regular Council meeting conducted in person and via Google Meets to order. The Pledge of allegiance was recited. The Fiscal Officer read the roll. **Berger made a motion to approve the minutes of the February 14, 2022, Special Council meeting, seconded by Canton. Voice vote – ayes, all. Motion carried. Berger made a motion to approve the minutes of the February 14, 2022, Regular Council meeting, seconded by Canton. Voice vote – ayes, all. Motion carried.**

VISITORS: The Mayor noted that the visitors were present for the Park Committee meeting. He provided the history of the Village's purchase of the 103-acre Muggleton Farm property for \$3.2 million. The Village sold the 17-acre farmhouse, barn, and surrounding apple orchard for \$700. The Village's agreement with the Western Reserve Land Conservancy allows the Village to do anything it wants with 13 acres of the property. The Village also purchased an additional 11 acres to preclude its development. Over the years, there had been many Scout projects in the park. In 2014, the \$50,000 pavilion was built, of which the Jaycees paid \$25,000. In 2020, the playground was built with an \$85,000 donation and \$24,000 grant. Benches and trees were purchased by residents to go around it. The Village has had the park since 2006 and the Village needs to determine its direction. The Mayor stated that the purpose of the meeting was to make a list of ideas which would be sent to CT Consultants to incorporate them into a master plan for the park.

The Engineer explained that the Master Plan would identify future improvements for the park, such as restroom facilities. It would also serve to determine how to best maintain the land. Ideas contributed by the Park Committee and residents would be incorporated into the park plan.

Canton said he wanted to see a nice restroom facility. Year-round use was considered as well as a sewer connection. Bell suggested reforestation. Canton suggested using purchased memorial bricks for a walkway from the parking lot to the playground and playground to the pavilion. Bell suggested crushed stone paths. Matt Valencic, Bell Rd., said that as a birder, he would like to see a primitive trail along the edge of the woods and power lines. Secondly, he wanted to see the identification and control of significant invasive species like woody vegetation. Galicki asked if the Village were limited to only the property the Village owned, or would it include land owned by the Land Conservancy. The Mayor was just thinking about the Village's land. Galicki noted that the Village was limited in the land it could use and wondered how this would impact trails as Valencic suggested. Berger asked who owned the land

under the power lines, and the Mayor said it was the power company. The Chief explained that the Village owns the land and there is an easement with First Energy.

Another participant agreed with having a burn in the park.

Patrick Holtz discussed funding strategies for projects identified in the master plan. Berger and Galicki appreciated Holtz's comments and Galicki explained that if the Village is looking at long-range strategic planning, one does not build from the tactical up but rather from the strategic down. Holtz agreed and added that Council would have to identify how the Park master plan fit with the Village's master plan.

Porter said he supported Canton's idea of a restroom facility for the park.

Katherine Malmquist was in favor of keeping the park as natural as possible.

Cindy Nairn explained that there had been discussion over the years of expanding the parking area and surmised this would be part of the master plan. She understood the Village was limited in utilizing hard surfaces but noted the problems with large event parking when the ground was soft and muddy. Nairn thought parking solutions needed to be considered if the Village would continue to have large events.

A virtual participant said he supported Valencic's request for a path and supported installation of a restroom facility like the one at Frohring Meadow.

The Mayor wanted a rain garden in the park and teahouse improvements. He had also been asked to include the suggestion of a pickle ball court and a bocce ball court.

The Engineer said this was a good start with a comprehensive list of ideas. The Engineer indicated that consideration was needed in determining how Council envisioned the park would be used, like with increasing large scale events, which the master plan would need to accommodate. He acknowledged Holtz's comments and agreed that the plan could likely become a vital touchstone in applying for grant funding in the future. Entities that grant funds want to see a well thought out plan.

Greg Studen suggested the adoption of a long-term management plan for the conservation areas of the park that prioritizes the protection and ecological health of the grasslands, wetlands, and woodlands for natural habitat.

Canton proposed frisbee golf.

The Street Commissioner suggested replacement of the benches in the park. Valencic asked if these were sponsored by people, and the Street Commissioner explained that some were sponsored. Valencic suggested advertising for sponsors to fund the benches.

The Mayor stated that Judy Harvey had a butterfly garden installed in the park, and this spring, two benches will be installed on the south side of the garden. One will be from Harvey and the other from Cindy Nairn.

Bell asked about restrictions for increasing the size of the parking lot. The Mayor said the Village is only allowed 30% non-permeable areas, which had been reached. Different permeable materials were considered for the parking lot. Bell noted that there was a lot of focus on the 3-acre portion of the park on Bell Rd. when the Village has more usable land on the East Washington side of the park. The Mayor

said that the Village mows an area the size of an athletic field, but he has never seen anyone hold a practice or athletic activity on it. The Street Commissioner offered that less and less is being mowed because it has not been used.

Valencic asked if a bioblitz had been conducted in the park. He explained that this is where individuals with plant and animal identification skills conduct a survey of the property. Nairn stated that Pete McDonald, Western Reserve Land Conservancy (WRLC), was able to do such identification.

MAYOR'S REPORT: The Mayor distributed his report and an updated calendar. There would be a meeting on March 1, 2022, at 6:30 p.m. to discuss the Central Retention Basin followed at 7:00 p.m. by a meeting to discuss the Whitetail project. The Mayor received communication in response to a notice he sent regarding the projects. The purpose of the meetings would be to answer questions.

The Engineer addressed a 1981 Manor Brook Pond site plan discovered by his colleagues. It contained valuable information about how the pond should function and the location of the 8-inch drain line that the Engineer had not been able to find previously. It will require replacement or repair so the pond will continue to function as a retention pond.

The Mayor addressed the Special Planning Commission (PC) meeting regarding the approval of the Manor Brook/Whitetail project. It was approved with a landscape stipulation. Porter explained that there was a requirement for the Manor Brook/Whitetail 319 grant easement to be recorded with the county. The PC approved the easement agreement and construction agreement with Ohio Environmental Protection Agency (OEPA). The main addition was that PC imposed a requirement that within 90 days the Village Engineer would provide to PC a restoration plan for the affected area of Whitetail/Manor Brook that will result from the clear cutting. Porter further explained that this should relieve some of the concerns about the clear cutting and the overall benefit of the project. The Mayor stated that the Whitetail Master Association had a meeting explaining the project to the residents on Reserve Trail, Whitetail Dr., Whitetail Condominiums, and Manor Brook. The Mayor explained it to all of them and stressed the importance of getting the word out and making sure people are all hearing the same message.

FISCAL OFFICER: The Fiscal Officer distributed her report to Council. Regarding a request from Bell, the Fiscal Officer researched Senate Bill 277, which pertains to the potential for the State to temporarily reduce motor fuel excise tax and suspend additional motor vehicle registrations for five years. This would have an impact on the Village. She contacted the Geauga County Auditor and found that if this legislation were to pass, it could have a \$70,000 per year loss on the Village. While Income Tax collections are up, there are areas where the Village may start losing money.

FINANCE COMMITTEE: Galicki reported that the minutes of the February 18, 2022, Finance Committee meeting were distributed. The next meeting is scheduled for March 16, 2022, at 9:00 a.m.

SOLICITOR: The Solicitor reported on the forfeiture process. She sent the information to the Chair of the Building Committee. The reason for deposits is to make sure that any deficiencies, damages, or inspections are completed. Deposits are refunded only after the Building Inspector and Street Commissioner determine that all the damages or inspections have been done, and charges have been deducted from the deposit. If there are deposits remaining for more than 12 months, the current procedure is that the Building Inspector sends a notice to the depositor and the owner identifying the actions required within a designated amount of time, possibly 30 days. If not remedied, another notice is

sent from the Building Inspector stating that the deposit will be forfeited to the Village unless they appeal to Council within 10 days in writing and by certified mail. If there is no appeal, the deposit is forfeited to the Village. If there is an appeal, then Council can determine how it wants to address it. Canton stated that the committee would be discussing this at the next meeting. The Mayor stated that the Building Department Administrative Assistant had been reviewing files and making a list. Berger asked if there were a pertinent statute in the Ohio Revised Code (ORC) concerning the matter that would affect how the Village revises the policy, and the Solicitor explained that when dealing with the forfeiture of cash deposits, there is an applicable ORC section.

ENGINEER: The Engineer had nothing to report. The Mayor stated that the Engineer and Kim Brewster, Chagrin River Watershed Partners (CRWP), would be attending the March 1, 2022, Special Council meeting.

Galicki asked the Engineer whether he had seen the correspondence from the owner of the property adjacent to the Central Retention Basin project. The Engineer replied that he had. Galicki thought there was information contained in it that was contrary to what had been presented at the last Council meeting about the resident being happy with the project changes. The Engineer speculated that it was a matter of the resident asking for everything he could to minimize exposure to the project. Moving the retention pond limit from 13 feet from the property line to 50 feet would provide a healthy buffer between construction activity and the property owner. The Engineer explained that the homeowner wanted to see the pond be more of a crescent shape to pull it farther back away from Chillicothe Rd., but that would result in an enormous amount of additional excavation which would drive the costs higher for the project. Galicki addressed the matter of the homeowner's garden encroaching on Village property, and the Engineer said he had not mentioned this to the resident and deferred this action to Planning and Zoning. Galicki asked about the status of the homeowner's request, and the Engineer said he is not inclined to redesign and reshape the retention basin. He thought the Village had provided a generous buffer and asked for Council's support in having the project stand as is. The Engineer was aware that Council was considering installation of vegetative screening as a follow-up to the project and added that the 50-foot area would be a great place to do it. In his mind, the project was as nailed down as he could get it.

STREET COMMISSIONER: The Street Commissioner stated that the park benches for the butterfly garden were ready to order and he was determining how to put a permeable surface underneath the benches. The Mayor thought it would be nice to have the benches off the ground and spaced far enough apart to plant a tree.

STREET COMMITTEE: Porter stated the Street Committee would be meeting March 11, 2022, at 7:30 a.m. in the Street Commissioner's office. Porter addressed the Central Retention Basin and said that the Village is inclined to go with the Engineer's current drawings rather than sending them back to the drawing board.

BUILDING COMMITTEE: Canton stated the next committee meeting will be on Thursday, March 3, 2022, at 8:00 a.m. in the Building Department office. The Mayor stated that relative to changing the fee process, the committee would only be dealing with one section of the fees.

SAFETY COMMITTEE: Galicki indicated the Chief would be discussing personnel matters. He added that the next meeting would be Thursday, March 2, 2022, at 9:00 a.m. in the Police Station.

HR COMMITTEE: Berger said the HR Committee will meet March 14th, 2022, at 9:00 a.m. Berger explained that there is a full-time Police Officer who is resigning. HR will work with the Police Chief on applications to replace this officer. Berger will be meeting with the resigning officer on Wednesday for an exit interview and to determine if the officer would like to return in a part-time capacity. A recommendation would be made to Council to rehire the officer in this part-time status.

Galicki added that the other matter concerned elevating one of the part-time officers to the vacant full-time position. Berger said there would be a swearing in at the next Council meeting to make this happen.

Berger made a motion to accept the resignation of Officer Allan Frantz as a full-time officer, seconded by Galicki. Voice vote – ayes, all. Motion carried.

The Chief explained that the gameplan is to take a part-time officer and move him into the vacant full-time position. At the next Council meeting, he would anticipate the appointment of part-time Patrolman Michael Harding to full-time effective March 16th.

PROPERTY COMMITTEE: Canton stated that Property and Parks committees met prior to the Council meeting to discuss the Fall Festival. The committee also heard from Kaleigh Kruse, a Chagrin Falls High School senior, who wanted to plant trees in the park as a project. She would provide the committee with a written report by the next Council meeting.

Canton said he would be considering Village Hall use policy. The committee will improve on the current ordinance from 1977.

PUBLIC UTILITIES: Porter said the Public Utilities Committee met February 18th, and the minutes were distributed to Council. The next meeting will be Friday, March 18, 2022, at 8:00 a.m. in Village Hall. Berger indicated he would meet by Zoom. Porter referenced discussions of the Manor Brook/Whitetail 319 grant project and added there was legislation to consider for the Parkland Dam Fund. He reminded Council that the committee had been tasked with stormwater matters.

ORDINANCES/RESOLUTIONS:

Berger provided a third reading of a Resolution of Appreciation for Cindy Nairn. Berger made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **RES 2022-18**

Berger provided a third reading of a Resolution of Appreciation for Michael Carroll. Berger made a motion to adopt, seconded by Porter. Roll all – ayes, all. Motion carried. **RES 2022-19**

Canton provided a second reading of an ordinance amending section 1440.06 of the Codified Ordinances of the Village of South Russell and declaring an emergency.

Canton provided a second reading of an ordinance repealing Section 272.037 of the Codified Ordinances for the Village of South Russell enacting new section 227.03 of the Codified Ordinances of the Village of South Russell and declaring an emergency.

Porter made a motion to untable the ordinance repealing Section 220.01(a) of the Codified Ordinances of the Village of South Russell, enacting new Section 220.01(a) of the Codified Ordinances of the Village of South Russell, seconded by Berger. Voice vote – ayes, all. Berger provided a third reading of an ordinance repealing Section 220.01(a) of the Codified Ordinances of the Village of South Russell, enacting new Section 220.01(a) of the Codified Ordinances of the Village of

South Russell, and declaring an emergency. Berger made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2022-20**

Bell introduced an ordinance approving the Memorandum of Understanding between the Village of South Russell and the Geauga County Engineer and/or Board of Commissioners for the resurfacing of Washington Street and declaring an emergency. Bell made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Bell made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2022-21**

Galicki introduced an ordinance establishing the “Parkland Dam Fund” and declaring an emergency. Galicki made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **ORD 2022-22.**

Galicki introduced an ordinance amending the 2022 Annual Appropriations increasing General Fund expenses \$2,500, Service Fund expenses \$3,250, Lake Louise Project Fund \$40,000, Special Road Fund \$142,000, Parkland Dam Fund \$15,000, and increasing Income Tax Fund transfers \$194,100 and declaring an emergency. Galicki made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **ORD 2022-23**

Galicki introduced an ordinance transferring from the Income Tax Fund \$139,100 to the Special Road Fund, \$15,000 to the Parkland Dam Fund, and \$40,000 to the Lake Louise Bridge Fund and declaring an emergency. Galicki made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **ORD 2022-24**

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

Porter made a motion that the Village through the Mayor, Fiscal Officer, Solicitor, and Engineer enter into a contract with VanCuren in the amount of \$27,200 for the purposes of doing the clear cutting required for implementation of the Manor Brook/Whitetail 319 grant. Porter made a motion to waive readings and declared an emergency, seconded by Bell. The Fiscal Officer clarified that it would be \$27,200 for the Central Retention Basin and \$28,700 for the Manor Brook/Whitetail project. She also clarified that this was being done by motion. Voice vote – ayes, all. Motion carried.

Porter made a motion that the Village through Mayor, Fiscal Officer, Solicitor, and Engineer enter into a contract with VanCuren for the purposes of clear cutting as required by the 319 grant in the amount of \$28,700, seconded by Bell. Roll call – ayes, Cavanagh, Galicki, Porter, and Bell. Canton and Berger abstained.

Porter reported that progress was being made on the Village’s stormwater issues. He thanked the Mayor, Engineer, and Solicitor for their work in making the process move forward.

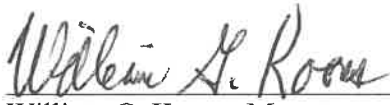
Bell addressed Senate Bill 277 and its impact on the Village. He suggested a written communication be sent to Senator Cirino letting him know how it would affect the Village and the Village’s opposition to it. The Mayor said he would do this.

Berger addressed HB 172 which permits the sale of consumer grade fireworks for use by the public. Chagrin Falls has been discussing the provision that allows a local municipality to say no to fireworks. Berger asked if this would be something Council wished to undertake. Canton asked the Chief's opinion, and the Chief said his department responds to fireworks complaints and said they are sporadic on the big holidays. There is not a big problem with it. The Mayor said he would talk to the Fire Prevention Officer for his thoughts.

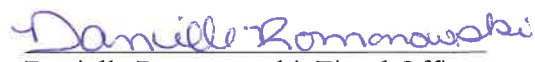
Canton relayed Cavanagh's recommendations for trees in the park, in particular Pitch Pine and Burr Oak.

The Mayor provided details of the March 1, 2022, Special Council meeting and said residents could email him with questions.

ADJOURNMENT: Being that there was no further business before Council, **Galicki made a motion to adjourn at 8:59 p.m., seconded by Berger. Voice vote – ayes, all. Motion carried.**



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki