

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, APRIL 11, 2022 – 7:00 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Bell, Berger, Canton, Cavanagh, Galicki, Porter

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

VISITORS: Richard Haber, Paw Paw Lake Dr.; Patrick Holtz, Garden Park Dr.

The Mayor called the meeting to order and led the Pledge of Allegiance. The Fiscal Officer read the roll. Regarding the March 28, 2022, Council meeting minutes, Cavanagh indicated that “Vedder” was misspelled on page 4. On page 5, there was no second to a motion to waive the fee for the plaque for the Butterfly Garden. **Porter made a motion to approve the March 28, 2022, Regular Council meeting minutes as amended, seconded by Berger. Voice vote – ayes, all. Motion carried.** (After review of the minutes, it was found there was no error on page 5; Cavanagh was contacted and agreed).

VISITORS: Rich Haber advised that he is the new president of the Paw Paw Lake Homeowners’ Association (HOA). As background, he explained that the HOA had come before Council on a number of occasions looking for assistance in redoing their roads with no success. Likewise, the HOA had sought assistance from the Village with dredging their silt pond due to the accumulation of silt after the Dominion East Ohio project along Bell Rd. Haber said there had been no response from the Village other than an unwillingness to help. The HOA believes that Dominion and the Village have a responsibility. He explained that the silt pond was dredged in 2016 and filled up within two years after the Dominion project and silt deposits have accelerated since. Prior to 2016, the pond had not been dredged since 2000. Now five years later, it needs dredging again and will cost the community \$50,000. Other than Police service, Paw Paw receives virtually no services for their tax dollars. They need help in dealing with the lake. Haber stated that although it is called a private lake, silt and water flow through it from everywhere in South Russell and beyond. It is now necessary to dredge the lake as well which will cost an additional \$300,000. The HOA does not have the ability to fund the projects. Haber stated that the former HOA President, Kent Kristensen, had patience with the process and prepared an Environmental Protection Agency (EPA) complaint. He was prepared to file it with respect to the silt pond but waited for an answer from Village Council. Haber said he has less patience for the process because he has a busy legal practice. One of the things on his list for Paw Paw Lake is to get a response from Council. If there will be no assistance with the dredging, then they will file the EPA complaint and evaluate their legal options. He was not willing to kick the can down the road. He had reached out to the Mayor in January after seeing minutes that showed the Village was willing to help with dams for other communities and dredging of other lakes, yet Paw Paw Lake had received no response. If no response is received, then Haber will move forward. If the EPA tells the HOA they are full of it and says they are on their own, so be it, but they will no longer wait. They want to work collaboratively with Council but if they cannot, they will have to go forward with dredging.

Bell asked what the EPA complaint would be, and Haber explained that when the silt pond fills in, the quality of their lake degrades. According to the information Kristensen obtained, the EPA would be interested in evaluating the health of the lake. The silt does not come from Paw Paw Lake but from everywhere else, to include the Dominion project, projects downstream, and fertilizer from a watershed

issue. He reiterated that he was not willing to delay the matter. The Mayor said he would get back to Haber the following day.

MAYOR'S REPORT: Communication was received from Chagrin Soccer pertaining to athletic fields on the East Washington side of the park. He scheduled a Properties Committee meeting with the group in April. He thought it would be a \$1 million project. He would gladly hear what they had to say, but had never seen an athletic practice on this side of the park and was unsure of the demand. However, he discussed it with individuals at the Country Estates HOA meeting, and they expressed interest.

The Mayor distributed a Village of South Russell map that had 11 items listed on the reverse. This was used to explain to the Country Estates HOA where their tax money was going. The numbers did not include grant monies received.

The Mayor advised that the report he distributed had additions relating to upcoming committee meetings and asked that Council review it and contact him with questions. He included his opinion about how to use Village Hall, the park, the pavilion, and property, which will be discussed by Properties Committee. Galicki referred to the list the Mayor provided which stated that it would cost \$2,000 for 20 years for the Parkland Dam residents and asked if this was bond counsel's negotiated cost or speculation. The Mayor said it was speculation based on dividing \$400,000 among the residents, which would be \$2,000 a year per residence for 20 years. Galicki suggested refraining from using these figures if the actual figures had not been provided by bond counsel. He was concerned that this was misleading to the residents and that potentially the residents could feel deceived if the actual amount were different.

FISCAL OFFICER: The Fiscal Officer distributed her report. Canton clarified the current process for bench donations. The Fiscal Officer explained that currently, the Mayor has been handling all of the bench purchases, and she takes the money and deposits it. She was asking for a written policy relative to future requests. Will the Village still be selling benches? Will they be sold for the same amount? Is there a plan for where they will go? Who will make the arrangements for the purchase and installation of the benches? Canton asked if this should be developed through CT Consultants, and the Fiscal Officer did not think so. She offered to meet with the Properties Committee to help with ideas for the policy. Canton agreed.

The Fiscal Officer again offered kudos for the Solicitor for reviewing legislation that was received late that afternoon for the 2022 Road Program and the Parkland Dam petition. Both were distributed to Council.

She reported that the HR Committee discussed parting gifts for Village Board members. The committee suggested giving a gift card to a restaurant in the Village. The Fiscal was unsure if this was a permitted use of funds, so she consulted the Solicitor for her to weigh in. The Solicitor explained that through the Auditor of State and Attorney General she found that giving gift cards as tokens of appreciation for Board members would probably be okay as long as Council determined it was for a public purpose and it could not be arbitrary or incorrect. She interpreted this to mean that it must be consistent. She considered that the term board member included members of the Board of Zoning Appeals (BZA), Planning Commission (PC), and the Architectural Review Board (ARB), although those individuals receive a stipend. An ordinance or resolution was required. Cavanagh asked if this meant passing a resolution for each recipient, and the Solicitor said this could be done, but it might be more efficient to have a general ordinance that specifically identified what boards would be included. She emphasized that consistency was very important. The opinion she reviewed for the information was the same one that applied to a matter previously addressed about having a meal provided at a Special Council

meeting. It is necessary to have an ordinance that specifies that it is for a public purpose. The Fiscal Officer explained Council does have an ordinance that lists the special meetings for which food may be purchased.

Berger suggested the matter be referred to the HR Committee to develop a draft ordinance for Council's consideration. The Mayor suggested adding it to the agenda of the HR committee meeting to be held on Thursday, April 14, 2022, at 8:00 a.m. Neither the Fiscal Officer nor the Committee were aware of this meeting.

The Mayor clarified that this policy could be for anyone the Village wished to recognize as long as they could come up with the specifics, in particular the members of the Park Committee. The Solicitor stressed the importance of avoiding arbitrariness or inconsistency because the Auditor of State would be monitoring these purchases. The Mayor suggested he and Berger would draft legislation to present at the April 14th meeting.

Galicki asked if members of former committees would be included like the disbanded Cemetery Committee, Emergency Response Committee, and other ad hoc committees. The Solicitor advised that the law states it must be prospective only and not retroactive. The Mayor suggested putting David Maistros back on the BZA for one meeting. The Solicitor thought Maistros had received a gift and the Mayor said it was a \$10 jug of Maple Syrup.

FISCAL AUDITOR: The Fiscal Auditor distributed his report for the month ending March 31, 2022. A new fund was reflected on his report for the Parkland Dam. The total of all funds was just under \$3.9 million. The interest rate had increased to 36 basis points. For the month of March, the fund balances decreased by \$178,000 and the Village was still up \$293,000 for the year. The Village received quite a bit of Real Estate Taxes, which only occurs two times a year. It was at 42% of the budget. The Village received grants from Geauga County Gotta Go Green for picnic tables and through the American Rescue Plan Act (ARPA). He added that the Cemetery had been active, and the Village was already over budget in what was expected for Cemetery fees.

Bell asked if there were a specific time of year when Liquor Permits were received, and the Fiscal Auditor said it was later in the year.

Cavanagh asked about the picnic table grant and the Fiscal Officer explained the Mayor applied for a \$2,500 grant for two picnic tables for the playground and park. The Mayor added that the Village had \$3,500 this year to buy dumpsters for Trash Day.

The Fiscal Auditor stated that the fund balances reflected on his report were arrived at independently and matched the fund balances determined by the Fiscal Officer.

FINANCE COMMITTEE: Galicki referred to dates suggested by Porter for a Strategic Planning session, September 12th and September 21st. Porter recommended meeting at 5:30 p.m. in Village Hall on September 12th. Bell asked if this would be to develop a one-year plan or a five-year plan. Galicki explained that it would not be possible to develop a five-year plan in a couple of hours, so the plan would be to develop a one-year plan in preparation for the Budget Work Session. He suggested Council utilize the strategic plan with a view to the five-year plan. Perhaps it would be a one, three, and five-year snapshot. The Fiscal Officer was in the process of obtaining names of professionals to help with this through Cleveland State.

Regarding the Budget Work Session, Council discussed meeting Monday, October 3rd at 5:00 p.m.

Galicki stated the next Finance Committee meeting will be Friday, April 15th at 9:00 a.m. in Village Hall.

Berger reported that he spoke to the Geauga County Auditor regarding reserve funds. Berger explained that there is a difference between a restrictive fund and a reserve fund. The restrictive fund is very restrictive and would require a court hearing to release the funds from it. A reserve fund is not restrictive. The only requirement is that if the Village were to change its mind, the funds from the reserve fund must go back to the fund from which they originally came. The reserve funds allow the Village to target projects and assign funding to them, and they can be partially funded. Berger used Bell Rd. East as a project example where funds could be deposited over time into a reserve fund. He concluded that reserve funds do not restrict the Village and are a good fiscal planning tool to marry funds to projects and dedicate the Village to accomplishing the projects. Berger further explained that a portion of the fund cannot be removed from the reserve fund to use elsewhere. The entire fund must be closed, the funds returned to their source, and potentially a new reserve fund created. The reserve funds help to indicate to the public that monies are earmarked for projects and the Village does not end up with a General Fund of several million dollars and nebulous plans. It shows commitment and was what the Budget Commission wanted to see from the Village. He hoped Council would adopt ordinances establishing reserve funds for the specific projects.

In response to a question asked by Cavanagh about restrictive funds, the Fiscal Officer explained that most funds are restrictive. The Safety Fund is a restricted fund because it is levy money that funds it, for example. Other examples are the Road and Bridge Fund, which receives levy funds, and the Street Maintenance Fund which is funded by the General Fund. In setting up the funds, it is established how the monies may be spent. The only funds that are not restricted are the General and Income Tax funds.

Galicki made a motion to approve the fund balances, seconded by Berger. Voice vote – ayes, all. Motion carried.

The Mayor questioned why the Budget Commission did not just tell the Village this instead of having them sit through 40 minutes of second-class citizenship. The Village had never been told about them. Instead, the Budget Commission said the Village had all this money and was hoarding money.

The Mayor asked about the implication of receiving grants after putting funds for a project in a reserve fund. Berger explained that the fund would have to be undone and a new reserve fund created.

SOLICITOR: She had nothing to report other than legal research relative to the proposed Chagrin Valley Fire Department donation.

ENGINEER: The Engineer met with the Police Chief on April 11th to review the traffic signal design. The preliminary Ohio Public Works Commission (OPWC) estimate last year was \$292,000. Since that time, the Engineer discovered new technologies that could be incorporated into the project. These improvements would be about \$25,000, which would make the project estimate cost \$317,000. He thought including the camera monitoring system would be useful. The Chief agreed and described the technology which would provide information to the Chagrin Valley Dispatch and to the South Russell Village Police Department.

The Chief asked if there would be a reduction with the issue of the crosswalks, and the Engineer said no because they were not specifically delineated in the initial OPWC ask. It was kept generic so that the

Village would not be locked into the specifics. The Engineer obtained a \$140,000 grant for the project. The added technology would come from the Village. The Engineer thought the project would be going out to bid in another month.

Bell asked what the storage time was for the video, and the Chief explained that the camera system would feed into CVD, which would store the data. To get the data to CVD, there would likely be a monthly internet charge, but not for storage.

Regarding the 2022 Road Program, the Engineer spoke to the winning bidder, Specialized Construction, and let them know Council would likely authorize the base bid and both alternates. Specialized hoped to start in early May.

The Geauga County Engineer's office released OPWC preapplication requests for projects the municipalities would want to nominate for funding. The Engineer proposed the culvert replacement at 1560 Bell Rd. He explained that both the upstream and downstream ends of the culvert needed to be reworked. He did not have a preliminary estimate but thought it would be around \$200,000 and wanted to request OPWC funding to help with the project. The Engineer said he would ask for half of the cost.

Porter made a motion that the Engineer, Mayor, and Fiscal Officer be authorized to submit a preapplication to OPWC for the purposes of obtaining funding to address the stormwater issue on the eastern side of the Village, seconded by Bell. The Mayor verified the Village would have three years to spend the money, and the Village did not have to take it. The Engineer concurred. **Voice vote – ayes, all. Motion carried.**

Regarding the traffic signal, the Chief asked if two separate proposals should be generated; one with the camera system and one without since the cameras were not budgeted. The Engineer said it would not hurt to have a base bid and alternate, and Bell thought it was a good plan. The Fiscal Officer advised that when it was time to go out to bid, then Council would make a motion to do the bid and there would be more details. The Engineer concurred.

STREET COMMISSIONER: The Street Commissioner distributed his monthly report. Porter offered kudos to staff for the funeral that was held on Sunday and added he understood it was done well.

The Street Commissioner explained that the Service Department completely repaired the 1996 roadside mower with the plan to keep it longer. Instead, they would look to replace the backhoe, which is used more frequently, next year.

The Street Commissioner said that Earth Day is April 22, 2022. He contacted a local volunteer who wanted to do a clean-up of Bell Rd., Chillicothe Rd., Washington St., and Snyder Rd. It would be done in conjunction with the County's Gotta Go Green program as well as with the Service Department. A date had not been identified, but it would possibly be on Sunday, April 24th. If he had the latitude, he would adjust the schedule of the Service Department staff to avoid generating overtime. Safety of the volunteers was discussed, and the Solicitor suggested having a release or waiver for the volunteers.

Porter made a motion that the Street Commissioner, Mayor, Fiscal Officer, and the Solicitor be authorized to assist with the project known as Earth Day, the day after Earth Day, for cleaning out ditches and whatnot along Chillicothe Rd., East Washington St., and Bell Rd. so long as there is a waiver of liability executed by the volunteers and that the volunteers wear appropriate safety gear in doing the job and that the Street Commissioner be allowed to amend his work schedule to ensure that the people from the Street Department who are doing this are properly compensated

on an hourly basis rather than an overtime basis, seconded by Bell. Voice vote – ayes, all. Motion carried.

The Street Commissioner discussed the proposed Geauga County site for the Geauga Trumbull Solid Waste Management District.

Cavanagh asked about the 68 Waterford Dr. separated 6” sanitary line, and whether it was a building accident or just happened. The Street Commissioner explained it just failed and speculated that it was the result of settling of the earth around the sanitary and storm sewer lines. The Engineer explained that it took 40 years for it to happen.

The Mayor stated that during the week of May 16th a request will be made of every residence around Kensington Circle to camera the storm sewers.

STREET COMMITTEE: The Street Committee met April 5th to consider the bid the Village received for the 2022 Road Program. The committee recommended that the base bid and both alternates be part of the Road Program. The cost would be approximately \$675,000.

At the April 1st Street Committee meeting, the 319 grant and Central Retention Basin area were discussed. The Engineer described the clearing of the two sites. The contractors accomplished the clearing before the bat habitat deadline of March 31st and still need to install two construction entrances and erosion control around the streams and drainage channels. He had not received scheduling information from Vancuren on the pending work. The Village had not been invoiced yet either.

Porter addressed the Federated Family Life Center (FLC) detention pond. The committee discussed the possibility of the Village splitting the cost with FLC, which was estimated to be \$7,400. Porter asked the Mayor if there was follow-up from the Family Life Center, and the Mayor stated they would be meeting April 20th at 9:00 a.m. There had been conversation, but nothing done face to face. Galicki asked if it had been determined whether Bainbridge had an easement for maintenance of the property, given that it is private property in Bainbridge Township and not in South Russell. The Solicitor stated she had not been asked to look into this. The Engineer said he did a comprehensive look and was unable to find a dedicated drainage easement that was granted to Bainbridge to enter onto that property for maintenance. He clarified that he was not saying there was not one, but that he could not find one. Galicki asked whether it would be necessary to ask for an easement if there were a 50-50 split of the cost, and the Engineer suggested obtaining a work agreement instead. Galicki asked the Solicitor about the legality of a work agreement to conduct work using public funds on private property, and she did not know. She was asked to start drafting an agreement and then asked about the litigation cost if the Village pursued a public nuisance. She would have to explore the question. Porter wanted to know the answer before going into anything official. The Mayor would let Council know what the Family Life Center had to say.

The next Street Committee meeting is May 6, 2022, at 7:30 a.m. in the Street Commissioner’s office.

Cavanagh asked for clarification of the tree and brush clearing relative to the bat habitat regulations, and the Engineer explained the various methods used to determine bat habitat in accordance with EPA regulations.

Porter asked if the Engineer was on track for the bidding process for the Central Retention Basin. The Engineer said yes, and explained he wanted to tie the timing of the project to the 319 grant project to increase the possibility of attracting the same contractor and obtaining better pricing. Porter asked when

the project would be going out to bid, and the Engineer said it should have been weeks ago but was delayed by a question of turtle and snake habitat by the Army Corps of Engineers. It was determined the habitat did not exist, so the Village was clear to go out to bid. He thought this would occur within two weeks. The Solicitor asked if there were any restrictions with using ARPA funds, and the Engineer explained that he is treating the project as if there were.

The Solicitor asked if there were a revised scope for the Manor Brook project, and the Engineer said he had it. Porter asked if the Central Retention Basin project would be complete by late July or early August, and the Engineer concurred.

Porter made a motion acknowledging the Russell Township help for Trash Day on April 30th, seconded by Berger. Voice vote – ayes, all. Motion carried.

BUILDING COMMITTEE: Canton reported that the committee met April 7th and the minutes were distributed to Council. Canton explained that interviews for Building/Zoning Inspector which were scheduled for April 11, 2022, were cancelled, and rescheduled for Wednesday, April 13th at 4:00 p.m. in Village Hall.

Canton asked the Solicitor to explain the forfeiture process and tracking of deposits. The Solicitor reiterated that the forfeiture process used by the Village was fine by Ohio Revised Code (ORC) and Ohio law. The goal is to identify how long the deposits have been sitting and whether they meet the forfeiture criteria to start the process. The Solicitor said this is a Herculean task for the Building Department Administrative Assistant, who is currently working on the matter.

Canton referred to a Building Committee recommendation document distributed to Council pertaining to refundable deposits. **Canton made a motion to initiate the elimination of the refundable portion of any fee for review by the BZA or PC, i.e., Roman numeral I through VI, seconded by Bell.** The Mayor explained that this would be a lengthy process, and the Solicitor added that this would be assuming that PC would recommend Council move forward. **Voice vote – ayes, all. Motion carried.**

Bell reported that there were a lot of open cases, and a lot of work would be involved. In time, it would result in a clean slate for the Building Department.

POLICE CHIEF: The Chief submitted his month end report, which reflected a record-breaking number in the activity column. Additionally, 86 homes were on house watch with 1581 checks last month. He explained that one reason for the increase was the improvement in weather which led to an increase in traffic enforcement. There was a 536% increase from last year in traffic warnings alone.

SAFETY COMMITTEE: Galicki reported that the Safety Committee met on April 7th and the minutes were distributed. The Mayor asked that the Safety Committee open discussion about the donation of approximately \$70,000 to the Chagrin Valley Fire Department (CVFD)/building expansion project. He added that the CVFD is a private nonprofit fire company. Canton asked the Solicitor if this endeavor was legal. The Solicitor explained that the question was whether or not the Village could donate money to a private 501c nonprofit organization. She found a statute that provides for this in Title 3 of the ORC, which usually only applies to counties. The Solicitor read, “The legislative authority of a municipal corporation may give financial assistance to any nonprofit corporation engaged in promoting safety in the state.” The nonprofit would be required to provide an audit each year of the funds and how they are disbursed and for what they are used. The agreement provided for approval to the Village did not contain this. Additionally, Galicki reported that there appears to be no oversight of funds by any

municipality dealing with the fire company. Furthermore, the only municipality that votes on raises for the members of the fire company is Chagrin Falls Village. The Village of South Russell then supports those raises through the contractual services but has no say on voting on any of the raises. Being a private fire company, they do not have to deal with fiscal oversight by any municipality. The Solicitor explained, however, that being a nonprofit corporation, the members have fiduciary duties. She reiterated that the audit described in the statute should be part of the agreement.

Cavanagh referred to the document titled Community Funding, which states that funds remaining in the account after final completion of the improvements would be remitted to the Village of Chagrin Falls for the maintenance and operating costs of the Fire Station. The Solicitor said it was an interesting term and she would like to find out more. Cavanagh said it seemed like the Village was paying rent with the monthly \$35,000 fee, and then kicking in some other money. She asked for a better explanation. Porter said it would be like the rental situation where a security deposit is made, and rent is paid and at the end they keep the security deposit.

Berger asked for clarification about an oversight board for the fire department. The Mayor said there is on paper. Berger verified that there should be one person from each municipality serving on a board overseeing the activities of the fire company. However, it appears that board has never met. The Mayor said they met two years ago and maybe four years ago. Berger concluded that the oversight was nominal. The process did not meet all of the Village's requirements for its contribution. In agreeing to a non-binding resolution, additional safeguards would have been added to come into compliance with their charter, specifically to have an effective oversight board.

Porter suggested notifying the fire company that there must be an audit. Berger added that there must be an effective board managing how they operate. Galicki added that in the current documentation, there is no verbiage about it being non-binding. Berger advised that this is the point where they are asking for the money. The Village agreed to the non-binding resolution but communicated that the Village wanted to see specific issues addressed, which has not been done. The Mayor suggested a Special Finance Committee meeting on April 27th at 9:00 a.m. with representatives from CVFD to discuss the issues.

Canton stated that the building to be improved is owned by Chagrin Falls. Galicki agreed and added that it was rented for a nominal amount monthly. Canton asked if the Village of Chagrin Falls considered a bond for the improvements. He understood the desire for the participating municipalities to have some skin in the game, but once all the modifications were completed, Chagrin Falls would still own the building. He questioned why they would not consider a bond for the project. The Mayor explained that the reason South Russell Village is with Chagrin Valley Dispatch is because the Village of Chagrin Falls could never pass a bond issue for a new Police Station. Galicki explained that despite the failure of the bond issue, there were still police services. If the fire department did not get the improvements funded, the Village of South Russell would still have fire services. Berger added that the Village contracts with this organization and there are alternatives. He asked what the options were if the Village elected not to participate with CVFD going forward. Galicki noted that this question was raised previously. The Mayor asked the Safety Committee to investigate a comparison. There were a lot of variables involved with such a comparison in terms of trying to find equality between municipalities, to include calls for service, staffing, equipment, training, cost increases, whether they are private or public, who funds the equipment, etc. It would take a considerable study to look at some of the metrics. Berger said it was not knowing what the future holds in terms of turning \$70,000 over to this organization and then potentially not utilize their services going forward. Galicki added that the Village would not get its

money back, and the funds provided by the municipalities would be used first for the building improvements.

The Mayor suggested hiring someone to survey Chagrin, Russell, Newbury, and Bainbridge and do a request for proposals. Additionally, the Finance Committee should meet with CVFD with the questions of audits, oversight board, etc.

Galicki relayed that formation was circulating that Chagrin Falls may be about to receive \$400,000 from Cuyahoga County from casino proceeds. It would be interesting to know how they intended to use those assets.

The Mayor had heard that the six communities which were asked for donations have all supported the CVFD. The Solicitor said this was contingent on whether the county would give the funds.

The Mayor reiterated his proposal to explore other fire services and also meet with CVFD on April 27th with the specific questions. Berger indicated that Galicki had spoken to CVFD about the availability of the next contract and suggested that first the Village should see the new contract. He said he was not opposed to giving them the \$70,000, but it should be done on a contractual basis. The Mayor again reiterated the items to be addressed in the Special Finance Committee meeting, adding discussion of the contract and consideration of a bond. Galicki thought instead of providing topics, the Mayor should only relay that the committee wished to discuss the contract for the donation. There were more questions about the contract.

The Mayor reiterated that there were six communities going into this contract and two of them have already sent their money. The other three have no issue. Galicki verified that one of the two municipalities that provided funds was Chagrin Falls, the Mayor said that it was Moreland Hills and Chagrin Falls Township.

The next meeting of the Safety Committee will be May 5th.

HR COMMITTEE: Berger reported that the HR Committee met on April 6th and the minutes were distributed. Berger provided an example of minutes with an action list as well as a guide to writing meeting minutes.

The committee also discussed an error that occurred with Patrolman Kevin Spackman. Not realizing the length of his experience, Spackman was brought on as a Class C patrolman when a Class B would have been more appropriate. **Berger made a motion to remedy this error effective April 16, 2022, seconded by Galicki.** Council discussed whether the pay should be made retroactive to January because prior to that he would have been earning what he earned in a probationary period. **Berger amended his motion to have the correction be effective January 1, 2022, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**

Berger stated that the Appreciation Luncheon would take place on May 20, 2022, from noon until 2:00 p.m. at the South Russell Village Park pavilion.

Berger also advised that there was legislation pertaining to a salary tier schedule that would have its first reading.

PROPERTY COMMITTEE: Canton reported that the committee met on April 4, 2022, and the minutes were distributed. Regarding landscaping of the north side of Village Hall, the Fiscal Officer and Administrative Assistant offered their opinions. The Fiscal Officer explained that professional input

was also obtained. A variety of hydrangeas were suggested and six to eight would be required at approximately \$50 each. Canton recommended going forward with this.

The committee reviewed the current Village Hall use policy and thought it looked fine. He asked for Council's input. Bell verified that the current policy required Council approval and the Fiscal Officer advised that any changes must be done by ordinance. The Solicitor explained that an ordinance amending the current Village use policy was required and asked Canton for the proposed changes. Porter suggested introducing the ordinance and having three readings. The Solicitor raised the issue of use of the electronic equipment, and verified the document provided by Canton contained all changes. Porter asked if the proposed prohibition of use of the electronic equipment meant that an individual with a flat tire in the parking lot would not be permitted to use the phone. The Solicitor thought the equipment referenced in the changes would be the computer equipment. Galicki suggested drafting an ordinance that Council could then discuss. The Police Chief recommended using the verbiage "AV equipment" instead of electronic equipment. Porter suggested including a provision to allow use of the AV equipment for HOA meetings with members participating virtually. This would require someone to be present to run the equipment. Berger added that there should be a cost for this.

Regarding the Chamber of Commerce Summer Concerts in the park, the committee recommended going forward with this. Cavanagh asked who would be providing the wine. The Mayor said they would not be doing this. The Chamber of Commerce will go through the pavilion rental process for the two concerts, which will be a Billy Joel/Elton John cover band on Tuesday, July 12th, 6:30 p.m. and two orchestras on Tuesday, August 9 at 6:30 p.m. This will come to Council for approval once the pavilion paperwork is submitted.

Canton stated that the Northeast Ohio Area Coordinating Agency (NOACA) Climate Action Pledge will be something the committee discusses the next time they meet.

Regarding the Streets Department door, Canton asked the Street Commission if he had obtained another bid, and the Street Commissioner explained he spoke to the contractor who let it slip who the vendor was, so the Street Commissioner went directly to the vendor who cut the price. The Village will pay the contractor to install the door. Galicki asked if the Street Commissioner obtained three competitive bids, and the Street Commissioner said no one else replied. Canton asked for the cost of the door and installation, and the Street Commissioner said \$1,444.75 for the door from Carter Lumber in Middlefield and \$625 for the installation. Canton noted this was about half of the previous quote. Galicki asked why the door needed to be replaced and the Street Commissioner said it was in horrible shape. Canton verified with the Fiscal Officer there were funds to proceed for this and for insulating the Police Department attic, and she advised there was money in the Special Land and Building Fund which could be used for this purpose.

The Mayor asked procedurally if it was necessary to bring this matter to Council, or could the Property Committee have addressed it because it seemed petty. The Fiscal Officer explained that in the past, such things would have been discussed in the Budget Work Session in the fall which would have made it unnecessary to bring it back to Council. Cavanagh stated the door was discussed in November. Galicki said this was a great illustration of the importance of committees and departments identifying wish list items when it comes to strategic and fiscal planning going forward. Then there would not be so many 'oh by the ways' throughout the year.

Canton made a motion to untable the Kruse tree project, seconded by Cavanagh. He contacted Pete McDonald with the Western Reserve Land Conservancy (WRLC) who offered three areas that would be appropriate for the trees. Canton spoke to the Kruse family who agreed to add trees to the three areas. **Voice vote – ayes, all. Canton made a motion that based on the map provided by the WRLC with three possible locations for the trees that Council approves the Kruse Senior Project, seconded by Cavanagh.** Porter asked if the trees would be planted in one area or all three, and Canton said she would be planting between 12 and 16 trees with the option to plant them in one area or divide them into the three. Cavanagh added that there is a Kruse family member who would help with the maintenance of the trees. **Voice vote – ayes, all. Motion carried.**

The Police Chief obtained quotes for insulation for the Police Department attic and recommended going with the quote from Installed Insulation Services in the amount of \$4,885. **Canton made a motion to go with the \$4,885 contract, seconded by Cavanagh.** Porter asked if this project would fall under the Northeast Ohio Public Energy Council (NOPEC) Energy Efficiency grant. The Fiscal Officer concurred and said she would apply for it now that there is a project identified. She thought the grant amount available was approximately \$10,000. Cavanagh asked if the door would also qualify, and the Fiscal Officer thought it may. Porter verified it was a reimbursement grant and the Fiscal Officer concurred. **Voice vote – ayes, all. Motion carried.**

The Mayor referred to the park map provided by WRLC and discussed areas where trees had been planted and areas suitable for planting.

PUBLIC UTILITIES: Porter stated that the amended Parkland Dam petition was distributed to Council. It specifies that the money paid for the Engineering study would be nonrefundable and the balance of any remaining funds would be applied to the project. He verified that the revision was provided by bond counsel and that the Solicitor concurred with it. Porter thought the next step would be to return the petition updated with parcel numbers to bond counsel. The Solicitor advised that bond counsel determine the next step.

When the County Auditor conducted Energy Stormwater Improvement District (ESID) training, the Mayor intended to ask him whether the Village could include the private engineering costs of Chris Courtney as well as other associated expenses the Village had paid in the two-year process with the Parkland Dam residents. The Village had already committed \$10,000 to the project. The Fiscal Officer explained that the Parkland Dam was not an ESID, and his question should be directed to bond counsel. The Mayor clarified that one of the bond counsel lawyers would be at the ESID training and he planned to ask them there so he could get free advice. Porter did not think it was fair to apply all previous costs to the Parkland Dam residents. Galicki indicated that if they hired their own engineer, that would be their costs incidental to anything involved with the project. Porter added that what this engineer did was a rough estimate of what needed to be done. The Engineer concurred and said there was no geotechnical investigation on which to base his estimates. The Mayor anticipated that the residents would ask if the Village would be covering this cost. Galicki clarified that the Village is not covering the cost of anything and added that he did not think this cost could be rolled into the project. The Engineer added that it should not be included. Berger agreed. The Mayor asked about the legal and engineering fees already incurred and the Solicitor advised that the questions should be directed to bond counsel. Porter said he was fine with the inclusion of engineering and legal costs from project inception.

Berger discussed ESIDs with the County Auditor. Specifically, Berger tried to ascertain whether the Village would be responsible for fees associated with a portion of ESID projects not involving the

Village itself. The Auditor responded that the Village would only be charged if the Village participates in one particular ESID project. If there are a number of projects put together, and the Village has one of them in South Russell, then the Village would share in the costs. If the Village was not involved, the Village would not be charged fees. Berger thought this was helpful information relative to the Village's decision to participate in an ESID program. Porter asked if there was an ESID project yet, and Berger explained that Bainbridge expressed an interest in starting one to relocate a stream across private property and was causing a flooding issue. The Fiscal Officer advised that there was an applicable meeting on April 20th with the County Auditor. Berger clarified that for this particular SID, it must deal with water and erosion control. Porter suggested addressing the Family Life Center issue this way. The Mayor would be attending this meeting.

Regarding the Manor Brook 319 project, the Solicitor recommended a motion to go out to bid. The Fiscal Officer clarified this was done for the Central Retention Basin on January 24th, but not for the Manor Brook 319 grant. **Porter made a motion that the Engineer, Mayor, Fiscal Officer, and Solicitor take all steps necessary to bid out the work for the 319 Whitetail Manor Brook project, seconded by Galicki. Roll call – ayes, Bell, Cavanagh, Galicki, and Porter. Berger and Canton abstained. Motion carried.**

The Mayor stated that the Manor Brook HOA and the Whitetail HOA will be meeting with Aqua Doc to discuss their pond. They want free engineering and the Mayor told them that the Engineer would not be there. He is simply getting them together to talk about their private issue. He is working to get to Phase II and keep them happy. The Mayor emphasized that they want the Engineer there, but he told them it is their private pond that needs work, and he would provide the room and would get someone from Aqua Doc there. Galicki asked if the Mayor was facilitating this and was providing Aqua Doc. The Mayor concurred. Galicki suggested the Mayor allow the two HOAs to work it out. The Mayor did not think he could get them together without facilitating. Galicki thought it was standing into danger by the Mayor's brokering Aqua Doc services with two HOAs. The Mayor said he would not be brokering. He would be pointing out their problem and a possible solution. Galicki questioned why they could not independently collaborate, and the Mayor said there were issues. Porter thought it could be beneficial in getting Manor Brook interested in Phase II of the 319 grant, which would benefit the whole community with stormwater issues. The Engineer added that it was important for the retention pond on the Manor Brook property to function properly. Cavanagh proposed that the Mayor ask the two HOAs if there was another contractor besides Aqua Doc they would like to attend. Bell suggested giving the HOAs an opportunity to meet and staying out of the commercial side with the companies and let them figure that out on their own to get the Mayor out of it. The Solicitor asked if Aqua Doc was invited because the Mayor did not want to provide the Engineer. The Mayor said they have been playing amateur engineer too much on the project and he wanted to push them by showing them a possible solution. Berger added that Aqua Doc had done work on the pond in the past. The Engineer thought it would be beneficial to notify the two HOAs that it will be issuing a citation for having a retention pond that drains onto the public waterway and it would behoove them to do it preemptively before the Village becomes involved. Porter stated that it is one of three retention ponds in the Village.

ORDINANCES/RESOLUTIONS:

Porter introduced a resolution authorizing participation in the ODOT winter contract (018-23) for road salt and declaring an emergency. Porter made a motion to waive readings, seconded by Bell. Roll call –

ayes, all. Motion carried. Porter made a motion to adopt, seconded by Bell. Roll call – ayes, all. Motion carried. **RES 2022-31**

Berger introduced an ordinance repealing ordinance 2022-17 and adopting pay schedules in a tiered system for South Russell Village employees and declaring an emergency.

Galicki introduced an ordinance Amending the Annual Appropriations increasing Street Maintenance Fund expenses \$94,835; Permissive Fund expenses \$138,000; ARPA Fund Expenses \$128,000; and Income Tax Transfers \$240,835 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 2022-32**

Galicki introduced an ordinance authorizing the sale of Village personal property not needed by the Village and declaring an emergency. Galicki made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2022-33**

Galicki introduced an ordinance transferring from the Income Tax Fund to the Permissive Tax Fund \$18,000, Street Maintenance Fund \$94,835, ARPA Fund \$128,000 and declaring an emergency. Galicki made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Berger made a motion to adopt, seconded by Galicki. Roll call ayes, all. Motion carried. **ORD 2022-34**

Berger introduced a resolution of appreciation for David Maistros.

Berger introduced a resolution of appreciation for Laura LaChapelle.

Porter introduced an ordinance authorizing the Mayor, Fiscal Officer, and Engineer to enter into an agreement with Specialized Construction, inc. to perform the 2022 Village Road Program in the amount of \$675,551.30 and declaring an emergency. Porter made a motion to waive readings, seconded by Bell. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Bell. Roll call – ayes, all. Motion carried. **ORD 2022 - 35**

BILLS LIST

Galicki made a motion to ratify the bills list of March 30, 2022, in the amount of \$55,719.67, seconded by Porter. Roll call – ayes, Porter, Bell, Cavanagh, and Galicki. Berger and Canton abstained. Motion carried. Galicki made a motion to ratify the bills list of April 13, 2022, in the amount of \$64,247.37, seconded by Cavanagh. Roll call – ayes, Bell, Cavanagh, Galicki, and Porter. Canton and Berger abstained. Motion carried.

NEW/OTHER: Bell and Galicki had not new business.

Berger informed Council that he would not be present at the May 23rd Council meeting, but will join virtually if able.

To provide a response to Rich Haber's request regarding Paw Paw Lake, Porter stated that the Engineer has said multiple times that the silting of Paw Paw's silt pond was not the result of the Dominion project or anything the Village did. This has been the consistent answer each time the question has been asked for the last five years.

Cavanagh addressed the correspondence distributed to Council regarding One Ohio and the request to join a regional committee regarding the drug problem. She said she would look at it and decide.

Cavanagh spoke to Linda Mattern who was helpful. She reported that she now has direction with her report of the Village's 100-year anniversary.

Cavanagh said she found the 1953 aerial photograph of Paw Paw Lake and gave it to the Fiscal Officer for reprinting. Council discussed putting historic photos on the website.

Canton made a motion for Council to go into Executive Session pursuant to section 121.22(g)(2) of the ORC for the purpose of considering purchasing property for public purpose and that the following individuals be invited into Executive Session: Mayor Koons, Solicitor, and Fiscal Officer, seconded by Berger. Roll call – ayes, all. Motion carried. Council went into Executive Session at 9:35 p.m.

Council left Executive Session at 9:55 p.m.

ADJOURNMENT: Being that there was no further business before Council, **Porter made a motion to adjourn at 9:55 p.m., seconded by Galicki. Voice vote – ayes, all. Motion carried.**



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki