

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, AUGUST 8, 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, Solicitor Matheney

The Mayor called the Regular Council meeting to order and led the Pledge of Allegiance. The Fiscal Officer read the roll. **Cavanagh made a motion to approve the July 11, 2022, Public Hearing minutes, seconded by Canton. Voice vote – ayes, Canton, Cavanagh, Galicki, Porter, and Berger. Bell abstained. Galicki made a motion to approve the July 11, 2022, Tax Budget and Regular Council meeting minutes, seconded by Porter. Voice vote – ayes, Canton, Cavanagh, Galicki, Porter, and Berger. Bell abstained. Cavanagh made a motion to approve the minutes of the July 25, 2022, 7:55 a.m. Special Council meeting, seconded by Porter. The Mayor noted that visitor Brian Doering was erroneously listed as being with Chagrin Valley Times instead of the Maple Leaf. The same applied to the July 25, 2022, 8:00 a.m. Special Council minutes. Voice vote – ayes, all. Motion carried. Cavanagh made a motion to approve the July 25, 2022, 8:00 a.m. Special Council meeting minutes, seconded by Bell. Voice vote – ayes, all. Motion carried.**

MAYOR’S REPORT: The Mayor displayed a Chagrin Falls Booster Club banner which the club requested be hung across Bell Road from August 12th to August 20th.

The second Strategic Planning meeting is scheduled for Monday, September 12th at 5:30 p.m. Any comments or concerns should be given to the Mayor in preparation for the meeting.

The Mayor announced that the former editor of the Chagrin Valley Times will be the speaker for the Veterans Luncheon on November 14th at 11:30 a.m. at the Sleepy Rooster.

Mayor, Council, and the Fiscal Officer relayed their recollections and appreciation for departing Fiscal Auditor Adam Lechman. Lechman expressed gratitude for the opportunity to serve his community and for the chance to experience generations of Council and Village staff.

Porter made a motion that the Village Street Department hang the Chagrin Falls Booster sign over Bell Rd. in a safe manner from August 12th to August 20th, seconded by Bell. Berger asked if this had been done last year/regularly and Porter said it had. Voice vote – ayes, all. Motion carried.

FISCAL OFFICER: The Fiscal Officer distributed her monthly report. She requested a motion to approve the purchase order (PO) and pay the invoice for a purchase made before the PO was cut. Porter asked for clarification, and the Fiscal Officer explained it was for boulders for a project. **Porter made a motion that the purchase order and expenditure be ratified by Village Council in the amount of \$2,800, seconded by Bell. Voice vote – ayes, Canton, Cavanagh, Porter, Bell, and Berger. Nay – Galicki.**

The Mayor addressed Income Tax revenue, and the Fiscal Officer said it would be above what was projected, but this was a continuing discussion in terms of what would happen next year. Employees must track where they are working, and they may be requesting refunds next year. Council should be cautiously optimistic. Berger asked if there are governmental agencies from which the Village can seek

guidance regarding the Tax Collection trends. The Fiscal Officer explained that the Central Collection Agency (CCA) supplies information, and she also glean information from classes she takes regarding Income Tax projections. Berger noted that the Village is running 30% ahead of last year and asked how this translated to budgeting considerations. The Fiscal Officer reiterated that by the time Council is working on the budget, hopes are that CCA will have provided the pertinent information. Berger concluded that this issue would be discussed by the Finance Committee.

Porter asked the Solicitor about the status of litigation by municipalities over the employment tax issue. The Solicitor thought it was still pending. Berger and Porter agreed that the result of the litigation could have a significant impact on the Village either way.

FISCAL AUDITOR: The Fiscal Auditor distributed his report for the month ending July 31, 2022. He referred to a new fund reflected on the report, which is the OneOhio Fund from the opioid settlement. He pointed out that the fund balances reflected on his report match those of the Fiscal Officer to the penny. The Village currently has \$2.68 million in Huntington Bank and \$1.6 million in Star Ohio at an interest rate of 1.63%, which is an increase of half of a percent. In total, the funds add up to \$4.284 million, which is the highest in Village history by over \$100,000. For the month of July, the fund balances increased by \$776,000 due to Real Estate Taxes and receipt of the American Rescue Plan Act (ARPA) grant. He cautioned that with grants come expenses. The Fiscal Auditor addressed Income Taxes and advised they are at 95% after only seven months. The Fiscal Auditor concluded that everything looked strong.

FINANCE COMMITTEE: Galicki made a motion that Council accept the donations received since the last Council meeting that were provided to the Park Fund in memory of long-serving Park Committee member Pike, seconded by Berger. Voice vote – ayes, all. Motion carried.

Galicki reported that the Finance Committee met on August 5th. The minutes of the August 5th and July 11th meetings were distributed to Council.

Berger made a motion to approve the Fund Balances as presented by the Fiscal Auditor as they match to the penny with the Fiscal Officer's, seconded by Galicki. Voice vote – ayes, all. Motion carried.

Galicki made a motion to acknowledge receipt and review by Council of the August 8, 2022, credit card report, seconded by Berger. Voice vote – ayes, all. Motion carried.

SOLICITOR: The Solicitor had nothing to report.

STREET COMMISSIONER: The Street Commissioner reported the Engineer was absent due to illness. The Street Commissioner distributed his monthly report. He advised that between a repair of Bell Rd. at Waverly Ln. and the increased amount of asphalt needed for roads in Lake Louise, there would not be enough for the Village parking lot. They would be doing the chip and seal, and it would be discussed at the next Streets Committee meeting with the Engineer.

Galicki explained to the Street Commissioner that the reason he voted nay for the boulder purchase was because he is not a fan of after-the-fact purchase orders. This matter was discussed at the Finance Committee meeting. Galicki indicated that the Street Commissioner had already accepted delivery of the rocks and had entered into an agreement with the contractor while still waiting for the paperwork to execute that agreement. Galicki was concerned that the contractor did not want to be forthcoming with

documentation for tax purposes. Galicki wanted to ensure that Village financial interests were appropriately above board.

The Mayor addressed an issue with the company trimming the trees around the wires and dropping tree trimmings into the Bellwood silt pond. The Mayor would be meeting with them at 8:00 a.m. Wednesday.

Berger stated that the road salt price went up significantly at \$45.89 per ton. The Fiscal Officer and Street Commissioner explained that this is not a big increase and the Village had paid over \$80 in the past. The Village had previously gone out to bid for the salt but now goes with the State, which necessitates committing to a certain tonnage ahead of time.

Berger asked for an update on the salt dome. The Street Commissioner said it went from bad to worse. Support was added to the wall for \$500. The contractor used 80 tons of pressure to push the wall up, and then the Service Department staff moved the salt away from the wall. The contractor reexamined it a couple days later, and wanted more salt moved away because he thinks he can push the wall all the way up. The Engineer brought the structural engineer to evaluate the salt dome and went along with the gameplan to support the wall. The engineer informed the Village this design is no longer used, and the Village should consider replacing it within five years. The cost has yet to be determined.

Bell questioned the safety of the Service personnel moving the salt in the building with the bracing, and the Street Commissioner said it will be safe when they are done. Galicki asked if this was something that should be addressed sooner than five years. The Street Commissioner said additional exploration is needed. Galicki asked if it made more sense financially to consider a new structure instead of incurring the expense of further temporary repairs. The Street Commissioner said the repair cost would be around \$40,000, so it might be better spent on a new building. The Fiscal Officer reported that the Engineer would have prices on the repair, rebuilding, and different options in two weeks. Porter did not know that the need was immediate but acknowledged the concerns of Galicki and Bell.

STREET COMMITTEE: Porter advised that the next Street Committee meeting is Friday, August 12, 2022, in the Street Commissioner's Office to discuss a variety of topics, including the salt dome, Road Program, and Village parking lot. Regarding the boulders involved in the purchase order issue, Porter advised that the committee was in favor of the Street Commissioner moving forward with this process. He would address the PO process in the meeting as well.

BUILDING COMMITTEE: The Building Committee met on August 4, 2022, and the minutes were distributed.

The Mayor discussed the membership of the Board of Zoning Appeals (BZA) that includes an alternate, and the Mayor thought the same should be considered for Planning Commission.

Canton stated the next Building Committee meeting will be on Thursday, September 1, 2022, at 8:00 a.m. in the Building Department.

The Mayor stated that the Citizens Bank building sold and he met with the new owners. He asked the Solicitor to discuss zoning issues that pertain to it, and the Mayor explained that when the Village changed the zoning for the corner, it did not include the portion with Citizens Bank. The Mayor did not know what the new owner plans to do with the property, and said the owner asked if the Mayor knew a commercial realtor, so the Mayor called his brother. The Mayor was surprised at how unprepared the new owner seemed to be.

POLICE CHIEF: The Chief submitted his monthly report. The Chief thanked Mayor and Council for allowing the Police Association to hold the Charity Car Show. He added that the Service Department did a great job with preparing the Village campus for the event. The Chief credited Lt. Pocek with coordinating the Car Show and estimated that \$10 million worth of cars were displayed. The Chief thought that before expenses, the Car Show raised about \$50,000 and felt the event was a huge success.

Referring to the Chief's report, Porter observed that the Police activity had increased from previous years.

Galicki asked if there was an update on the stolen car within the Village, and the Chief advised it was recovered by Cleveland Police yesterday and an arrest was made.

SAFETY COMMITTEE: Galicki reported that the Safety Committee met on August 4th and the minutes were distributed to Council along with a copy of the Chagrin Valley Dispatch finance report.

Galicki advised that the Village received the letter of resignation from Stephen Balaban. Galicki made a motion to approve the resignation of part-time Patrolman Stephen Balaban, seconded by Canton. Berger asked if an exit interview was needed, and the Chief said he would arrange it. The Chief explained that Balaban moved out of the Village and had time constraints. **Voice vote – ayes, all. Motion carried.**

Galicki referenced a matter discussed by Safety Committee concerning the payment of a Village Police Officer for an off-duty assignment at the South Russell Village Park pavilion for the Chagrin Falls Chamber of Commerce. Typically, when such services are provided, the officer is compensated by the individual requesting the service. A unique situation arose in which the Chamber of Commerce said they did not indicate on the form that police coverage was needed. However, the box for this service was checked. Safety Committee discussed other possible ways to pay the officer but determined that the Village compensating the officer for his time for a private security detail was not legal. This would include providing compensatory time. Galicki thought the right thing would be for the Chamber of Commerce to pay the officer, and Galicki verified with the Solicitor that there was no way legally that the Village could do so. Cavanagh asked how this happened, and the Chief clarified that the box on the application was marked that they requested police assistance. In years past, the Village would be available for the event and would pay the officers, but the park policy was changed to have a police officer present during events involving alcohol or at the request of private parties, and it would be an off-duty detail. When the Police Department received the paperwork from the Building Department, it appeared that there would be three events. Alcohol was not checked on the form, but the request for police officers was. The Chamber was not told it would be an off-duty detail and they made the request thinking it would be a free service. Regardless, the officer worked five hours of the detail and did not get compensated. He discussed the policy with the Chamber and was informed that alcohol is not promoted for these events. The Chief concluded that they really do not need police coverage in the future unless they wanted it. The Mayor asked how many hours were involved, and the Chief reiterated five hours. Berger said it would be \$175. The Mayor questioned why it was five hours, because it should have been 6:00 p.m. to 9:00 p.m. for three hours. The Chief explained that the Officer was required to be there a half hour before and a half hour after the event. Berger said this would be \$140. Canton verified that they asked for an officer, and the Chief stated that the box was checked for it on the form. Canton thought the officer should be compensated by the Chamber of Commerce. Porter said the Officer was off-duty and questioned whether it was proper for the Mayor to write a letter to the Chamber of Commerce telling them they owe the Officer money. He did not think the Village would want to do

that, but he did not want the officer being stiffed either. The Mayor stated that some of the blame falls on him because he did part of the form and he was the one who checked the boxes. One form was done for all three concerts because there would be over 50 people and he thought Police assistance would be needed. Porter proposed the Mayor pay half the amount and the Chamber pay the rest. The Mayor would discuss this with the Chamber of Commerce. Galicki concluded it was all about doing the right thing for the Officer.

The Mayor referenced a Liquor Permit notice distributed to Council and asked if Safety Committee discussed these. The Chief advised that his department reviews them and in over 12 years there had been no concerns.

The Chagrin Valley Dispatch financial report was discussed by the Mayor.

HR COMMITTEE: Berger stated that the minutes from the July 15th HR meeting were distributed to Council.

Berger made a motion to formally accept the resignation from the Fiscal Auditor effective August 15th, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.

Berger stated that the HR Committee had been working on a job description for a part-time administrative assistant that may be able to fulfill some of the duties of the Fiscal Auditor. The description was distributed to Council. Some of the legislation distributed to Council pertained to amending ordinances to state that the Village “may” have a Fiscal Auditor instead of “shall” have a Fiscal Auditor. The intention was that if the Village could find the right person to fulfill some of the Fiscal Auditor duties in addition to other duties which included helping at the Building Department, that this might be the best way to go to fill the need. If not, the Village will have the option to find a Fiscal Auditor.

Berger advised that Council’s approval would be necessary to authorize the Mayor and Fiscal Officer to make an offer to an individual who had been interviewed for the part-time Administrative Assistant position. First, however, it would be necessary to approve the ordinances.

Berger reported that the committee had continued to work on the compensation matrix and would like to engage an outside consultant to review the compensation packages for the Village’s positions in comparison with other municipalities. A recommendation would then be made based on the work the committee had done.

Regarding the job title change for the Building/Zoning Inspector, this matter will be referred to the Building and HR committees for further discussion.

PROPERTY COMMITTEE: Canton referred to a proposed South Russell Park Tree and Bench Policy developed through the efforts of the Park Committee, Council member Cavanagh, the Street Commissioner, the Fiscal Officer, and the Administrative Assistant. **Canton made a motion for Council to approve the Village of South Russell Park Bench and Tree Donation Policy, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.** Porter asked what would happen if the tree were to die, and the Fiscal Officer indicated that the form to be utilized in conjunction with the policy specifies the options for both the trees and benches.

Canton stated that a school bus will be used as a shuttle for the Fall Festival. The school district has been notified for Fall Festival parking, but Canton asked if Council should consider using the Village

campus instead. Space requirements to maneuver the bus in both lots were discussed. Cavanagh stated that Chris Woofter offered to reserve the east parking lot for the Village. The need for an agreement with Chagrin Schools was discussed for use of the parking lot instead of a phone call as was done in the past. The Mayor said the Village had already contracted with Precious Cargo, but Mr. Limo may be a better option in the future.

Bell asked when the park can be mowed. Canton thought it would be after August 15th by Timmons. The Mayor said that at the end of July he was contacted by Pete McDonald, Western Reserve Land Conservancy (WRLC), who asked the Village to delay cutting for a couple of weeks because the bluebirds needed protection. There would be a meeting on August 9th at 1:00 p.m. with MacDonald and Paul Pira, Geauga County Park District, regarding a burn. The Mayor added that Timmons asked for the Village to help out with the fuel costs. He was paid \$3,600 last year, and the Mayor thought Timmons would want \$4,000 to \$4,200. The Village does not have a contract with him, and the Mayor wanted Council to be prepared for the rate increase.

The Mayor addressed the proposed concert event, Chagrin Jams. Concerns were expressed by Council and Department Heads about the length, the decibel level, parking, presence of a Service Department employee and a police officer. He will be meeting with Paul McAvinchey on August 16th to finalize what his plans are. The Mayor added that McAvinchey has had 400-500 hits on Facebook. Residents had reached out to the Mayor with concerns, and the Mayor said the residents on Bell Rd. would be notified of the event.

Regarding the proposed restroom for the Village Park, the Mayor had not received any responses to his inquiries.

The Mayor stated he is working with Chagrin River Watershed Partners (CRWP) and CT Consultants on the proposed rain garden. Because nothing is free, the Village may have some requirement, possibly just digging the hole. The Mayor thought the money might come from the Foundation for Geauga Parks, but the impression he had was that it was free, but the Village may have some obligation. Galicki asked if there would be a mandate that it remain a rain garden forever. The Mayor said that in looking at the three in Munson Township, they do not do anything. He added that they hum with bees.

PUBLIC UTILITIES: Porter stated that the committee met on August 5, 2022, and the minutes were distributed. They discussed the Parkland Dam situation and the Erosion Special Improvement District (ESID) that will possibly be the mechanism for fixing the problem if there is one, rather than a bond issue. They also discussed the Manor Brook project and the Central Retention Basin. Work will begin on Manor Brook soon and the Central Retention Basin will follow. The permits are in place and the deadline for both is October 29th.

There will be a Public Utilities Committee meeting September 9, 2022, at 9:00 a.m. and include the Solicitor.

The Mayor explained that for a year, the Village had a free service with Dart Two that hangs over the culvert on Bell Rd. and records how much water was flowing from Manor Brook through Fox Run to Sugar Bush. The company removed it and now wants the Village to pay \$1,500. This will be discussed with the Engineer in the Streets Committee meeting. It would be useful for comparison of how much water will go under Bell after the Manor Brook project.

The Mayor acknowledged the efforts of the Fiscal Officer to correct his mistaken communication claiming that the Northeast Ohio Public Energy Council (NOPEC) grant could be used to fund ESIDs. The reference apparently was for Energy Special Improvement Districts and not Erosion Special Improvement Districts.

There will be a meeting Thursday, August 11, 2022, at 7:30 p.m. in Village Hall with the Manor Brook Homeowners' Association (HOA) residents. Originally it was scheduled to present the CT landscape plan, but instead will be to present a preliminary plan consisting of seven trees on a mound which will cover the new culvert.

ORDINANCES/RESOLUTIONS:

Berger continued to table the ordinance repealing Ordinance 2022-17.

Canton made a motion to untable the ordinance amending sections 3.04(b), 3.04(g), 3.05(a)(2), 3.06(a)(2)(b), 3.07(a)(2), 3.10 and Schedule 1 of the Zoning Code of the Village of South Russell to replace requiring deposits with fees and establishing new fees for zoning action and declaring an emergency, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.

Canton introduced an ordinance amending sections 3.04(b), 3.04(g), 3.05(a)(2), 3.06(a)(2)(b), 3.07(a)(2), 3.10 and Schedule (1) of the Zoning Code of the Village of South Russell to replace requiring deposits with fees and establishing new fees for zoning action and declaring an emergency. Canton made a motion to waive readings, seconded by Cavanagh. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Cavanagh. Roll call – ayes, all. Motion carried. **ORD 2022-66**

Galicki introduced an ordinance approving the Investment Management Agreement with Meeder Public Funds, Inc., authorizing the Mayor to execute both, and declaring an emergency. Galicki made a motion to waive readings, seconded by Berger. The Mayor wanted to change an item on page 4 of the agreement to reflect that he, too, would receive the monthly report as well as the Fiscal Officer. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2022-67**

Berger introduced an ordinance amending Appendix D of the Employee Handbook of the Village of South Russell for Part-time Administrative Assistant and declaring an emergency. Berger made a motion to waive readings, seconded by Cavanagh. Porter verified that the person hired for this position would report to the Fiscal Officer and Council. Berger concurred. Porter suggested it be the Fiscal Officer, Mayor, and Council. The Mayor is the head of the administrative arm of the Village, and Porter thought he should be part of this. Berger did not have an objection to this but explained that because of the potential that this individual would assume some of the auditing duties of the Fiscal Auditor, the HR Committee wanted the individual to have responsibility to someone other than the Fiscal Officer for separation of powers. Therefore, Council was included, but he had no objection in amending the description to report to the Mayor as well. Porter clarified that the individual would be independent of the Fiscal Officer, and Berger explained that it would be for some parts of the duties. The job description was written with a specific person in mind, and if she does not take the position, then the job description will have to be changed and the Village will need to move in a different direction. Porter suggested amending the ordinance to read, “reports to Mayor, Fiscal Officer, and Council.” Galicki asked if this implied the position would primarily report to the Mayor? If this was the case, he did not think this was how it should read because the Mayor was not engaged in the day-to-day with the Fiscal

Officer's responsibilities, and the individual would be an assistant to the Fiscal Officer. Porter thought it should be the Mayor and Fiscal Officer. Galicki asked if the Service Department employees report to both Street Commissioner and Mayor. Porter did not recall, but thought it was just Street Commissioner. If there is a split in the duties of the position, some should be reported to the Fiscal Officer. If it is an oversight position, which the Fiscal Auditor has always been, it should be reporting to the Mayor on those issues. Galicki was raising this issue to ascertain whether it is bringing up a vulnerability as to the way that the position is put together. Porter thought there should be a Fiscal Auditor to check the Fiscal Officer, and he specified he was talking about the positions and not the employees. He thought that the portions of the new job description involving Fiscal Auditor responsibilities should not report to the Fiscal Officer. Berger agreed. Porter added that these should report to the Mayor. Galicki proposed that the position should read that when executing fiscal responsibilities, she reports to the Fiscal Officer and when conducting auditor duties, she reports to another entity. Berger explained that initially, the proposition of having the position report to the Fiscal Officer represented a problem, so Council was chosen as a secondary entity. Porter said he would choose the Mayor because Council is six people. Berger agreed and said he had no problem with it being Mayor instead. Berger thought the candidate has the capacity and integrity to separate the duties and handle it. If the candidate does not take the position, then it needs to be reevaluated. Porter suggested amending the job description to delete "and Council," and insert, "Mayor and Fiscal Officer." Berger added, "and to divide the duties therein with specific reporting requirements so that those duties of the Fiscal Auditor would report to the Mayor and those duties otherwise would report to the Fiscal Officer." Berger added that there are also duties involved with the Building Department, which would report to the Building Department.

Bell questioned whether it would be problematic that the person would be auditing financial work while doing financial work. Porter said he thought the Village should keep the Fiscal Auditor, and Bell agreed. Bell asked if the Fiscal Auditor duties that will be assigned to the position were defined. Berger said yes. Berger explained the bank reconciliation aspect and the amendment of legislation to change the dual signatures for the checks from the Fiscal Auditor and Fiscal Officer to the Fiscal Officer and members of the Finance Committee as the second signers. The committee attempted to anticipate the issues and create a process that will work for the Village. Galicki questioned the wisdom of crafting the job for a particular candidate in mind without having gone out to see if the Village could find a qualified Fiscal Auditor. The Fiscal Officer indicated that the position was posted, and the Village did not receive a qualified candidate. Berger explained that the committee is seeking to fill a bunch of buckets with a part-time person and a maximum of 20 hours a week. The candidate is uniquely qualified to meet the criteria, which is why the job description was designed as it was. If it does not work out, then they must start over in finding a Fiscal Auditor and help in the Building Department and Administration. Porter asked if the candidate qualified to be the Fiscal Auditor, and Cavanagh said she did not know but did not think so. Berger said the candidate is not a CPA but had an accounting managerial background. Berger discussed making the candidate the Fiscal Auditor, but the Fiscal Officer explained that it would then be necessary to examine the Fiscal Auditor's current job description, which included being a salaried position. Porter verified the candidate would fit the Village's auditing need, and Berger said absolutely. Porter said he was good with that.

Berger made a motion to amend Appendix D of the Employee Handbook for the position of the part-time Administrative Assistant as amended to report to the Fiscal Officer and the Mayor with separate duties to report to each of those positions.

For waiving readings, roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Cavanagh. Roll call – ayes, Canton, Cavanagh, Galicki, and Porter. Nay, Bell. Motion carried. **ORD 2022- 68.**

Berger introduced an ordinance amending section 230.03 of the Codified Ordinances of the Village of South Russell and declaring an emergency. Berger made a motion to waive readings, seconded by Cavanagh. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Cavanagh. Roll call – ayes, all. Motion carried. **ORD 2022-69**

Galicki introduced an ordinance amending the title of Chapter 235 and sections 235.02, 235.03, and 235.05 of the Codified Ordinances of the Village of South Russell, 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. Porter observed that the proposed ordinance makes the position of Fiscal Auditor optional. Galicki explained that it provides flexibility in the Village’s model. To accommodate the new hire, it was necessary to change the wording in the ordinance from a “shall” to a “may.” The Fiscal Officer added that the Fiscal Auditor’s last day is August 15th. Porter’s concern was that the Village would wind up without a Fiscal Auditor forever. Cavanagh concurred. Berger explained that whether the Village has that individual in title, or the functions are covered by another position will ensure that the Village always has the functions. Porter suggested giving the amendment three readings to see if the candidate takes the position and works out. Bell liked that approach because he was uncomfortable not having the separation of the Fiscal Auditor. The Solicitor reminded Council that the Fiscal Auditor is leaving August 15th. Galicki added that this means the Village must have a Fiscal Auditor if the amendment is not passed. Galicki reminded Porter that there is no candidate that meets those qualifications. Porter stated that the qualifications are over the age of 18, an associate’s degree, etc. and they do not have to be a CPA. Porter reiterated that the ordinance gives the Village license not to have a Fiscal Auditor of any kind. He observed that the Solicitor was disagreeing with him. The Solicitor explained that the position of Fiscal Auditor is defined and is one of the many on the pay range and has a job description. The part-time Administrative Assistant position Council just adopted includes some duties of the Fiscal Auditor. The position remains, and the amendment concerns whether or not the Village must fill it. If the ordinance remains as “shall,” without the Fiscal Auditor, there are certain things the Fiscal Auditor is supposed to be doing. The Fiscal Officer explained that the investments the Village will be doing with Meeder is an example. Berger added that the Treasury Investment Board would fail because there is no Fiscal Auditor as well and is included in the amendment. The Solicitor concluded that Council could be in violation of the Village’s statutes. If Council amends the ordinance, then it will not be in violation. Porter reiterated his discomfort in opening the door to future Councils not having a Fiscal Auditor and the potential for fraud. Galicki added that if Council fails to amend the ordinance, then it will need to reconsider the position it just adopted because if there is a demand for a Fiscal Auditor, those duties are defined, and the corresponding elements of the job description would be duplicitous. Porter advised he was okay with what Finance recommended with the proviso that the created position will be filled and evaluation of the person be fairly straightforward, otherwise he would be more inclined if it does not to go back to finding a Fiscal Auditor.

Bell asked what the repercussions would be if Council were in violation of its ordinance. Porter said that the Fiscal Auditor must sign the checks. Porter added that a citizen could sue the Village for not having a Fiscal Auditor in violation of its ordinances. The Solicitor added that someone could bring a mandamus action compelling the Village to find someone immediately. She explained that it is not just

this, but also some of the signatory, administrative, and things that must take place in seven days without the Fiscal Auditor.

Berger explained that initially, the committee discussed eliminating the chapter and position of Fiscal Auditor, but the Solicitor offered the solution of changing the “shall” to “may” for flexibility.

Roll call – ayes, all. Motion carried. **ORD 2022-70**

BILLS LIST

Galicki made a motion to ratify the payments of June 14, 2022, in the amount of \$865 and June 29, 2022, in the amount of \$28,900, which were related to the Manor Brook project, seconded by Bell. Roll call – ayes, Cavanagh, Galicki, Porter, Bell. Canton and Berger abstained.

Galicki made a motion to ratify the bills of July 14, 2022, in the amount of \$75,281.11 and the bills of July 29, 2022, in the amount of \$42,977.87, seconded by Porter. Roll call – ayes, Cavanagh, Galicki, Porter, Bell. Canton and Berger abstained. Motion carried.

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

Berger made a motion to make an offer of employment to a potential employee for the position of part-time Administrative Assistant, seconded by Porter. Voice vote – ayes, all. Motion carried.

Bell addressed the proposed Chagrin Jams event. He was comforted that the Chief was aware of the growing numbers, which concerned him, but he trusted the Village staff will figure it out and take care of it. The Chief had already assigned one officer to the event and was prepared to assign another depending on the crowd.

The Mayor stated that the Village would have expenses with the assigned Police Officers and with one of the Service Department employees. The Chief said there would be no expenses for the Police Officer. The Mayor asked what would happen if the event coordinators failed to pay the Police Officer? He thought the Village should get its costs covered. The Fiscal Officer explained that the security is provided by an off-duty officer, which is handled directly with that individual. The Village does not pay for Service coverage because it is a private event. They will be renting the pavilion like any other pavilion permit. Porter thought McAvinchey was going to put money down. The Solicitor said there was discussion, but no requirement made. The Mayor stated it would be a four-hour minimum of \$250, which should be covered. The Solicitor questioned the four-hour minimum. Porter thought the issue with putting money down was to prevent the police and Service Department staff from potentially being stiffed. The Fiscal Officer explained that there is a policy for off-duty police but not Service Department staff. Galicki asked why the Village would be providing a Service Department employee for the event. The Mayor thought one would be needed for parking cars in the event the power goes out, and to handle trash. Galicki clarified that this would be an off-duty Service Department employee, and the Mayor said yes. Galicki asked if there would be some financial agreement between the promoter and the employee. The Mayor thought it should be with the Village, and Galicki said it could not be. The Solicitor asked if the discussion was due to the size of the event, because otherwise why would it be different than the Chamber concerts. The Mayor said it was because it was a big event. Galicki asked if there had been a Service Department employee on site for any other event, and the Street Commissioner said no, other than for Fall Festival, which was a Village event.

Porter referenced the minutes from the July 11th Regular Council meeting whereby Berger made a motion to conditionally accept the reservation based upon payments being made with the acceptance that it is McAvinchey's determination whether the event goes forward or not. The Fiscal Officer asked about the dollar amount, and Porter replied \$400. Galicki thought the check would have to be written by the promoter to the individual police officer and directly to the Street Department employee who would cover the event and not to the Village. Porter further referenced the minutes which said McAvinchey was willing to make immediate payment, and the Chief said it was not needed in advance. Porter proposed the police officer and Service Department employee should split the \$400 based on the hourly rate in advance of the event, which could be a half hour before the event. The Chief explained the rationale in paying the off-duty police directly, and thought it was a matter of determining how to compensate the Service Department employee for a private event.

There was discussion about what hourly rate should be considered. Porter thought this should be determined by the Street Commissioner and ultimately the individual should be compensated by the promoter as with the police. Berger suggested taking a deposit from the promoter to hold in the event the police and Service Department staff were not paid. The Solicitor indicated that the Village has its policy and should stick with it, and those individuals working in an off-duty capacity should be paid in a similar manner. The Mayor referenced the overtime rate of one of the Service Department employees, and the Fiscal Officer explained that it would not be overtime because it is an off duty, outside of a Village event. The Village has nothing to do with it and that person would have to be paid directly. Council continued to discuss potential issues, and the Mayor suggested continuing the discussion at a later date. The Fiscal Officer offered that the event is August 20th.


The Mayor said he would be meeting with McAvinchey on August 16th, and proposed requiring a check from him at that time. Galicki indicated the check cannot be to the Village. The Chief explained again that there is no concern about payment of the police officer because it has been established with the promoter. The focus should be on what to do about the Service Department staff and a rate of pay. The Chief offered to facilitate this conversation with the Street Commissioner and the promoter. This way the Village would be left completely out of private events. Porter and Berger concurred.

The Mayor relayed an issue with NOPEC pricing being higher than First Energy and the suggestion to switch to First Energy for eight to ten months because it is a good deal.


At 9:15 p.m., Porter made a motion for Council to go into Executive Session to discuss impending or ongoing litigation in accordance with Ohio Revised Code (ORC) Section 121.22(g)(3). The Mayor, Solicitor, Police Chief, and Fiscal Officer were invited to attend, seconded by Berger. Roll call – ayes, all. Motion carried.

Council reconvened at 9:34 p.m.

ADJOURNMENT: Being that there was no further business before Council, Porter made a motion to adjourn at 9:34 p.m., seconded by Canton. **Voice vote – ayes, all. Motion carried.**



William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer