

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, MAY 23, 2022 – 7:00 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

MEMBERS ABSENT: Berger

OFFICIALS PRESENT: Fiscal Officer Romanowski, Police Chief Rizzo, Solicitor Matheney

VISITORS: Mark Vedder, CVFD; Don Rice, GCBDD

The Mayor called the meeting to order and led the Pledge of Allegiance. The Fiscal Officer read the roll. **Porter made a motion to approve the minutes of the May 9, 2022, Regular Council meeting.** The Mayor stated that he wanted a change to page 14 of the minutes to read, “The Mayor proposed that the part-time rate be raised to \$30.00 to make it more attractive for Police Officers for applicants for the part-time Police Officer position.” **Cavanagh seconded the motion. Voice vote – ayes, all. Motion carried.**

VISITORS: Don Rice, Geauga County Board of Developmental Disabilities (GCBDD) explained that the purpose of his visit was to let the Village know what GCBDD does, how many people it serves, and answer questions. Last year, GCBDD served over 1,000 people, which is the largest amount in its history. The oldest individual served is 93 and youngest is 3 months, and both require different types of care. GCBDD provides resources for developmental evaluation and Rice stressed the importance of early intervention. The department also serves 206 people who require 24/7 care, which is the most expensive activity of the organization. Most of these individuals live in community housing situations, which presents the biggest challenge due to finding Direct Service Providers (DSP). At one point last summer, there were 100 full-time positions open. During COVID, the State developed another option which is the shared living concept. Willing residents would provide a foster home for some of these adults to help with daily living on various levels. In return, the foster family would receive between \$35,000 to \$40,000 per year. Rice addressed employment of GCBDD clients and said it has 165 individuals working in the community. 10 years ago, it was 35, and this increase is a source of pride for the organization.

The Mayor discussed with Rice how GCBDD had overcome the stigma with residential housing. Cavanagh asked about transportation, which had been privatized, and school programs that exist in the GCBDD facility.

Rice thanked Council and the taxpayers because without the levies, nothing happens. 75% to 80% of the GCBDD income is from levies. Without the levies, GCBDD does not get the match from the State or Federal Government. He did not anticipate the levies being back on the ballot until 2025 or 2026.

The Mayor asked what South Russell could do to help GCBDD, and Rice said that aside from supporting the levies, the biggest help would be to spread the word to find foster homes for its adult clients. The shortage in DSP workers is GCBDD’s most significant challenge. Porter suggested advertising in the newsletter.

The Mayor received a phone call from Fire Chief Zupan Saturday morning about confusion with the donation to the Chagrin Valley Fire Department (CVFD). The Mayor directed the question of how the Village would be paying CVFD the \$70,000 for fire station renovations to the Finance Committee. Berger attempted to join the meeting virtually without success. The Mayor asked Mark Vedder what his understanding was when he left after the last Council meeting of how the Village planned to give CVFD the \$70,000. Vedder thought that an agreement was reached as to how the contribution would be made, but he did not have the opportunity to see the legislation. He acknowledged that it is difficult to take verbal legislation and convert it to written ordinance language. Chief Zupan contacted Vedder first with a concern after seeing the legislation. After the last Council meeting, it was Vedder's understanding that the \$70,000 would be in addition to the contract amount. Galicki said this was correct. Vedder did not think the legislation reflected this and required clarification.

The Mayor asked Galicki what he understood about how the Village would be providing the \$70,000. Galicki said he had the same understanding as Vedder, that it would be built into the contract in addition to the normal contract. He asked the Solicitor to address the written legislation. The Solicitor explained it was sent out the day after the meeting. She had asked for a verbatim transcript from the motion discussing the ordinance. Some of the key language was that the \$70,000 would be accounted for in the fire contract to be reviewed by the Village for the provision of fire services in the years 2023, 2024, and 2025. That amount would in effect be zeroed out by the CVFD with an increase in the contract reflecting the same number. Porter thought the "zeroing out" line was causing the confusion. His intent was that the \$69,000 and change would be added to the fire contract and that it would be paid by the Village as part of the contract. The zeroing out would be that the Village was adding it to the contract between the Village and CVFD and would be paid that way, so he recommended skipping the "zeroing out" language because it was just confusing. The Solicitor reminded Porter that it would be a prepaid expense, and she was under the impression that it was not a gift or donation and there would be conditions. Porter concurred. She suggested explaining it a different way. The Solicitor reminded Vedder that he was asked to consult with CVFD legal counsel to discuss this proposal. The Community Funding and Escrow Agreement was different than what the Village would be doing, which would be a prepaid expense versus an outright donation, which was very different. Porter stated it would be added as a line item to the contract that the Village would pay upfront. Bell added that the balance would be zero. The Solicitor agreed that it would be zeroed out. Vedder clarified that it was not to be added onto the contract going forward, but as a one-time expense. Galicki and Porter agreed. Vedder thought everyone agreed but thought it would be necessary to find a way to put it in the language of the ordinance Council approved. Galicki asked Vedder to convey this to the Chief, because it was not like anyone was opposed to the contribution per se. It is the manner in which the Village was proposing it. Vedder explained that it was the Chagrin Law Director who questioned the language of the ordinance and brought it to the attention of Chief Zupan and Mayor Tomko, who then brought it to his attention. Galicki asked if the Solicitor would be modifying the language of the ordinance and added that the Village was seeking a modified contract from CVFD as well. The Solicitor stated that this was a condition of the ordinance. Galicki continued to say that the attachment with the ordinance did not match. The Solicitor thought that they did match and said that the Community Funding Agreement is to be revised by Walter Haverfield. The Village can enter into the agreement in theory, but there will be a separate agreement which is the contract for the three years, which will include this prepaid expense and the conditions that are with it. The conditions are that there is a contract by July 1st for three years, etc. The legislation is the way that Council wanted it to be set up, and Council concurred. The actual contract will be coming from CVFD, and she will review it and the Village will include the conditions. The escrow agreement is being revised and she will not see it for another week or so.

Vedder thought the only thing that had been changed between the revised agreements is that one allows the payments to be made based on just the Village Engineer's approval and President of the Firemen's Association and the other requires the approval of the escrow agent as well. All three are now required. The Solicitor verified that the dedication will be to the improvements and not the building, etc. Vedder concurred.

Vedder thought it sounded like there was agreement about the intent and added that he would have the fire contract by the end of the week.

The Mayor verified the money will need to be to CVFD by June 30th, and asked if there were any other deadlines. Vedder said no. The Mayor said he would start the mayors' advisory board again so that everyone else could be comfortable knowing that they were doing their due diligence. Vedder concurred.

MAYOR'S REPORT: The Mayor asked for Council's approval to appoint Cindy Matejcik to the Board of Zoning Appeals (BZA). She is a retired educator and is eager to serve the Village. She will complete the term of David Maistros ending December 31, 2022. He would reappoint her to a full four-year term beginning January 2023 if they mutually agree. The Mayor explained that he searched around and sent packets of the BZA meetings to five different people trying to entice them to come to a BZA meeting. Matejcik was the only one interested, and he thought she would be good. **Canton made a motion that Council appoint Cindy Matejcik to the Board of Zoning Appeals, seconded by Porter.** Porter questioned whether Council was confirming or appointing and asked if this was the Mayor's appointment or Council's. The Solicitor stated that the position was appointed by the Mayor and confirmed by Council. **The Mayor corrected that the motion was to confirm the appointment, seconded by Porter. Voice vote – ayes, all. Motion carried.**

The local mayors met last week and were upset that the State Legislature was taking away home rule. The biggest issue was State regulation of the Air BnB businesses. The mayors also discussed Income Tax collection. Some of the mayors travelled to Columbus to speak to their legislators.

The Mayor addressed proposed changes to Building Department fees. Planning Commission (PC) must also look at these fees. The Building Committee spent a lot of time examining the practices of other communities and the Mayor explained that the goal was to get away from collecting a ton of money and then giving it back. The Committee wants to eliminate deposits.

PC will hold a special meeting to discuss outdoor dining at Ponyboys.

The Fox Run Homeowners' Association (HOA) held a meeting and added that he and the Chief attend all of the HOA meetings.

Geauga Growth Partnership (GGP) had a breakfast meeting that concluded with a tour of a \$52 million school in Berkshire.

The Mayor said he had seven people recommended to conduct a strategic planning process, one of whom requested the Village develop a timeline and expectant results. Another suggestion was to work with other municipalities in the county and hire a strategic planner as a group. Cavanagh asked what event this would be for, and the Mayor explained it would be to start a five-year strategic planning process December 7th.

The Mayor said that the Appreciation Luncheon which recognized volunteers and employees was very well done. He noted that Council had not been recognized with the event. In five months, Council has brought a 'do something' attitude to get things done. There are 12 projects scheduled for 2022 and things will be a little tense with the summer where there is only one meeting a month. The Mayor also felt a compliment was deserved for equalizing the seven committees with all doing a lot of work.

Mayor stated that at the last meeting, Council raised the pay for a part-time police officer almost \$4 per hour. It was done with less than five minutes of discussion and the Village had qualified candidates. 20 months ago, an employee was given a \$2 per hour raise, which was up \$3,000 a year. Also 20 months ago, he asked for a bonus for a mechanic but did not get it. He now had one experienced Zoning Inspector who was willing to work for five hours a week for a maximum of \$7,000 and he would do it for \$40. The Mayor stated he had a tough time telling people the Village pays \$75 and it can get somebody to do the same job for \$40. The Mayor told Council to think about it.

The Mayor will be attending the County Commissioner's meeting and then the Erosion Special Improvement District (ESID) meeting at the Geauga County Auditor's office. According to the Mayor, Chagrin River Watershed Partners (CRWP) is willing to help everyone through the process. The director, Heather Elmer, said it would cost \$20,000 to establish the ESID. Cavanagh clarified that this would be county wide, and the Mayor said it would be for whoever gets involved to create the ESID. The Fiscal Officer suggested that this would be addressed in the meeting the following day.

The Mayor announced that the Fiscal Auditor had resigned and added that he had been a member of Council, the Treasurer, and Fiscal Auditor. He would refer the matter of how to say goodbye to the Fiscal Auditor to the Human Resources (HR) committee.

FISCAL OFFICER: The Fiscal Officer indicated that it was necessary to set up a Tax Budget Hearing. The Tax Budget must be adopted by July 15th. She proposed holding the hearing at the beginning of the July 11th Council meeting. **Galicki made a motion to hold the Tax Budget Hearing on July 11, 2022, at 7:00 p.m., seconded by Porter. Voice vote – ayes, all. Motion carried.**

The Fiscal Officer addressed \$500 in donations received by the Village in memory of Greg Pike that will go into the Park Fund per the family's wishes to pay expenses for the park. **Cavanagh made a motion to accept the \$500 in donations made in memory of Greg Pike, seconded by Porter. Voice vote – ayes, all. Motion carried.**

The Fiscal Officer explained that Council must approve a purchase order to Pennohio in the amount of \$9,000 for Trash Day dumpsters. It is required by the Ohio Revised Code because the purchase order was cut after the expense was incurred and was over \$3,000. **Galicki made a motion to approve purchase order to Pennohio in the amount of \$9,000 for Trash Day dumpsters, seconded by Porter. Voice vote – ayes, all. Motion carried.**

The Solicitor stated that there are proposed amendments that PC has recommended to Council to approve, so there must be a public hearing and 30 days' notice of that public hearing. The Solicitor explained that the amendments are similar and involve changing the deposits to fees and getting rid of the non-refundable portion of the deposits. The Fiscal Officer proposed the meeting take place on July 11th. **Galicki made a motion to set the date of July 11th at 6:45 p.m. for the Zoning Code Hearing, seconded by Porter. Voice vote – ayes, all. Motion carried.**

For the Certified Public Manager class in which she is enrolled, the Fiscal Officer requested approval by Council for her proposed project of creating a five-year budget for the Village. It would go well with the Mayor's strategic planning, and was also something the county recommended for the Village. **Galicki made a motion that Council allow the Fiscal Officer to engage in a project to develop a five-year budget plan, seconded by Bell. Voice vote – ayes, all. Motion carried.**

The Fiscal Officer thanked the County Auditor and County Prosecutor for developing legislation to allow for an alternate use of the American Rescue Plan Act (ARPA) funds. The Village expected the Central Retention Basin, which was to be funded with ARPA funds, to come in higher than it did, which would mean not all the ARPA funds would be used for that project. She suggested using any remaining funds towards another stormwater issue. Porter asked if it could be used for the Manor Brook project. The Solicitor said it was possible. Canton suggested using the funds for landscaping, and the Fiscal Officer explained that one of the original intents of the ARPA funds was for stormwater. This would be the easiest and cleanest way to use the funds. However, with the legislation passed by Council, there was more flexibility. Her concern was that it was spent wisely.

Regarding the bids on the Central Retention Basin project, Mr. Excavator, which was the lowest bidder, contacted the Village to determine the next stage in the process. Because of voting requirements, Council may have to schedule special meetings to accomplish the three readings for the Manor Brook project. She reminded Council that until the end of June, meetings could be conducted via Zoom. The Solicitor added that the contracts will be custom contracts because of ARPA and because of the 319 grant, which must be approved by Ohio Environmental Protection Agency (OEPA) in addition to the Village. The Fiscal Officer added that the Central Retention Basin project also had the procurement requirements. Three readings would be required for both the bids and the contracts. The Solicitor concurred. June 6th, 8:00 a.m., via Zoom and a Special Council meeting the following Monday, June 13th, at 6:55 p.m. were proposed to complete the three readings. **Porter made a motion to hold Special Council meetings on June 6th at 8:00 a.m. via Zoom and June 13th at 6:55 p.m. in person, seconded by Galicki. Voice vote – ayes, all. Motion carried.**

FINANCE COMMITTEE: Galicki asked the effective date of the resignation of the Fiscal Auditor, and the Fiscal Officer thought it was August 25th. Galicki suggested Council defer the acceptance of the Fiscal Auditor's resignation until he is present for a meeting. Galicki asked the Fiscal Officer what the replacement process would be for the Fiscal Auditor. The Fiscal Officer explained it was an appointed position, and suggested running an ad. Bell asked if it had to be a resident, and the Fiscal Officer said no. Porter thought the Fiscal Auditor should be a Certified Public Accountant (CPA) and have an active license. Council discussed whether to run an ad, and Porter asked if this would be the Mayor's appointment or Council's. The Fiscal Officer stated it was the Mayor's appointment and Council's approval. Porter stated that the Village would be looking for a local CPA who would be willing to do the job for \$10,000 per year.

Galicki made a motion to acknowledge receipt and review of the May 23, 2022, Credit Card Report, seconded by Porter. Voice vote – ayes, all. Motion carried.

Galicki made a motion to pay off the Bell Road West Project in the amount of \$146,033.31, "gladly" seconded by Porter. Bell clarified that this was a part of Council's meeting with the County Auditor and Tax Board back in August. He asked what the terms of the loan were, and Porter stated it was 0% interest for 20 years and the Village had 14 left. Bell asked what the annual payment was, and the Fiscal Officer replied approximately \$9,000. She explained that Council passed legislation last year

for the Tax Board to pay it off. Bell was aware of this and commented that it was a different Council. **Voice vote – ayes, Cavanagh, Galicki, Porter, and Canton. Nay, Bell. Motion carried.**

Given the resignation of the Fiscal Auditor effective in August 2022, **Galicki made a motion that the Village post an ad to solicit applicants for his replacement to include the fact that he/she be a currently certified CPA, seconded by Cavanagh.** The Solicitor asked if this was currently part of the job description, and Porter thought it said “CPA preferred” and that this was a minimum qualification. The Solicitor thought the job description might need to be changed and advised that in posting a job, the job description is posted with it. The Fiscal Officer read, “completion of secondary education, (Associates Degree or higher) in accounting or related field with a minimum of two years accounting experience or training and license must be bondable. The Solicitor suggested that the ad could say that CPA is preferred but should not require it without changing the job description. **Galicki amended the motion to change the verbiage that instead of “CPA required” to “CPA preferred.” Voice vote – ayes, all. Motion carried.**

SOLICITOR: The Solicitor had nothing to report. She stated that if Council wanted to change the ordinance that was drafted, adopted, waived, etc. regarding the CVFD funding, she thought Council should repeal it and adopt a new ordinance. Her other thought was to wait until Council received the contract before passing the ordinance so that Council would actually know the terms. What was passed was an ordinance authorizing a prepaid expense of approximately \$70,000 to the CVFD which prepaid expense shall be used towards the modernization of the CVFD Fire Station and accounted for and zeroed out in the fire contract between the Village and the CFVD for years 2023, 2024, and 2025 and also approve the community funding and escrow agreement and then authorize the Mayor to execute those agreements and declared an emergency. Porter said he wanted to see the contract before amending the ordinance because he thought the ordinance may suffice as it stands. Council discussed the timing of the legislation, and Galicki added that CVFD representatives told Council at the last meeting that this was an arbitrary deadline. The Solicitor agreed they did, but thought it was not an arbitrary deadline. Porter did not think it was either and specified that June 30th they would have their money. He thought any modifications could be done at the June 13th meeting. The Fiscal Officer stated that when she received the contract, which Vedder indicated the Village would have this week, she would forward it to Council for review.

STREET COMMITTEE: Porter said the Street Committee had no report. The next meeting is June 3, 2022, at 7:30 a.m. in the Street Commissioner’s office.

BUILDING COMMITTEE: Canton stated that the next committee meeting will be Thursday, June 2, 2022, in the Building Department Office at 8:00 a.m.

SAFETY COMMITTEE: Galicki stated that at the May 9th Council meeting, Council passed a motion to hire Patrolman Andrew McKillen as a full-time officer. However, the details of his hiring were not articulated. **Galicki made a motion that Officer McKillen be hired on as Patrolman Class B with a start date of May 16, 2022. For clarification, Officer McKillen started at the Class B pay range of \$72,875 and he will not receive a pay bump after his probationary period as a result of being hired in this capacity, seconded by Canton. Voice vote – ayes, all. Motion carried.**

HR COMMITTEE: Cavanagh stated that HR is on hiatus until Berger returns.

PROPERTY COMMITTEE: The Properties and Park Committees met on May 16th and the minutes were distributed. **Canton made a motion for Council to approve the Fall Festival date of**

September 25, 2022, with a rain date of October 2, 2022, with both dates from 1:00 p.m. until 5:00 p.m. and release all holds on other dates previously reserved, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.

The Mayor provided a Power Point presentation based on information provided by CT Consultants. He described the restroom facility installed by Moreland Hills and explained it was \$48,000 and came on a truck. All that was necessary was to dig a hole. It would be possible to clean it with a power washer. The next restroom facility shown was at Orange and cost about \$64,000 and had water and electricity so it was necessary to shut it down in winter.

The Mayor then showed what CT would propose for the location of the rain garden, which was probably one of the lowest places in the park with the idea of catching the water and driving it into the ground through a rain garden. CRWP will cover the cost of the rain garden. He also pointed out a bio retention area. Cavanagh asked the Mayor to define bio retention, and the Mayor said he was not really sure. He thought it was a dumping area. Cavanagh thought it sounded like a swamp, and the Mayor said it was already a swampy wasted area. The parking lot and restroom location had not yet been identified in the plan.

The Mayor showed Council the plaque that will go on Cindy Nairn's bench and stated that Judy Harvey wanted a similar one, but Gino's was having difficulty with the design. There was a possible tree that will be donated/paid for that would possibly go between the two benches on the south side of the butterfly garden. Nairn and Harvey want their benches facing north with the backs to the sun. Porter asked if the type of tree was specified, and the Mayor said no.

The Mayor commented on the donations in Greg Pike's memory for the park. He said he would have a tough time if the Village paid \$600 for a tree for Pike, then where do you draw the line? When the Fiscal Auditor leaves, do you buy him one? It will be an HR issue that they will have fun trying to figure out. The Fiscal Officer explained that the committee was working on the gift policy. Cavanagh explained that the \$500 received by the Village were from donations made in Pike's memory. The Mayor reiterated that he was glad the HR Committee would be working on it because it would be tough.

According to the Mayor, the Engineer said the Master Park Plan would be provided to Council on June 13th. The Mayor indicated that in his presentation, he did not put in pictures of the athletic fields. He stated that they also did a proposal for a baseball diamond, and it was \$1.6 million. In talking to people, the Mayor said that in 10 years another million dollar field would be required. Bell clarified that the replacement would not require the base work, but it would still be expensive, and Cavanagh concurred. The Mayor thought there might be a request for Pickle Ball.

PUBLIC UTILITIES: Porter stated that the Public Utilities meeting is forthcoming and there will be a couple of ordinances presented by the committee.

ORDINANCES/RESOLUTIONS:

The ordinance repealing ordinance 2022-17 and adopting pay schedules in a tiered system for South Russell Village employees and declaring an emergency would remain tabled.

Cavanagh provided a second reading of an ordinance amending Ordinance 2022-29 by amending the pay range for Part Time Patrol Officer of the Village of South Russell and declaring an emergency.

Porter introduced an ordinance awarding the bid for the Manor Brook Headwater Stream Restoration project to Mr. Excavator, Inc. subject to an acceptable contract among Mr. Excavator, Inc., the Ohio Environmental Protection Agency, and the Village of South Russell and declaring an emergency.

Porter introduced an ordinance awarding the bid for the Central Retention Basin project to Mr. Excavator, Inc. subject to an acceptable contract between Mr. Excavator, Inc. and the Village of South Russell and declaring an emergency. Porter made a motion to waive readings, seconded by Cavanagh. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Cavanagh. Roll call – ayes, all. Motion carried. **ORD 2022-44**

Galicki introduced an ordinance amending the Annual Appropriations increasing State Highway Fund expenses \$100,000 and declaring an emergency. Galicki made a motion to waive readings, seconded by Bell. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Bell. Roll call – ayes, all. Motion carried. **ORD 2022-45**

BILLS LIST: Galicki made a motion to ratify the bills list of May 12, 2022, in the amount of \$91,004.85, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.

NEW/OTHER:

Cavanagh completed her first 100th Anniversary report and submitted it for the newsletter. It focused on the Warren family.

Porter commented that the passing of Ordinance 2022-44 was an enormous step to fixing storm water problems on the southern part of the Village. He commended the Engineer and noted that progress was being made with clearing the project sites and would be visible to residents.

Bell thanked the Administrative Assistant and the Fiscal Officer for arranging the picnic last Friday for the South Russell employees.

Canton reported that the First Responders' picnic occurred Sunday, May 22nd and was a big success. He thanked Bob and Jo Royer and the committee for putting it together.

At 8:18 p.m., Galicki made a motion to enter into Executive Session for the purposes of a conference with the Solicitor concerning a dispute involving the Village of South Russell that is the subject of potential or imminent court action pursuant to Section 12122(g)(3) of the Ohio Revised Code and invite into Executive Session the Police Chief, Mayor, Solicitor, and Fiscal Officer, seconded by Bell. Roll call – ayes, all. Motion carried.

Council reconvened at 8:54 with no action to take.

ADJOURNMENT: Being that there was no further business before Council, **Bell made a motion to adjourn at 8:55 p.m., seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**



William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki