

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 12, 2022 – 7:00 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

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

VISITORS: Patrick Holtz and family, Garden Park Dr.; Marcus Miller, Feels Like Home Farm, Kirtland; John Buda, Leaview; Travis Owens, Bel Meadow; Alison Skok, Bel Meadow; Jennifer Donnellan, Waverly Ln.

The Mayor called the Regular Council meeting to order. The Mayor stated that it is Honor Your First Responders week put on by the Chamber of Commerce to honor the South Russell Police Department and the Chagrin Valley Fire Department. The Mayor acknowledged that the previous day was the 25th anniversary of 911. He asked for a moment of silence for the people who lost their lives in the 911 attack. He led the Pledge of Allegiance. The Fiscal Officer read the roll. **Canton made a motion to approve the August 8, 2022, Regular Council meeting minutes, seconded by Cavanagh. Voice vote – ayes, all. Motion carried. Berger made a motion to approve the August 8, 2022, Public Hearing minutes, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**

VISITORS: Patrick Holtz, Garden Park Dr. introduced his two daughters, Mason and Quinn, and a friend, Marcus Miller. Holtz stated that they purchased their two goats, Biscuit and Snickers, a little more than a month ago. They were present to discuss the law as it pertains to goats. The Lake Louise Homeowners' Association (HOA) does not prohibit having goats. Pigs and distilled spirits are prohibited as of 1956. In 1968, South Russell created an ordinance prohibiting most farm animals while working to move from a rural community to semi-rural and residential. Holtz presented additional historical facts about the community in 1968. In 2014, the ordinance was amended to include mini pigs. Holtz was requesting an amendment of the ordinance to include goats, and in the short-term for Council to consider a pilot program where his goats could remain in his home with tight regulations and the support of his neighbors in Lake Louise. He advised that he received the support of 27 residents in Lake Louise regarding this pilot program. Holtz stated that the goats were purchased as pets and said that they help with cognitive learning and communication. He also saw this as a benefit to the community in that it helps bring people out of the isolation of the pandemic.

Mason Holtz explained the breed of their goats, and said they act like dogs and are quiet. She invited members of Council to meet the goats.

Quinn Holtz said that the goats are kind, playful, and like to cuddle.

Marcus Miller from Feels Like Home Farm in Kirtland, stated that he provides the goats for goat yoga in the area. They are also active participants in the Geauga County Fair and 4H. He explained that the Holtz's goats are LaMancha pigmy goats, which are smaller than a pigmy goat and weigh about 35 pounds full grown. They are quiet and their feces can be used for fertilizer. They pose no more hazard to the environment than the environment poses to them. He invited Council to view his goat farm. He viewed the Holtz's purchase of the goats as the beginning of 4H for their daughters in that they are requesting a change for their community.

The Mayor said this matter had come up in the Building Committee meeting in relation to a change in zoning, and that is where the matter would be heading.

Cavanagh asked why they were identified as therapeutic goats. Holtz indicated that designation as a support animal was a different conversation because the matter being addressed with Council was about the animal ordinance. He thought the rationale and history of the ordinance was really animal husbandry and farming, which was not his purpose in purchasing the goats.

Galicki addressed the 2014 amendment to the ordinance and thought that it was largely for an indoor pigmy pig. He asked Holtz if the goat was primarily an indoor or outdoor animal and whether there would be any outbuildings required to support the goats over the winter. Holtz explained that two goats are necessary to keep the noise issue down. Currently he brings the goats inside for the night and then they are outside during the day. Holtz would defer to the committee about these parameters and conduct of a pilot goat study. Galicki clarified that there was no opposition from Holtz's neighbors, and Holtz clarified that there are members of the community who opposed it, but he could not quantify it. He obtained a petition from HOA members and added that the HOA does not oppose it. Galicki verified that the HOA does not preclude Holtz from having the goats. Holtz clarified that it does not prohibit it, but it does not expressly say that he can do it either. The HOA has taken the position of no position.

Porter verified that the goats are pets and Holtz has no commercial plans of any kind. Holtz said no, they are just pets. He advised that until he receives communication from the Building Department, the goats will remain at the farm. Porter discussed the issue of goats or pigs as livestock, and Miller advised that his farm provides goats primarily for pets and for 4H. He does not view them as livestock.

The Solicitor explained how the ordinance was amended to permit the mini pig with specific conditions. Porter asked if an amendment would have to be made for the goats. The Solicitor stated that the ordinance provides that in addition to other animals, no goats are allowed in a subdivision on lots less than 2 acres. Holtz said his property is just under that at 1.7. He thought the real question was the animal and not about the acreage.

Canton asked how many members there were in the HOA. Holtz did not know but said there were 50 homes. Canton asked how many officers of the HOA or committee signed the petition. Holtz said none and he had not targeted them because they took a position of no position, and he did not want to push them on it. Canton asked if the HOA did not allow goats, would that preclude them from having the goats? The Solicitor explained that the Village does not enforce HOA rules. The ordinance stands as it is. If it is amended, then that is what is allowed in the Village.

Bell indicated Holtz had sent him the HOA rules and regulations and everything he has stated is accurate. Bell asked Holtz to describe the fencing being used and the space. Mason Holtz explained it is made of wood and that there is plenty of room for the goats. Patrick Holtz explained that they are using the fencing that had been used at MC Art Studio. Bell verified that the fence would contain them in the yard, and Holtz said yes. Canton asked if the goats would be outside in the winter months, and Holtz said they could, but indicated he would probably bring them inside. Miller explained the shelter and fencing needs of the LaMancha goats.

Porter speculated over the best way to amend the ordinance, and Holtz explained that in the meantime, he was asking if the Village would be willing to allow for a pilot study so the goats could return to his home. Porter asked the Building Committee if they were ready to make a recommendation, and the Mayor said it required further study. Bell agreed that further study was needed but thought the pilot

study was a nice offer. Porter did not think it could be done under the ordinance. The Mayor stated the next Building Committee meeting is Thursday, October 6, 2022 at 8:00 a.m. The Solicitor will provide information and then on Monday, October 10th, the Building Committee will have a recommendation of how to handle the situation.

Alison Skok, 11 Bel Meadow, stated she wanted to discuss the second letter of violation she received and wanted to request that Section 1480.02(e)(1) be immediately reviewed by Council. It states that parking of motorized vehicles longer than 72 hours in the front yard is prohibited. She agreed with the statement but did not understand how her driveway was in violation of this. The turn-around or addition to the driveway is a gravel portion of her asphalt driveway and it has a border to keep gravel from falling into the grass or the front yard. She asked why she could not park a vehicle on this portion of the driveway. The vehicle that is often parked in the spot moves often and is not abandoned. Skok asked if she was the only resident who received the violation for parking in a gravel turnaround, and if not, how many other violations were mailed out. Skok also wanted to bring to Council's attention for the sake of other women in her community an issue with the person who was hired to handle the violation notices. She felt harassed and degraded by this individual. Due to her time limitations, she would not elaborate but offered to discuss it with any Council member separately. The Zoning Inspector made it very clear to her that the consequences she would receive include up to six months jail or \$1,000 fee if she does not comply by September 13th. She had just received the notice on September 10th. In the first notice she received, she was told that she would have to fix the issue and there was no time restriction, but it was unclear to her what needed to be fixed. She asked for direction from Council on how to proceed with the violation, which she did not believe was a violation of the code.

The Mayor told her not to do anything. He explained that she has an asphalt driveway, and she is parking on stone on the side next to the driveway. Skok explained that there was an addition to the asphalt driveway. She further explained that they just moved in January and this addition had been there for five or more years. It is not just gravel – it has a border. It was her understanding that gravel driveways were permitted in the Village, and the Mayor concurred. Porter recalled that there must be a hard surface like cement, brick, or asphalt. If the driveway was gravel before the ordinance was adopted, then she would be grandfathered, but he thought it was 15 or more years ago. He thought this is why she received the letter. Skok said it very well could have been there before the ordinance.

The Mayor repeated that Skok should not do anything. He would check with the Building Official who met with her. He and someone from HR would meet with her to address her comments about the Zoning Inspector.

Jennifer Donnellan, Waverly Ln., was present to find out what was happening with the Central Retention Basin and report back to her neighbors.

ENGINEER: The Engineer addressed both the Manor Brook and the Central Retention Basin projects. The Manor Brook Stream Restoration project was the result of a drainage study conducted for the Village. He explained that the project involved the creation of a wide floodplain, a meandering stream, and ultimately the upsizing of the culvert which runs under Chillicothe Rd. to address the historic flooding in that area. The Central Retention Basin is on Village property and was designed to mitigate flooding across Chillicothe Rd. and the flow into Chagrin Lakes. The project is being done in conjunction with a culvert replacement as well. A restrictor plate will be installed to control the flow of the water. It will be a dry basin during non-raining times, but when there is a rain event, it will serve to store and allow the water to slowly drain, creating a net zero effect for residents downstream and eliminating the flooding over the road. Both projects should be complete by the end of October.

The Mayor stated that there was a meeting with residents impacted by the Manor Brook project about buffers because no one wanted to see or hear the traffic on Chillicothe Rd. On December 8, 2022, at 9:00 a.m. they would walk the property once the leaves were gone to see what needed to be done for buffering. These residents left very happy, according to the Mayor.

The Engineer addressed concerns of a mound associated with the Central Retention Basin excavation and said there was a tight work area for the excavation and it was just a matter of the contractor storing the topsoil. This soil is being pulled back down and there will not be a big mound adjacent to Chillicothe Rd.

Galick noted that over the past week, there was a flurry of activity with people taking pictures around the border where the project interfaces with the wetland restoration project. He asked the Engineer if there was an issue and the Engineer said there was. When that project was installed, the Village made a commitment to allow it to remain untouched and maintained as a wetland area for the remainder of the project life. Unfortunately, that area went right up to and included the mouth of the culvert that goes under the road. The retention basin will also drain through that culvert, and it was necessary to get to the culvert to make sure a drainable grade was cut. A portion of the wetland area was impacted by the construction. Chagrin River Watershed Partners (CRWP) and the Environmental Protection Agency (EPA) were informed of the necessity to access the site to construct the Village's improvement, and the wetland features and characteristics will be put back when it is done. They seemed to be agreeable with this. The Mayor explained that there was a Zoom meeting to address this. The only thing was that they had an issue with was the silt fence, which did not involve the Village. The Engineer interjected that it involved him, and he was making sure it will be put back. It was taken down by the contractor during excavation and the contractor was informed that no pay will be received until it is put back. The Engineer expected to have this resolved in the next couple of days.

The Road Program is well underway. The remaining items are sweeping and removing of the loose chip seal material on the Village campus parking lot and application of a seal coat. There are also a couple of miscellaneous base repair items that need to be completed throughout the Village. Specialized Construction is doing a great job, and the expectation is that it will be \$19,000 or so below the awarded contract amount. This savings will be rolled into Reclamite as part of a separate contract for some of the streets paved this year and last year.

Friday, September 9th was a bid opening for the Signal Replacement project. The Engineer's estimate was around \$300,000 for the construction portion and bids were received ranging from \$298,000 down to \$238,000. The low bid was from Perram Electric for \$238,150.00. This is an Ohio Public Works Commission (OPWC) funded project and \$146,000 should be received in grant money to offset the Village's share. Porter observed that the light would cost the Village about \$100,000. The Chief provided historic perspective of the installation of the first traffic light on Chillicothe Rd. and Bell Rd., and said the bid was \$2,400 in 1971.

Berger asked if the cost of the crosswalk was included. The Engineer said there was no crosswalk with the project. This could be a future project which would be compatible with the signal technology.

MAYOR'S REPORT: The Mayor distributed his report. Seven people applied to be an alternate to the Planning Commission (PC). They were all invited to come to the last Special PC meeting. Five of the seven attended the spirited meeting.

The Mayor reported that he and the Fiscal Officer would potentially go to a healthcare presentation in Independence, OH, since the rising costs of healthcare are a concern.

The Mayor will attend the Health District Advisory Committee, which is made up of everybody in Geauga County.

There will be a Zoom meeting at 2:00 p.m. on Thursday, September 16th to investigate investing money.

CRWP will have a meeting at 4:00 p.m. on September 16th.

The Mayor was attempting to come up with a date for the Christmas luncheon so that the Fiscal Auditor could be present to be recognized.

The Mayor contacted CXT for bids on the restroom for the park. The model is called the Denali and is one building with two doors. He liked it because it has a green roof.

The rain garden will be installed on September 26th for free by CRWP.

The Street Commissioner will be the Village's representative to the Geauga Safety Council.

Regarding the Erosion Special Improvement District (ESID), the Mayor wanted the chair of Public Utilities to serve on this board.

Galicki asked whether CRWP's involvement in the installation of the rain garden would necessitate it being a rain garden in perpetuity. The Mayor said it should be if it is done properly and should be something that is installed and requires no further maintenance. Galicki explained that his real question pertains to the rain garden precluding the Village from ever using that property for any other purpose. The Mayor said no and said the Village can mow it up. The Engineer explained that it is not like the 319 grant with an environmental covenant on it.

The Solicitor noted that there would be no cost to the Village but wanted to know the actual cost of it. The Mayor did not know. The Solicitor asked if it had been approved by Council. The Mayor said they had talked about it but did not know if there was ever a formal vote. Galicki stated there had not. The Solicitor said it was an improvement and thought it should be done by motion at the very least with a recommendation from the Parks or Properties Committee. Galicki asked who was actually installing it. The Mayor said CRWP had discussions with Rich Washington from CT Consultants. He did not know who was doing the actual labor. Galicki expressed concern that the Village did not know the cost of the project or who would be performing the labor. The Solicitor asked if the location for the rain garden was decided by Council or just recommended by the committee? The Mayor said it was recommended by Rich Washington when he did his Park Master Plan. The Solicitor thought action should be taken formally.

FISCAL OFFICER: The Fiscal Officer distributed her monthly report. Galicki referred to the Solicitor's bill summary in the Fiscal Officer's report and noted that the large expenditures included the Red Barn. He asked if this pertained to the signage, and the Solicitor said it was and explained there was also an appeal from PC to the Board of Zoning Appeals (BZA), which was atypical and required a

lot of legal research. Furthermore, the applicant hired legal counsel, whom the Solicitor had to engage. Galicki also noted that the Solicitor's bill reflected an issue with conflict of interest which totaled just over \$1,000 and asked what this conflict of interest was. He added that a phone call to the Ohio Ethics Commission is helpful in answering these questions and is free of charge.

Porter observed that every month this year, the Income Tax net had exceeded the amounts of all prior years. He asked the Fiscal Officer if she saw any change to this trend. The Fiscal Officer reiterated that this is not known. There are reports that employers who allowed employees to work remotely are requiring they come back to work. With such shifts, it is difficult to predict.

The Fiscal Officer explained that the Building Department Administrative Assistant has been addressing deposit forfeitures. If residents have not had final inspections done on projects, they will receive several notices. If they do not comply, they forfeit their construction deposit. A contractor responded to the most recent letters and does not want to forfeit the deposit. This will require a forfeiture hearing, which the Fiscal Officer proposed for the very beginning of the September 26th Council meeting. Council will be provided the details of the matter in their Council packets.

The Ohio Municipal League will be holding its annual conference October 12-14, 2022, and the Fiscal Officer forwarded this information to Council. Two members have expressed interest, and she asked that anyone else interested should notify her by Wednesday, September 14th.

FINANCE COMMITTEE: Galicki reported that the Finance Committee will meet on Friday, September 16th.

SOLICITOR: The Solicitor had nothing to report. The Mayor praised the Solicitor for her work on the Red Barn appeal. The Solicitor gave credit to the BZA.

STREET COMMISSIONER: The Street Commissioner submitted his month end report for August. He reported that the Fall Festival banner was put up and the department will be working on park projects the remainder of the week, to include installing a floor in the tea house and installing the three benches. Regarding the salt dome, several loads of clay from the Central Retention Basin project excavation were deposited next to the salt dome to buffer the concrete sides.

STREET COMMITTEE: Porter stated the committee met September 9, 2022, and the minutes were distributed along with the minutes from the prior meeting in August. The committee discussed going out to bid for the four culverts under Chillicothe Rd. with the hope that the projects could commence in the November-December timeframe after completion of the Manor Brook and Central Retention Basin projects. Upsizing the culverts is the next step. After this, the State should be paving Chillicothe Rd. Porter said that a Special Streets Committee meeting will be held September 21st at 7:30 a.m. in the Streets Department for the committee to consider its budget.

Porter made a motion that the Mayor, Fiscal Officer, and the Engineer be authorized to go out for bid for the Chillicothe Rd. RT 306 culvert project, seconded by Bell. Voice vote – ayes, all. Motion carried.

Berger stated that on the Streets Committee Meeting notes of August 12th, it states that Berger met with the Mayor and residents of Manor Brook. He did not recall being at that meeting. Porter said he was not, but the Mayor mentioned that Berger and the Mayor would be meeting with Manor Brook leadership about the project. Berger said no, he would not be involved with that and asked that the

minutes were amended as such. The Mayor advised that he may have said that but was wrong. Porter asked the Fiscal Officer to make this correction to the minutes.

BUILDING COMMITTEE: Canton said the next Building Committee meeting would be October 6, 2022 at 8:00 a.m. The committee met on September 1, 2022, and the minutes were distributed to Council. Canton addressed an email he received from the Nick Nykulak, the owner of 1580 Bell, which was the new construction home that burned down. Nykulak paid just over \$5,000 in permit fees and wanted the fees waived or discounted as he rebuilds his home. There is no precedent. The Fiscal Officer pointed out that the Village would have to pay the Building Inspector again to do all the inspections. Canton had been told by the Building Inspector that you can go one way or the other on that. Cavanagh verified it would be the exact house on the exact space, and Canton said yes. He added that the owner indicated the construction would cost him 20% more. Nykulak is insured, but there is a ceiling on replacement costs. Canton was asking the opinion of Council about Nykulak's request. Bell understood that the final inspections had not been done and were technically open. Canton concurred. Porter asked if the Building Inspector had done inspections along the way as the house was being built, and Canton did not know. Berger asked the Solicitor to comment, and she questioned whether it would be the exact plan and footprint of the house that had been reviewed to a certain point? The permits are good for a substantial amount of time until completion or a certain date, so she did not know about the permit fees. Regarding the inspections, she could not imagine that Nykulak would want to do the project without the actual inspections. Canton thought he would want it inspected. The Solicitor said this was part of her point. Nykulak had gone to BZA for a variance and garage, which would all still stand. Canton clarified that it would not be a complete rebuild because they were able to save 10% of the house. The Solicitor verified it was the same footprint, and Canton said he assumed so, but could not say for certain. The Engineer said if it were the same footprint, he would not, for example, need to review the site plan. Nykulak could save on this. The Fiscal Officer added that the permits had been pulled, but there would be inspections. Porter stated that the Nykulak was not asking to waive the inspections, but rather the fees. The Solicitor stated they had already been paid. Porter said a final inspection had not been done and would have an associated cost. He thought it would be fair that the Village not charge him for the final inspection twice. Berger asked that the Building Inspector meet with Nykulak to see how many inspections would be needed and then report back to Council.

The Solicitor asked the committee whether Mr. Holtz proposed certain conditions with respect to amending the ordinance pertaining to the goats at the last Building Committee meeting. For example, she referenced Holtz's proposal to keeping them inside overnight, etc. Canton stated that the same information was reported by Holtz at both meetings. Bell explained that Holtz has two petitions. One is for the proposed pilot program idea with Lake Louise and the other is to go around the entire community for an amendment to the ordinance. The petition for Lake Louise stated that the goats would be brought inside by 9:00 p.m. on all days and will not be let outside until 8:00 a.m. on weekdays and 9:00 a.m. on weekends. It also states, "any other conditions offered by South Russell Village Council and the Building Department." Bell advised that the pilot program is a way to get an idea of the real impact of the goats and ultimately Holtz will accept and honor Council's decision and return the goats. Galicki asked for clarification because he thought the Solicitor said the Village could not have a pilot program. The Solicitor said without fully looking into it, her recommendation would be not to have a pilot program. She opined that it would be allowing someone to violate the ordinance. Porter thought it would be necessary to have an ordinance to have a pilot program. Galicki asked if the HOA can be more restrictive than the Village government, and the Solicitor stated yes. It was noted that no member

of the Lake Louise HOA board had signed the petition. The Solicitor asked if she was needed at the October 6th Building Committee meeting, and the committee agreed.

POLICE CHIEF: The Chief submitted his monthly report.

SAFETY COMMITTEE: Galicki reported that the Safety Committee met on September 1, 2022, and the minutes were distributed to Council.

Galicki made a motion to approve the sale of weapons that were either turned in by citizens or end of the custody chain to Geauga Pawn in the amount of \$150, seconded by Canton. The Solicitor explained that the motion was to accept the check because the sale of the property was approved by court order. **Galicki amended the motion to accept the check in remuneration for the sale of weapons to Geauga Pawn.** Voice Vote – ayes, all. Motion carried.

HR COMMITTEE: Berger stated that the committee met on September 9, 2022. He reported that the HR Committee recommended that the Village seek a Fiscal Auditor because the option previously discussed will not work. He was open to suggestions.

Regarding the part-time administrative assistant position, the committee would be looking for someone who would consider more casual hours because there is not the need for as many hours as previously thought. There still is an issue in the event the Building Department Administrative Assistant were to go on vacation. The committee is working with the Fiscal Officer to continue with that plan.

The Mayor, Fiscal Officer, and Berger met with a representative of Colonial Life Insurance, which provides a variety of insurance opportunities to include dental, short-term disability, life insurance, etc. It is offered to employees on an employee paid basis. **Berger made a motion that Council direct the Mayor and Fiscal Officer to allow Colonial Life Insurance Company to meet with all the employees of the Village during normal working hours to present opportunities for employees to obtain additional insurance benefits as they may desire and that the Fiscal Officer be directed to administer any such payroll deduction plan in vendor payments in conjunction with the plan, seconded by Cavanagh.** Voice vote – ayes, Cavanagh, Porter, Bell, Berger, Canton. Galicki was absent for the vote. Motion carried.

The HR Committee solicited bids from Human Resource Companies to consult with the employee salary matrix. The committee received two quotes. The Clemans Nelson quote was approximately \$11,000 and Mansour Gavin quoted \$1,400. **Berger made a motion to Council upon HR's recommendation to accept the quotation from Mansour Gavin and hire them as a consultant to evaluate and advise on the employee salary matrix at \$1,400, seconded by Cavanagh.** Bell questioned the difference in the quotes, and Berger explained that Clemans Nelson wanted to open the entire project from the beginning where Mansour Gavin was more willing to review the body of work and make recommendations. Both firms are used throughout Geauga County and are reputable. **Voice vote – ayes, Cavanagh, Porter, Bell, Berger, Canton. Galicki abstained. Motion carried.**

Berger made a motion to approve having dinner with the strategic planning meeting and additionally approve the Veterans Luncheon that will be held in November with a cost of approximately \$2,500. Cavanagh seconded and added that Council feed themselves when necessary and that they happily hold the Veterans Luncheon. Voice vote – ayes, Cavanagh, Porter, Bell, Berger, Canton. Galicki abstained relative to the Veterans Luncheon. Motion carried.

Cavanagh stated that the Fiscal Auditor does not have to be a Certified Public Accountant. It can be someone who has done bookkeeping and knows their business. The Fiscal Officer started both ads again today.

PROPERTY COMMITTEE: Canton stated that Properties Committee met September 1st and September 9th and the minutes were distributed to Council.

Canton made a motion to vote and to agree upon a Village Hall reservation request and \$25 deposit from the Bellwood Club which would like to have their meeting here on October 17th at 7:00 p.m., seconded by Cavanagh. The Fiscal Officer clarified that the motion is to allow the meeting and waive the fee. Canton agreed. Voice vote – ayes, all. Motion carried.

Canton made a motion to have the rain garden developed in the Village Park by the Chagrin River Watershed Partners that was recommended by CT Consultants, seconded by Cavanagh. Porter verified there was no cost to the Village. Voice vote – ayes, all. Motion carried.

Canton reported that everything is ready for the Fall Festival on September 25th. There are 21 volunteers and Canton had the waivers ready for them to sign.

Canton met with Jean Hood, a member of the Cats Den Garden Club, which would like to plant 1,000 daffodils in the park. There would be no cost or maintenance for the Village. **Canton made a motion that Council vote and approve that the Chagrin Falls Cats Den Garden Club be allowed to plant 1,000 daffodils in the park, seconded by Cavanagh.** He explained that from the northwest corner of the pavilion, 100 feet diagonally there will be a strip of 3 feet by 16 feet. Cavanagh thanked the Street Commissioner who already prepared the plot where the bulbs will be buried. The club does this somewhere different each year. Porter verified the Parks Committee supported this. Canton said yes. **Voice vote – ayes, all. Motion carried.**

The Mayor expressed concern with using volunteers. He did not know about volunteers showing up, signing a waiver and then driving a hay wagon, passing out food, or working at the bounce house. If a kid falls over or a kid does something that a volunteer directs them to do or the volunteer slaps them on the butt, worries him because they are people he does not know. He did not think the Village should use volunteers for the festival. Cavanagh asked if the Mayor was suggesting leaving the bounce house unattended. The Mayor stated that the Village has used high school kids and the Village had never had them sign off for anything. It was just whoever showed up. The names of the teenagers watching the bounce house were barely known. Canton explained that Martha Bistriz works with one of the counsellors at the high school and the students sign up through the counsellors. The vehicles will be driven by Canton, Porter, Bell, and the Mayor as well as a couple members of the Service Department. Canton saw the Mayor's point about adults showing up and wanting to volunteer like that. He was sure they were fine people, but it is a consideration in today's age. Cavanagh asked if there was a way to vet people, or what would the Mayor suggest? The Mayor said there was not enough time to do that. Cavanagh said the only other way would be to pay people, which would be prohibitive. Galicki asked what the volunteers were needed for, and Canton explained that there are 12 high school students that will help fulfill their service hours. He thought that was fine and that they could handle the bounce house and climbing wall. There is also a couple from South Russell who will be doing an Eblast sign-up table, and Canton said that everyone could vouch for them.

The Fiscal Officer explained that in the past with student volunteers, they had not signed a waiver. It came to the Village's attention this year that a release form was in the best interest of the Village.

Canton advised that some of the volunteers would be helping to set up and take down the festival.

The Fiscal Officer stated that for the last 10 years, the Service Department employees, and she and her husband have handled the food, and it is tiring. If the Service Department will be driving the tractors, she thought more volunteers are needed.

Berger asked what the value was in signing the waiver. The Solicitor said it might address some of the Mayor's concerns with having a name and a release of liability if something were to happen. She added that Council members are technically volunteers and should also be signing the forms. Cavanagh asked if one of the Mayor's concerns was that one of the volunteers may not be a resident, and the Mayor said he had not seen a list and did not know the people and it did not matter even if it was his next-door neighbor. You never know. What if the volunteer burns a hand on a hotdog. Porter pointed out that this would likely be covered by the release. If the bounce house volunteer inappropriately touches somebody, that is on them and not the Village, according to Porter, unless the Village has prior knowledge that the person had such a background. Berger concluded that everyone including Council sign the waivers. Canton asked if participation in the Fall Festival was a requirement of being an elected official, and the Solicitor did not think so. Bell offered that technically members of Council are salaried. The Fiscal Officer pointed out that she is salaried, and it is not a requirement of her job. She volunteers to work the festival each year.

The Mayor stated certain groups had been asked to come with displays. Geauga Parks has been asked to show up with a tent and a display as well as Northeast Ohio Public Energy Council (NOPEC). Is this an issue? The Solicitor explained that if one group is allowed than the Village cannot discriminate on other groups. She asked if this was something the Village solicited, or did they come to the Village and ask? The Mayor said that the Village solicited those two groups. He sent them an invitation. The Fiscal Officer explained that with NOPEC, this was part of the sponsorship grant money. Porter verified they had been present in years past. The Solicitor asked if businesses were allowed to come and promote. The Fiscal Officer said that two are allowed to sell things. Porter added that there are the popcorn people and the Mayor said there was an ice cream guy. Porter pointed out that the display of the farm and lawn equipment is also a giant advertisement for Chagrin Pet and Garden. The Solicitor reiterated that if Council wishes to invite vendors, they cannot close off who comes and who does not. The Mayor explained that a Park Committee member invited Geauga Parks, and he invited the Foundation for Geauga Parks to put up a display as well as CRWP. The Solicitor reiterated that the Village cannot pick or choose who can come. It is either open to all or none. Porter added that Chagrin Valley Fire and Life Flight have been present which are all private organizations.

PUBLIC UTILITIES: Porter reported that the Public Utilities committee met and discussed matters addressed in the Strategic Planning meeting. The next meeting will be October 7, 2022, at 9:00 a.m.

ORDINANCES/RESOLUTIONS:

Berger continued to table the ordinance repealing Ordinance 2022-17. He added that with the HR consultants in place, it is the goal of the committee to have the tiered salary system in place prior to December 31st.

Galicki introduced an ordinance amending section 252.12 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. Roll call - ayes, all. Motion carried. **ORD 2022-71**

Galicki introduced an ordinance amending section 220.03(a) 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. Roll call - ayes, all. Motion carried. **ORD 2022-72**

Galicki introduced an ordinance amending section 252.03(f) 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. Roll call - ayes, all. Motion carried. **ORD 2022-73**

Galicki introduced an ordinance amending section 1440.04(e) of the Codified Ordinances of the Village of South Russell 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 Berger. Roll call - ayes, all. Motion carried. **ORD 2022-74**

Galicki introduced a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. 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. **RES 2022-75**

Galicki introduced an ordinance approving the investment of moneys in the Village Treasury that will not be required to be used by the Village for a period of at least six months, authorizing the Fiscal Officer to take the necessary action to effectuate this investment, 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 2022-75**

Galicki introduced an Appropriation amendment increasing Street Maintenance Fund expenses \$6,500 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 2022-76**

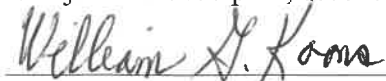
BILLS LIST


Galicki made a motion to ratify the payments of August 12, 2022, in the amount of \$59,706.49, seconded by Bell. Roll call – ayes, Cavanagh, Galicki, Porter, Bell. Berger and Canton abstained. Motion carried. Galicki made a motion to ratify the bills list of August 30, 2022, in the amount of \$32,911.90, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.

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

The Mayor reminded Council that there would be a Special Council meeting on September 26, 2022, at 6:30 p.m.

ADJOURNMENT: Being that there was no further business before Council, Cavanagh made a motion to adjourn at 9:00 p.m., seconded by Bell. **Voice vote – ayes, all. Motion carried.**


William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki