

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 26, 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, Solicitor Matheney

The Mayor called the Regular Council meeting to order at 7:15 p.m. and led the Pledge of Allegiance. The Fiscal Officer read the roll. **Cavanagh made a motion to approve the September 12, 2022, Special Council meeting minutes, seconded by Canton. Voice vote – ayes, all. Motion carried. Bell made a motion to approve the September 12, 2022, Regular Council meeting minutes, seconded by Porter. Voice vote – ayes, all. Motion carried.**

The Mayor addressed the forfeiture hearing involving Gunton Corporation and explained that the business had a history of issues with the Village. Porter advised the company failed to seek final inspections and he asked if there had been negative feedback from homeowners. The Mayor was only aware of the need for caulking at one residence and said Pella has a good reputation. The amount is \$2,500 and the Mayor asked if Council wanted to give them a second chance or have them forfeit the money. The Fiscal Officer explained the costs involved in resolving the matter, which was about \$153 per case. Gunton has a history of not calling for final inspections. The process entails that when the project is done, it is up to the contractor to call to get the final inspection. Often, these are costs passed off to the residents. The letters go out to the homeowners and contractors, and the homeowners contacted the contractor to ask why they were not doing the final inspection. There is a cost to the Village and if Council decides to give the money back, she suggested they take this into consideration. Canton clarified that this contractor has a history of turning their heads at a final inspection, and the Village has addressed this historically with them. The Mayor stated that the Building Department Administrative Assistant has made every effort to get them to do a final inspection. The Fiscal Officer advised that they have now missed the deadline to do the final inspection, and the Village is permitted to keep the money. The Solicitor explained that Gunton received the notice that they had 30 days to correct the deficiency and they did not. Then they get the 10-day notice about the forfeiture unless they appeal. Her understanding was that they wrote a general letter stating they were appealing but may not have given reasons nor did they attend the Forfeiture Hearing. The Solicitor advised that Council could decide to refund the entire amount, a partial amount, or keep the entire amount. Porter proposed splitting it with the contractor. Berger added that it should be less the expenses. Porter thought this would send a message. Cavanagh agreed. Canton noted that with the Village's history with the company, by now they should have learned the lesson. There was discussion about the amount per home that would be subtracted, and Porter reiterated that it should just be split. **Porter made a motion to split the deposit. Berger clarified that it would be \$250, \$500, and \$500 for the three deposits. Seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**

MAYOR'S REPORT: The Mayor distributed his report. He proposed having a Village-wide yard sale on the Saturday before Trash Day. The Village would organize it and advertise it with a quarter page ad in the Chagrin Valley Times. It would cost the Village for some signage. He would refer this to the Property Committee. Galicki asked if it would be necessary for the Property Committee to investigate the various Homeowner's Associations (HOA) to see if they restrict yard sales. Berger said that Whitetail, Whitetail Condos, and the Manor Brook Gardens prohibit yard sales. Porter added that Kensington Green does too.

The Mayor noted that his report contained 18 different items including the appointment of Dr. Rood to the Geauga Public Board of Health and about a contractor who offered to dig a 10-foot pond on the Village's property for free. His report also addressed the meeting with Meeder Investments.

FISCAL OFFICER: The Fiscal Officer provided Council with the amendment to the Appropriations. It will be necessary to have three readings, and she suggested introducing it at the current meeting and then doing the second reading at the Special Council meeting/ Budget Work Session with another piece of legislation, and then make the amendments at the October 10th meeting.

She advised that George Vanderbilt, Country Estates, contacted her after reading about the Erosion Special Improvement District (ESID). They are very interested and have done their homework, to include pricing, and want to know how to get the process started. The Fiscal Officer contacted Kevin Butler from McDonald Hopkins. He explained that the first step the Village took was to engage with McDonald Hopkins to form the board. Each community gets one or two representatives to sit on the board. The next step would be for communities that are interested to get the costs of their projects. If they wish to go forward with the ESID at that point, they petition the Village with the petition sample the Village was provided. The Village would have 60 days to approve. Then it would go to the County. The County would take the projects and go out for the sale of bonds. They would find out the pricing and return to the homeowners with this information. If the homeowners want to proceed, they do another petition to the Village expressing that they agree with the costs and want it assessed with their taxes. It would go forward from there. This would mean the Village might have two potential ESID projects.

The Mayor suggested he and Berger meet with Parkland Dam and Country Estates in the next few weeks. Berger verified he had received the sample of the petition.

FINANCE COMMITTEE: Galicki advised that the next committee meeting will be on October 14, 2022, at 8:00 a.m. in Village Hall. At the last Finance Committee meeting, the committee reviewed the Fund Balances. **Galicki made a motion to approve the fund balances as reviewed by the Finance Committee, seconded by Berger. Voice vote – ayes, all. Motion carried.**

Galicki acknowledged the receipt and review of the September 26, 2022, Credit Card Report and made a motion that Council acknowledge, accept, and approve the Credit Card Report, seconded by Berger. Voice vote – ayes, all. Motion carried.

Galicki made a motion to approve the purchase order and payment to Bill Timmons for mowing the park in the amount of \$4,000, seconded by Berger. Porter noted that it had gone from \$2,000 to \$4,000. Berger said it was \$3,600 last year. **Voice vote – ayes, all. Motion carried.**

Galicki made a motion to approve the payment of \$506,964.46 to Specialized Construction for completion of the 2022 Road Program, seconded by Porter. The Fiscal Officer explained that this was the first payment, not the completion. **Galicki amended the motion. Voice vote – ayes, all. Motion carried.**

Galicki made a motion to approve payment of \$218,659.39 to Mr. Excavator, Inc. for the Central Storm Retention Basin, seconded by Porter. Voice vote – ayes, all. Motion carried.

Galicki made a motion to approve payment of \$171,379.06 to Mr. Excavator, Inc. for the Manor Brook Stream Restoration project, seconded by Porter. Roll call – ayes, Galicki, Porter, Bell, Cavanagh. Berger and Canton abstained.

SOLICITOR: The Solicitor had nothing to report.

STREET COMMITTEE: Porter stated that the Street Committee held a special meeting on September 21st to review the proposed budget for the Streets Department for 2023. Porter stated that traditionally, the Village has had a \$350,000 Road Program, but last year the Village had a massive one. According to the Fiscal Officer's report, the Village is forecasting a \$1.2 million deficit but as of August 31st, the Village is up \$645,000. The committee is proposing in 2023 that the Village have a Road Program similar in cost and scope to 2022. Porter stated that the Village has the money and the committee had suggested a strategic planning goal that all Village roads would have 75 PCI or better rating. The proposed Road Program would be a significant investment in getting to that benchmark. The next Street Committee meeting will be October 7, 2022, at 7:30 a.m. in the Street Commissioner's office.

Bell explained that another perspective the committee took in addressing more roads next year is that if times are not as flush in a few years, those roads would be taken care of and it would not be a matter of trying to catch up with six, seven, or eight years of things that have to rebound from a down economy. Galicki asked how many roads were rated below the desired PCI. Bell said the committee did not have the new ratings from the Engineer. Porter thought it was seven with the last report, and the Village addressed six of them. Galicki said there would be one left, and Porter said that every year roads deteriorate. Galicki said his concern was that as the Village was more aggressive and did more roads in one year, then in the future, all those roads may require work at the same time rather than if they were approached incrementally. Porter added that the Village would be incorporating Reclamite on some of the side roads which should extend their lives.

The Fiscal Officer reminded Council the Village is supposed to do Bell Rd. in 2024, which will be \$1.5 million. She addressed the issue of securing funding and grants and asked the Street Committee to request this information from the Engineer for the October 3rd Budget Work Session. Porter addressed this with the Engineer at the committee meeting and the Engineer would provide numbers at the Budget Work Session.

BUILDING COMMITTEE: Canton stated that the Building Committee would meet on October 6, 2022, at 8:00 a.m. in the Building Department office.

The Mayor addressed the Blue Dog invoice in the amount of \$100. He explained that the Village has a frequent flyer. Five times in the past two years they have been sent letters to mow their grass, and they did not do it. The sixth time came along, and he happened to go by it. He contacted the Building Department Administrative Assistant and told her to call Blue Dog and do 151. The Mayor forgot to tell her to send a letter. As a result, the Village cannot put the \$100 on their taxes because they were not notified of the situation. Porter asked if this would be coming out of the Mayor's discretionary fund, and the Mayor did not think he had anything left.

Canton made a motion that the Village pay \$100 for services offered by Blue Dog, seconded by Cavanagh. Voice vote – Porter, Bell, Berger, Canton, Cavanagh. Nay, Galicki. Motion carried. Galicki explained that he voted against because he likes to follow appropriate procedures.

POLICE CHIEF: The Chief had nothing to report but would answer questions on the proposal from Safety Committee.

SAFETY COMMITTEE: Galicki reported that the Chief would like to address the potential of changing the service provider for the Mobile Data Terminal (MDT). The Chief would address the advantages and disadvantages of Verizon and First Net.

The Chief explained that over the last year or so, the Verizon network has deteriorated in its signal and the department had experienced dropped calls and issues with the MDTs. He contacted First Net, which is a network on a separate core and associated with AT&T. The system was built after 911 to ensure communications during critical incidents and high traffic events. First Net is for First Responders and those who support them, which would mean that in the case of a natural disaster, the police would have tower priority and would not lose its MDT connection. The service and coverage are better and there is no contract. The cost is also a little less. The Police Department was able to try out the system for a month, and it worked flawlessly. In the event of a natural disaster, First Net has mobile networks that can be brought in within two to three hours. The Chief thought it seemed like a good plan and wanted to get permission to enter into a contract. Galicki verified there was no current contract with Verizon, and the Chief concurred.

Berger asked the Chief why he would not go with First Net. The Chief said a lot of law enforcement agencies are migrating that way as the network becomes a little more popular. The Chief said it was an unknown to him until a couple of years ago when the County went to it. When he became aware of it, he changed his personal cell phone service to First Net due to network issues with Verizon. He had spoken to Verizon, and they claimed there was nothing wrong in the area. He suspected the problem was related to Verizon upgrading everything to 5G. First Net offers the Village a good service and more protection in the event of an emergency or disaster.

The Mayor stated that Chagrin Valley Dispatch has a Council of Government (COG) meeting Wednesday and suggested he ask around at that meeting and then talk to the Chief on Thursday. The Chief agreed. **Galicki made a motion that the Mayor, Fiscal Officer, and the Chief of Police enter into an agreement with First Net to be the Village's new service provider for Mobile Data Terminals, seconded by Canton.** Porter said the Mayor was going to first ask around to make sure it was okay. Cavanagh pointed out that the Sheriff uses it. The Chief suggested the motion could include that it is provided the Mayor get good feedback. Berger suggested that if the Mayor finds out something disastrous, the Mayor can have a discussion with the Chief and then address Council. Regardless of what other agencies might report, the Chief indicated he did his homework, and the system works well for the Village. Berger called the question. The Fiscal Officer pointed out that there is no contract. The Chief stated he had an email proposal from the representative. The cost would be \$32.99 per month per mobile times four. **Voice vote – ayes, all. Motion carried.**

The Mayor stated that Windstream just upgraded service through the area and will be having a ribbon cutting. He asked if a difference had been noticed. The Chief stated that the Village stopped using Windstream a long time ago because of the service. The Village currently uses Spectrum.

HR COMMITTEE: Berger stated that several applications had been received for the Fiscal Auditor position that seem promising. HR will sort through the applications and set up interviews.

The Mayor is trying to plan a Christmas luncheon that would include former Fiscal Auditor Lechman. This may mean it will take place between Christmas and New Year's. The Fiscal Officer stated that Lechman would be here on December 16th and would try to attend.

PROPERTY COMMITTEE: Canton reported that due to inclement weather, it was necessary to postpone the Fall Festival to the rain date of October 2nd. **Cavanagh made a motion to ratify the September 25, 2022, Fall Festival date cancellation to October 2nd, seconded by Canton.** Galicki asked the Solicitor if there were no procedural issue with ratification of a unilateral action, and she said no. He realized they were strained by the amount of Council members in town and available. Berger asked the Solicitor if there were a process or procedure that would allow the chair of the Parks Committee to make the decision unilaterally without Council. The Fiscal Officer asked if this could have been part of the original motion for the Fall Festival, since this was the second year the situation was encountered. Canton assured Council his decision was not hasty and involved conferring with committee and Council members. Galicki clarified that no one was questioning Canton's decision, but rather asking if there was a way procedurally to address this in the future. He wondered if there were a way that the Chairman or Mayor could be imbued without action of Council to decide, if Council or a quorum were unavailable. Porter concurred and added that the Mayor and Properties Chair could confer and cancel. He added that it could be included in the motion for authorizing the festival. The Solicitor thought this was probably the way to do it since it was not in the Codified Ordinances. **Voice vote – ayes, all. Motion carried.**

Porter made a motion that in the 24 hours prior to the Fall Festival, the Mayor and Chair of the Properties Committee, who is the Council representative to the Park Committee, confer and determine whether or not the Fall Festival will proceed as scheduled and if they conclude that it does not go forward that they notify all necessary parties. Galicki suggested adding the element of Council or a quorum not being available. Porter added **if Council cannot be assembled in quorum.** Galicki questioned whether this motion pertained to this year or forever. Porter said forever. The Solicitor suggested that this be included in future motions for the Fall Festival unless they wanted it included in the Codified Ordinances. **Cavanagh seconded. Voice vote – ayes, all. Motion carried.**

The Mayor indicated that the owner of the Red Barn had dimmed the lighting around the building. Council members observed that it was dimmer and the Mayor said he thought the owner went overboard.

PUBLIC UTILITIES: Porter reported that the Public Utilities Committee will meet on October 7, 2022, at 9:00 a.m. He said this may be the last meeting of the year because both stormwater projects are substantially complete aside from plantings that need to be done. The subcontractor for the plantings for the Manor Brook 319 grant project is recommending a delay in planting to improve the survivability of the plants. The Engineer relayed that Council should consider approving Mr. Excavator's request for a completion deadline delay from October 29th until the end of the year. Porter added that the Ohio Environmental Protection Agency (OEPA) is on board because the deadline had already been extended for the 319 project to March 31, 2023.

Galicki asked if there was further information on the issue between the Central Retention Basin contractor and the Chagrin River Watershed Partners (CRWP) regarding the encroachment on the Village Hall 319 project. Porter had not heard but thought the Engineer would provide an update at the next Public Utilities Committee meeting. He had not heard of any threats to pull funding and did not think anything would come of it. The Fiscal Officer said that according to the Engineer, the Village would be able to fix it at an additional cost. The Mayor said a meeting was held with the OEPA and CRWP and half the project will have to be restored, although he thought it was a third. Galicki asked the Mayor to clarify. The Mayor said it was half of the entire Village Hall Stream Restoration project.

The Mayor offered a compliment to the Fiscal Officer and CRWP because of the fine reputation the Village has with OEPA. As a result, they were nice and generous, although they had their lawyer attend the meeting. He thought the matter would be settled at the meeting Monday morning at 10:00 a.m.

The Mayor stated that what had happened was that over Labor Day weekend, somebody from OEPA drove by and saw that Mr. Excavator did not have the silt fence.

ORDINANCES/RESOLUTIONS:

Berger continued to table the ordinance repealing Ordinance 2022-17. He added that the committee will work with the HR consultants on the salary system.

Galicki introduced an ordinance awarding the bid for the S.R. 306 and Bell Road Signal Project to Perram Electric, Inc. subject to an acceptable contract between Perram Electric, Inc. and 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. Roll call – ayes, all. Motion carried. **ORD 2022-78**

Porter introduced a resolution consenting to the Ohio Department of Transportation’s Municipal Bridge Inspection Program, authorizing the Fiscal Officer as the designated contractual agent of the Village of South Russell, and declaring an emergency. Porter made a motion to waive readings, seconded Berger. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **RES 2022-79**

Canton introduced an ordinance amending section 220.01 of the Codified Ordinances of the Village of South Russell and declaring an emergency. Canton made a motion to waive readings, seconded by Berger. The Fiscal Officer explained that she discovered that the ordinance pertaining to the posting of notices had been amended by motion, which was not correct. The Solicitor explained that the law required that if a municipality did not have a newspaper with general circulation, it was necessary to post it in five specific places. The Village has a newspaper and the legislation is now published, and posting is the alternative. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **ORD 2022-80**

Galicki introduced an Appropriations Amendment increasing Manor Brook Stream Headwater Restoration project expenses \$40,000 and declaring an emergency.

Porter introduced an ordinance approving the amendment to the agreement between the Village of South Russell and Mr. Excavator Inc., for the Manor Brook Headwater Stream Restoration project allowing Mr. Excavator, Inc. to install the required plantings authorizing the Mayor to execute the amendment on behalf of the Village and declaring an emergency.

BILLS LIST

Galicki made a motion to ratify the payments of September 15, 2022, in the amount of \$118,368.23, seconded by Cavanagh. Roll call – ayes, Galicki, Porter, Bell, Cavanagh. Berger and Canton abstained.

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

Bell offered hats off to the Parks Committee and Canton in mobilizing quickly to postpone the Fall Festival.


Cavanagh said she was happy to be moving forward with the 100th anniversary ideas. She asked if there could be guest book at the Fall Festival with a question like, “How many years have you lived in South Russell?” The Fiscal Officer mentioned that there are a lot of ideas for the 100th anniversary and asked if Cavanagh was putting together a committee. Cavanagh said she did not have a committee as such. The Mayor said Cavanagh’s name and email were in the Plain Dealer two Sundays ago and the Fiscal Officer added that her friend lives in Lorrain County and saw the Village’s 100th anniversary listed in the papers there. She recommended Cavanagh form a committee.

At 8:20 p.m. Canton invited Council, the Mayor, Chief, Fiscal Officer, and the Solicitor and made a motion to enter into Executive Session for the purpose of discussing the purchase of property pursuant to Section 121.22(G)(2) of the Ohio Revised Code to confer with Solicitor to discuss a dispute involving the public body that is the subject of pending or imminent court action pursuant to Section 121.22(G)(3) of the Ohio Revised Code, seconded by Galicki. Roll call – ayes, all. Motion carried.

Council reconvened at 8:35 p.m.

ADJOURNMENT: Being that there was no further business before Council, **Cavanagh made a motion to adjourn at 8:35 p.m., seconded by Canton. Voice vote – ayes, all. Motion carried.**


William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki