

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, OCTOBER 10, 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 Matheny

The Mayor called the Regular Council meeting to order and led the pledge of allegiance. The Fiscal Officer read the roll. **Porter made a motion to approve the September 26, 2022, Special Council meeting minutes, seconded by Canton. Voice vote – ayes, all. Motion carried. Porter made a motion to approve the September 26, 2022, Regular Council meeting minutes, seconded by Cavanagh. Voice vote – ayes, all. Motion carried. Cavanagh made a motion to approve the Special Council meeting minutes of October 3, 2022, seconded by Bell. Voice vote – ayes, all. Motion carried. Regarding the October 3, 2022, 2023 Budget Work Session minutes, Cavanagh requested a correction to the second page under the Streets category to reflect that in describing the loader it was necessary to include that a pin on the bucket was sheared, which was one of the big reasons for needing to replace it. Galicki clarified that this pin had been replaced, and the Street Commissioner said correct. Galicki verified that this brought it back to full operational status. Cavanagh explained that once a pin is sheared, it causes other parts to be out of place. Galicki verified it was fully operational, and the Street Commissioner said it had been repaired in-house and was operable. Porter suggested adding the requested verbiage at the end of the paragraph. Porter made a motion to approve the minutes of the October 3, 2022, Budget Work Session as amended, seconded by Cavanagh. Voice vote – aye, all. Motion carried.**

**MAYOR’S REPORT:** The Mayor distributed his report. The Eagle Scout Underground Railroad project was being repaired by Charlie Cimperman and would be returned to the park when complete.

There were seven individuals interested in being a Planning Commission alternate. They were invited to attend the next meeting and then the Mayor would conduct Zoom interviews.

On Wednesday, October 12<sup>th</sup>, the Chagrin Falls High School Senior Class will be conducting community service in the park. They will be working with Judy Harvey with the Butterfly Garden and they will restore the Northwoods Trail and Shady Dog Trail scout projects.

The Mayor stated that the Treasury Investment Board should include the head of Finance and one citizen. The Finance Committee should start thinking about this. The Fiscal Officer advised that this legislation had already been passed. Appointment of a citizen is still pending. The Mayor wanted someone identified before the November 29<sup>th</sup> Treasury Investment Board meeting.

The Mayor met with a resident who had a \$5,000 donation to give on behalf of a deceased individual. It was offered to Geauga Parks which declined it. The individual suggested using it for flagpoles, and the Mayor said the Village had enough. Instead, they will investigate a solar panel for the south side of the pavilion or more benches because more benches were needed.

The Mayor relayed that a man was in contact with the Village offering to dig a 10-foot pond because he needed 8,000 yards of dirt. Porter asked where the Mayor envisioned the pond going, and the Mayor

said he did not think this would go any further because the Village did not want to do it. From his point of view, a 10-foot pond could be a hazard. He checked with Pete McDonald, Western Reserve Land Conservancy (WRLC), who said the Village could do it on the East Washington side of the park. The Mayor said he did not go so far as to ask if the Village could put in a 10-foot deep pond. The Mayor told the man who made the inquiry that the Village had a huge pile of dirt next to the park and he could take a look at it. The Mayor has not heard anything more from him.

The rain garden was put in by 14 volunteers from CT Consultants, Chagrin River Watershed Partners (CRWP), and Master Gardeners. It was a lot of work, and 9 of the 14 workers were females, but they worked very hard as did the males.

The Fall Festival left-overs were provided to the Chagrin Falls Park.

The Mayor asked Council to continue to consider a Village yard sale. He spoke to the Farmers' Market staff about different sales they had seen and he also spoke to people from Chagrin Falls. It would be an easy thing to do. Basically, it would involve putting in signs and a couple of ads in the paper as well as the newsletter. The date would depend on when Senior trash pick-up and Village Trash Day would be.

The Mayor and Berger met with the leaders of Country Estates and provided them with the Erosion Special Improvement District (ESID) paperwork. They are considering how to resolve issues with Pond 4.

The Mayor stated that the Village received \$500 from the Greg Pike Family and wanted the Park Committee to consider whether to use the money to do a tree and plaque for Greg. He would also address Judy Harvey's contribution of the Butterfly Garden and bench to the park and proposed the Village pay for her plaque. He would direct this matter to the Park Committee.

Berger addressed the use of the proposed \$5,000 donation for more benches as mentioned by the Mayor. Berger asked if these would be benches for the pavilion, and the Mayor said he did not want to speak for the Street Commissioner, but the next thing he would do was put benches at the top of the hill. The Street Commissioner agreed. There are currently four there, but they are some of the oldest benches.

In reference to the Village Yard Sale, Berger reminded the Mayor and Council that there are Homeowners' Associations (HOA) in the Village that prohibit yard sales. The Mayor agreed. Berger added that it would be important to communicate this to the residents. The Mayor said definitely.

Bell complimented the rain garden but asked how it happened that the work was done first, and the approval of the project followed, which seemed backwards. The Mayor said he had to ask and ask for some sort of agreement and he finally got it the day before the construction was planned from CRWP. Porter asked if the Parks Committee had already recommended approval of it, and some Council members agreed. The Mayor said Council had been discussing a rain garden for three years. The Solicitor stated that at one of the last Council meetings, Council asked for an agreement or something in writing from CRWP. The Mayor concurred and said he finally got it. Cavanagh said the Mayor was selling himself short because he went down there and worked with all those folks too. The Mayor said it was a great experience.

**FISCAL OFFICER:** The Fiscal Officer distributed her monthly report. Berger referenced the Fiscal Officer's report where it said the Village had received less income tax in 2022 than in 2021 for the last few months. The Fiscal Officer clarified that this was per month for July, August, and September.

Berger verified the Village is still above the program and if the Village matches what it got the last three months in the final quarter, it will be 15% above last year. The Fiscal Officer agreed. She had been in contact with the Central Collection Agency (CCA) for next year's budgeting and will adjust the numbers in the 2023 budget accordingly.

The Fiscal Officer had been trying to put the budget together based on the October 3<sup>rd</sup> Budget Work Session. \$70,000 had been identified for the bathroom in the park, and she asked if there were a quote for this. The Mayor said he had one quote for \$63,000 but wanted to use the \$70,000 figure for price increases.

Regarding the loader for 2023, the Fiscal Officer was given the amount of \$127,000 but found the Tax Budget reflected a gross of \$170,000. It was necessary to budget by gross and she asked for a specific number. Porter stated that Streets Committee would recommend budgeting a gross amount of \$170,000.

The Fiscal Officer noted that \$20,000 had been identified for trees along Chillicothe Rd. in front of the Central Retention Basin. However, she met with the Engineer who recommended against planting trees for at least a year. Therefore, the \$20,000 should not be needed in the budget. The Engineer explained that the area would be seeded and needed the chance to grow. Council should take a good look at the final product in May of 2023 before doing any planting of trees because there may be no need. Ultimately, if Council chose to do plantings it would be a matter of aesthetic and not to help with stability. Porter suggested leaving the budgeted amount in place in case the Village wanted to do something in November 2023. The Fiscal Officer further explained that American Rescue Plan Act (ARPA) funds could not be used for landscaping the basin.

The Fiscal Officer addressed the Traffic Light Project and explained that part of it will be done in 2022 and part in 2023, so the money will be encumbered from 2022 to 2023. The Manor Brook and Central Retention Basin projects will hopefully be complete with billing done by the end of the year. Additionally, she is determining how much ARPA funds will remain from the Central Retention Basin project for additional stormwater projects.

The Fiscal Officer reminded Council that in the event a new Salt Dome and/or a Service Building are built, there will be associated engineering costs.

Regarding the Veterans Luncheon, the Mayor had informed the Fiscal Officer that one of the costs would be \$100 for the guest speaker, David Lange, which would require Council's approval as a donation. The Mayor said it would be as an honorarium to cover gas mileage. **Porter made a motion that the Village provide a \$100 honorarium to David Lange for the purposes of his speech to the veterans assembled at the Veterans Luncheon, seconded by Berger. Voice vote -ayes, all. Motion carried.**

The Mayor said if the Village receives \$50,000 more in income tax, it will beat last year's. Berger concurred and added that there is still a quarter to go. The Mayor concluded that the Village is "fat."

**FINANCE COMMITTEE:** Galicki reported that the next Finance Committee meeting will be Monday, October 17, 2022, at 8:00 a.m. in Village Hall.

**SOLICITOR:** The Solicitor had nothing to report.

**ENGINEER:** The Engineer reported that the Manor Brook Stream Restoration project and Central Retention Basin project were substantially complete. Seeding and stabilization will occur for the

Central Retention Basin by October 30<sup>th</sup>. A time extension was granted by Council for the landscaping and seeding of the Manor Brook project based on the availability of dormant trees. Mr. Excavator believes the project will be done by December 7<sup>th</sup>.

The Mayor addressed a walk through for the Manor Brook project site and said there would be members of Council involved. The Solicitor asked if it were a joint meeting, and the Mayor reiterated that there would be members of Council there. The Solicitor stated there would be a joint meeting of Planning Commission and Council on December 8<sup>th</sup> at 9:00 a.m.

The Mayor stated that he received an email from Mr. Greenlief, and asked the Engineer if he wanted to meet at 8:00 a.m. or 10:00 a.m. The Engineer asked if Mr. Greenlief asked for a meeting, and the Mayor said no, but Greenlief had asked what would be happening next. The Engineer explained that he saw the email in which Greenlief said the project was as the Engineer explained. There seemed to be no issue, and the Engineer did not think the Village should request any further meetings unless specifically asked to do so.

The Engineer reported that the Road Program was substantially complete with a couple of punch list items remaining. According to his numbers, it would be around \$25,000 below the awarded contract amount, which would be about \$650,000. This difference should cover the cost of the Reclamite that was applied this year.

Porter asked about the status of the Chillicothe Rd. culverts, and the Engineer said advertising for bids would be occurring this month. Bid opening would probably be mid-November at the earliest. Porter asked if the work could be done in December, and the Engineer concurred. Porter was concerned about the timing with completing and paying for the job this year, and the Engineer explained that there would be no money spent this year. Typically, the first installment would not occur until a month after work had begun. He had already discussed this with the Fiscal Officer. Porter clarified it would be 2023 money, and the Fiscal Officer agreed.

The Mayor asked if the price of asphalt increased over the summer, and the Engineer said yes and acknowledged the Village was lucky to have locked in prices for the Road Program when it did. He thought for planning purposes that the prices would come back down, but he would like to be out early in 2023 to capitalize on the same trend.

Cavanagh stated she really wanted trees in front of the Central Retention Basin. The Mayor stated that they would have the \$20,000 if they decide a year from now to put in trees. He noted straw had been put down on the project area and said it looked very nice.

**STREET COMMISSIONER:** The Street Commissioner submitted his monthly report. He stated road striping had been conducted. He added that the LED stop sign installation at Snyder and Bell would occur on October 11<sup>th</sup>.

Regarding the pin on the loader that broke, Galicki asked the Street Commissioner if it was a shear pin. The Street Commissioner said it was a hinge pin that was solid steel, 1.5 to 2-inches around.

**STREET COMMITTEE:** Porter said the Street Committee met October 7<sup>th</sup> and the minutes were distributed along with the prior month's meeting minutes. The next meeting is planned for November 4, 2022, at 7:30 a.m. in the Street Commissioner's office and all are invited to attend.

**BUILDING COMMITTEE:** Canton reported that the minutes from the October 6, 2022, Building Committee meeting were distributed. He said that he and Bell were seeking advice from Council concerning the potential modification of the code that would allow goats in the Village. He wondered whether a Special Building Department meeting should be held for Village residents to discuss the matter. Based on past experience, Cavanagh suggested the Building Committee might want to poll the Lake Louise neighborhood since the HOA was not making a decision and was passing it off to the Village. Berger explained that it would be Council's job to create an ordinance that would not just be for Lake Louise but for the entire Village. Therefore, Council should hear from anyone in the Village who had an opinion about the issue. Porter thought Council would want to hear from homeowners in the immediate vicinity of the resident making the request, and that they should be specifically invited. The Solicitor stated this was what was discussed at the Building Committee meeting to include sending a special email to the HOA and to those surrounding properties and treating it much like a variance. It would be a Public Hearing for anyone in the Village since it would be Village wide. Porter relayed that when the amendment was made to allow for the pot belly pig, input was solicited from the people around where the pig lived. The Fiscal Officer stated that it could be done as a Special Council meeting if there were more than three Council members, and then notice with the topic could be sent out as an eblast and put on the website. She proposed that it could also be conducted during the Visitor section of a Regular Council meeting. Cavanagh was concerned about elderly residents who could not drive in the dark, and thought this should be considered in determining the time. The Mayor proposed it be done before a Council meeting on November 14<sup>th</sup> or November 28<sup>th</sup> at 6:30 p.m. Canton thought more time would be required. The Fiscal Officer reminded Council that the meeting should not be too early for the people who work.

Galicki clarified Cavanagh's statement that the Lake Louise HOA did not want to make a policy. Cavanagh clarified that they had not. Galicki asked the Committee if the HOA was aware, and Canton said he brought it to the attention of the HOA president whose comment was, "we don't want to touch it." Galicki reiterated that Council would not just be considering goats in that subdivision, but rather goats throughout the Village. Canton added that the pot belly pig for which the previous amendment was made was perhaps a bit bigger than was thought and it stayed outside. The Mayor asked Canton to clarify which pig he was talking about, and Canton asked how many pigs the Village had. The Fiscal Officer said two. The Chief said it was a miniature pot belly pig living inside the home, and he did not think it existed any longer. Canton asked the Building Inspector and the Zoning Inspector to investigate the pig caper. The Mayor said there was a 300-400 pound pot belly pig that belonged to the Taussig family on a property located in both Chagrin Falls and South Russell.

The Mayor said he would just say, 'no, we're not going to consider this,' and end it. If an exception is made, you get into the emotion and turn neighbors against neighbors. Another neighbor had kids in 4H and kept their goats in Newbury. He saw no reason to cut an exception for this. When you open the door, it's going to open wide, and especially with goats, with no offense to goats. The Mayor thought Council should just end it. Canton stated that it was the opinion of the Building Committee that it might be prudent to take a long look, study the situation, listen to the people, and then make an intelligent decision as to whether the matter should move forward. Bell agreed and explained that the Village had a resident who whole heartedly lobbied the Village with a compelling story, and Council owed that resident the opportunity for an open forum.

Dates were discussed and November 14<sup>th</sup> at 6:00 p.m. was suggested. Cavanagh verified that individuals watching virtually could not participate, and Bell said they could send Canton an email.

Porter added residents could call any member of Council. The Mayor cautioned that if anyone called and said they would be sending an email, they should be reminded it is a public record.

The Fiscal Officer verified that this would be a Special Council meeting at 6:00 p.m. on November 14<sup>th</sup>. An eblast would be sent and it would be posted on the website.

**POLICE CHIEF:** The Chief submitted his monthly report. He stated that the Safety Committee would be asking Council to allow the Police Department to initiate the process to hire one or possibly two part-time officers. He added that he still had no confirmation about the delivery of the new police vehicles. When he did, he would work with the Fiscal Officer to budget for next year.

Berger stated that the Village had hired several part-time officers in the last year and asked if the Village was getting hours from them. The Chief said two were hired and the department lost one. Two of the part-time officers have been with the Village awhile, and there are two newer officers, one of whom is still in training. With it being part-time, most of the officers have full-time jobs and availability is tough. At one time, the Village had nine part-time officers, but average six. The department has been down for quite a while.

**SAFETY COMMITTEE:** Galicki reported that the Safety Committee met on October 6, 2022, and the minutes were distributed. He opened the discussion to Council regarding advertising for part-time police officer positions. The Chief stated that in the past year, the Village has hired a number of full-time officers who replaced retiring officers. Currently, the staff is at three active part-time and one in training. The department has not been receiving the number of applications it had in the past. He suggested going through the process and putting an ad in the paper to initiate a fresh process and to see if the department could get some new candidates.

Galicki thought that perhaps one new officer would address the need, and two would be nice. The committee discussed advertising generally for a part-time patrol officer position instead of identifying how many positions were available. They would then assess the quality of candidates.

**Galicki made a motion to go forward and advertise for the part-time officer position, seconded by Berger. Voice vote – ayes, all. Motion carried.**

**HR COMMITTEE:** Berger said HR Committee will meet Friday, October 14<sup>th</sup> at 9:00 a.m. The committee will be discussing the Tiered Salary Schedule with the HR consultants.

**PROPERTY COMMITTEE:** Minutes from the joint Building and Parks Committee meeting of September 29<sup>th</sup> were distributed. Canton thanked the entire Village team to include employees, Department Heads, Council, and the Park Committee for a successful festival. Attendees really enjoyed the event.

Canton wanted to call for a special Properties and Parks Committee meeting to review the positive and negative points of the Fall Festival. He would have the dates by the next Regular Council meeting.

**Canton made a motion to ratify donation of the remaining Fall Festival food to the Chagrin Parks, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**

**Canton made a motion to approve Village Hall use by Paw Paw Lake HOA and the Preserve of Chagrin and to waive the fee, seconded by Berger. The Mayor clarified that Paw Paw would be Sunday, November 13<sup>th</sup> at 3:00 p.m. and the Preserve is Monday, November 7, 7:00 p.m. Voice vote – ayes, all. Motion carried.**

Cavanagh expressed thanks for everyone involved with the Fall Festival.

**PUBLIC UTILITIES:** Porter reported that the Public Utilities committee meeting was rescheduled for Friday, October 14, 2022, 10:00 a.m. in Village Hall. Porter suggested that the individual who wanted to dig the pond could attend the meeting and discuss his proposal with the Engineer and committee. Galicki stated that the individual just wanted the dirt, and the Mayor said the man wanted to do a 10-foot deep pond and needed 8,000 yards of dirt. Porter proposed Fox Run, although Fox Run did not know anything about this. He thought it would be a topic worth exploring. The Mayor said he would have something by Friday at 10:00 a.m.

Porter stated that a bill was received from CRWP for the monitoring of McFarland Creek Tributary at Bell St. The bill came to \$1,725. The point of the monitoring was to measure the flow rate through the creek, and the Village wanted to know if it would go up or down based on the Manor Brook project and Central Retention Basin project. The Engineer explained that the Manor Brook project would be represented, but the Central Retention Basin would not. Porter thought it was a reasonable way to see how well the project worked and whether the Village would need by extension the southern part of the project, Phase II. Porter thought it was a worthy expenditure. **He made a motion that the bill be paid, seconded by Cavanagh.** Cavanagh clarified that this was located above Sugar Bush. The Mayor said it was down the concrete culvert pipe and had been there a year for free, but now the Village must pay for it. Porter suggested that it could be taken down when no longer needed. Berger asked whether his commenting would represent a conflict as it related to the Manor Brook project. The Solicitor thought it probably did. Galicki asked if it was the bill for the coming year or for the past year. The Mayor said it was for the coming year and the first year was free. **Roll call – ayes, Bell, Cavanagh, Galicki, and Porter. Berger and Canton abstained. Motion carried.** The Fiscal Officer asked that the bill be provided to her.

#### **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 31<sup>st</sup>.

Galicki introduced an ordinance approving the agreement with Perram Electric, Inc. for the Village of South Russell's S.R. 306 and Bell Road Signal project, authorizing the Mayor to execute the agreement on behalf 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 2022-83**

Canton introduced a resolution approving the Master Rain Gardener agreement between the Chagrin River Watershed Partners, Inc. and the Village of South Russell, authorizing the Mayor to execute the agreement on behalf of the Village and declaring an emergency. Canton made a motion to waive readings, seconded by Cavanagh. Roll call – ayes, Bell, Berger, Canton, Cavanagh, Porter. Galicki abstained because it was an after the fact expenditure. Canton made a motion to adopt, seconded by Cavanagh. Roll call – Bell, Berger, Canton, Cavanagh, and Porter. Galicki abstained. Motion carried. **RES 2022-84**

Berger introduced a Resolution of Appreciation for L. Adam Lechman.

## BILLS LIST

**Galicki made a motion to ratify the payments of September 29, 2022, in the amount of \$930,583.96, seconded by Bell. Roll call – ayes, Cavanagh, Galicki, Porter, Bell. Berger and Canton abstained. Motion carried.**

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

Cavanagh said the Fiscal Officer showed her where the oldest minutes and records were located in Village Hall. It was a delight to start reading. The Fiscal Officer added that Cavanagh was also provided a link to the digital versions of the minutes.

Galicki asked the Solicitor if there was anything new to report about the continuing situation with the corner property. The Solicitor said she had not received a proposal and would provide it to Council immediately if she received one.

The Mayor verified with the Fiscal Officer that Adam Lechman would be in town December 16<sup>th</sup>. He asked if everyone were gathered at Augie's for lunch if that would be a Special meeting. The Solicitor said yes and suggested doing a sunshine notice for it.

The Mayor asked if the October 24<sup>th</sup> 5:30 p.m. Special Council meeting for Budget Work Session would be needed. The Fiscal Officer advised she had not put all the numbers together yet. Depending on how bad it looked, they could decide if the meeting would be needed. Ultimately, it would be up to Council. There was not a lot of discussion at the previous Budget Work Session, so if they wanted to have discussion, then the meeting should be held. Porter suggested that the Department Heads might want to have the meeting as well in case something came up that needed to be added. Berger said the Finance Committee will meet on October 16<sup>th</sup> and they could have this discussion and make a recommendation to Council.

**ADJOURNMENT:** Being that there was no further business before Council, Bell made a motion to adjourn at 8:05 p.m., seconded by Porter. **Voice vote – ayes, all. Motion carried.**

  
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William G. Koons, Mayor

  
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Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki