

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, OCTOBER 24, 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

VISITORS: Kathy Zappitello, Sandusky St., Conneaut; Katie O’Neill, Pheasant Run Dr., Chagrin Falls; Bill O’Neill, Pheasant Run Dr., Chagrin Falls; Patrick Enders, Sweetbriar Ln., Novelty

The Mayor called the Regular Council meeting to order and led the pledge of allegiance. The Fiscal Officer read the roll. **Cavanagh made a motion to approve the October 10, 2022, Regular Council meeting minutes, seconded by Canton. Voice vote – ayes, all. Motion carried. Cavanagh made a motion to approve the October 18, 2022, Special Council meeting minutes, seconded by Porter. Voice vote – ayes, all. Motion carried.**

VISITORS: Kathy Zappitello, candidate for the House of Representatives for the 99th District of Ohio, addressed Council. Bill O’Neill, Katy O’Neill, and Patrick Enders spoke in support of Zappitello. Katy O’Neill expressed interest in implementing renewable energy for the Village Campus.

MAYOR’S REPORT: The Mayor distributed his report and addressed the 28 items on it. He reported that the work done by the Chagrin Falls High School Senior students for Philanthropy Day included edging the Butterfly Garden in the park and restoring trails. The Mayor updated Council about the man with the potential \$5,000 donation, and said the man rejected the idea of using it to pay for solar panels on the back of the fireplace at the pavilion. Instead, the man wanted a lighted flagpole on the East Washington St. side of the park. The Mayor asked Council to consider it and suggested having a local electrician investigate since there is no electricity on the site. Electricity would be a continual bill. The alternative would be to do it with solar. The man was not interested in using the money for benches. The Mayor reported he would meet with the resident adjacent to the Central Retention Basin to discuss landscaping in conjunction with the meeting with the Manor Brook residents. Regarding the man who was in need of 8,000 yards of dirt and who offered to dig a pond for the Village in the park, the Mayor stated the individual might consider taking some of the silt from pond dredging in the community, but this was a private matter. Regarding the Village-wide yard sale, the Mayor said he had not heard any objections to having it, so it would be discussed at the next Properties Committee meeting. He also reported that the purchase of a tree for Greg Pike will be discussed at the Park Committee where Pike’s daughter, the Park Committee, and Pike’s second wife would be there to decide.

The Mayor provided Council with Ohio statistics he learned at the annual Ohio Municipal League (OML) Conference which he and Galicki attended. He also reported the status of various pieces of legislation at the State level. The Mayor continued with his report, stating that the Chamber of Commerce contacted him last week requesting to hold a food drive Saturday, October 29th 9:00 a.m. to 1:00 p.m. This is the same day as the Village’s shredding event. This would require a motion. According to the Mayor, the Wreaths Across America program wanted the Village to purchase wreaths for the 13 veterans buried in its cemeteries. The wreaths cost between \$15 to \$20 each. The Mayor provided Council with his 2022 calendar containing goals for the year for Council to review to see what was and was not accomplished.

The Cats Den Garden Club will be planting 1,000 daffodils along the tree line in the park for free.

The Architectural Review Board has begun to standardize parts of the Village's requirements. To avoid amateurish blueprints and plans, the Board is considering how to provide residents with onsite instruction on how to do a sketch of a foundation or a wall. The Board of Zoning Appeals is considering a carryout food service business next to Living Lean on Washington Street. He said there were many variables since the space was not designed for this purpose. The Mayor reported the lighting at the red barn had changed quite a bit. The site plan, parking plan, and landscaping were approved by the Planning Commission.

Charles Hart of the United States Geological Survey (USGS) examined the Village wells on Thursday, October 20th. The Village has been with USGS for 20 years and currently has a five-year contract to monitor six wells. There is the monitoring of one shallow well with which Hart requested assistance since the homeowner had changed. The Mayor also sought Hart's opinion on the current stormwater projects and said Hart will provide his comments later. The Mayor viewed him as an untapped resource relative to his perspectives on the pros and cons of the projects.

FISCAL OFFICER: The Fiscal Officer clarified matters addressed at the last Council meeting. She first verified that the Village does in fact have all its legislation and minutes dating back to the beginning of the Village. Second, the Village Hall is not on the historical data base because it was moved in the early 1970's and did not qualify for this status as a result.

Regarding the American Rescue Plan Act (ARPA) funds, there was a question about whether the funds could cover the engineering costs for the Central Retention Basin. She consulted with the State Auditor and Solicitor. The Solicitor explained that there are two funds for which ARPA monies may be used with respect to water. They are the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund. The Central Retention qualifies with the Clean Water State Revolving Fund. There are a series of eligible projects and activities of the projects that can have the funds applied towards them. Included are planning and assessment in advance of a project, like engineering. She would want to clarify it with the Engineer, but she felt it would fall into using the ARPA funds to pay for the preplanning/planning and assessment work for the actual project. The Drinking Water State Revolving Fund allows engineering and design work to be included. She suggested having Council pass an ordinance determining that Council feels that it is appropriate to use the ARPA funds for the planning and assessment and/or engineering work performed with an eligible project. Otherwise, it would be designated separately and not qualify for ARPA fund use. Porter asked how much of the ARPA funds would remain after completion of the Central Retention Basin, and the Fiscal Officer estimated it would be about \$57,000. She suggested putting it in the proposed budget to use for a stormwater project next year because it must be encumbered towards a project by the end of 2023 and spent by the end of 2024. She consulted with the Solicitor about this matter because of the complexity of grant funding. The Solicitor stated that on the Environmental Protection Agency (EPA) site, there are examples of what planning and assessment activities are that would be eligible for ARPA funds, and she recommended the Public Utilities Committee review whether some or all of what the Engineer did could fall within those categories. Porter stated the committee will meet Friday, November 4, 2022, at 9:00 a.m. in Village Hall and would discuss this topic. The Fiscal Officer added that she would provide the funding paperwork for the committee to review as well.

The Fiscal Officer distributed her report to Council along with the draft budget. Porter noted it was another banner month for Income Tax. The Fiscal Officer said she amended the Certificate of Resources with the county this year to include the increased revenue. She included what the income tax

collections had been in her report. She asked if Council wished to amend what it was estimating for Income Tax revenue for 2023, which was estimated at \$2,075,000 gross. In her report, she showed what the Village had received historically as well as where the Village currently is. According to the Central Collection Agency (CCA), it seems that the increased revenues are from increased wages by the Village's two top employers. This additional revenue will likely remain in place. The third reason was primarily from people working from home rather than the office. This is an unknown and ultimately, nothing is guaranteed. The projection is that there will probably be continued higher revenue from income tax, but was uncertain to what amount Council would want to budget.

The Mayor commented that the Fiscal Auditor always said October was an interesting month. The Village is only \$14,000 above the average for October but he did not know if Income Tax was slowing down and it could just be one month. Looking at the yearly numbers, the Village is up \$400,000 with a few more months to come. It is a guessing game, but he thought Council had done well with figuring out what the Village was going to do.

FINANCE COMMITTEE: Galicki stated that the Special Finance Committee meeting was held on October 17, 2022, and the minutes were distributed. He and the Mayor had the opportunity to attend the OML Conference in Columbus. From a finance perspective, a lot of credit should be given to the financial stability of the Village. Many of the participants in the conference were from villages, small cities, semirural suburbs, etc. Through conversations, he found that there were more struggling communities than there were communities like the Village of South Russell. The Village has been using its resources well and has good fiscal accountability and spends money wisely. He offered a 'well done' to those responsible for putting the Village in this position and asked that they continue to the trend.

Galicki made a motion to approve the fund balances provided by the Fiscal Officer and reviewed by the Finance Committee, seconded by Berger. Voice vote – ayes, all. Motion carried.

Galicki made a motion to approve the credit card report of October 24, 2022, seconded by Berger. Voice vote – ayes all. Motion carried.

Galicki made a motion that the Village advertise for a volunteer to serve on the Treasury Investment Board, seconded by Berger. Voice vote – ayes, all. Motion carried.

The next meeting of the Finance Committee will be Friday, November 18th.

SOLICITOR: The Solicitor had nothing to report.

STREET COMMITTEE: Porter advised the Street Committee meeting would be changed from November 4, 2022, to November 10, 2022, at 7:30 a.m. in the Street Commissioner's office due to the unavailability of one member of the committee. He added that the committee would discuss the various issues the Mayor has identified as well as the forthcoming Streets programs. Porter called Council's attention to the Case Loader outside of Village Hall which is like the one the Street Commissioner plans to order next year.

BUILDING COMMITTEE: Canton reported that the next Building Committee meeting would be Thursday, November 3, 2022, at 8:00 a.m. in the Building Department office. Bell reminded Council of the November 14th special meeting to discuss the goat issue.

SAFETY COMMITTEE: Galicki said the next Safety Committee meeting is scheduled for Thursday, November 3, 2022, at 9:00 a.m. Galicki asked the Chief to comment on the change he is considering to

the graphics on the police cars. The Chief distributed pictures of the current logo and the proposed changes. He added that the department received the first of the two police vehicles on Friday, October 21st.

HR COMMITTEE: Berger stated that the HR Committee met on October 21st and he distributed the minutes to Council. **Berger made a motion to renew the employee's current healthcare plan with Medical Mutual of Ohio, seconded by Cavanagh.** The increase was 16.1%, which sounded high but was well within the range of renewals. It was noted that it was more last year. The Fiscal Officer explained that for three to five years, it was between 1% and 3%, which was abnormal. Because the Village is grandfathered, the increases are based on its employees and not the overall market. Berger said this also reflects the general increase in healthcare costs. **Voice vote -- ayes, all. Motion carried.**

Berger made a motion to hold a Special Meeting on December 16, 2022, at 12:00 p.m. for the purpose of holding the Holiday Luncheon. Voice vote – ayes, all. Motion carried.

Further HR business would be held for Executive Session.

The Mayor asked if it would be HR's responsibility to make a motion to pay for wreaths for the 13 deceased veterans. Berger questioned which committee would handle this and concluded that his concern was with consistency. Whatever committee takes it on this year should have it forever. The Mayor said the Veterans Luncheon was being done through HR and so he thought he had hooked this committee. Porter thought it could be Streets Committee since the Street Department would be responsible for placing the wreaths. Cavanagh advised that it was done by volunteers.

Galicki expressed confusion and stated that Wreaths Across America is a non-profit organization that solicits donations so that they can provide wreaths for veterans' graves. He questioned that the organization was asking the Village to pay for wreaths for the veterans buried in its cemeteries. He thought this seemed odd. Porter clarified it was a charitable donation. The Fiscal Officer asked if this would be from the Cemetery Fund. Porter thought this made sense. The Mayor could not remember how it was paid the last time. Berger said that HR would contact the organization for clarification and report back to Council.

PROPERTY COMMITTEE: Canton stated there would be a joint Property and Parks Committee meeting Thursday, October 27th at 7:00 p.m. in Village Hall. The agenda for the Parks meeting will be the 2022 Fall Festival. The Properties Committee will discuss the Village yard sale along with how the funds donated by the Pike family will be used. The Fiscal Officer stated she would need to call Mrs. Pike to verify that what the Park Committee decided as a use for the funds would be acceptable since they were donated.

The Mayor said that since this idea of a Chamber of Commerce Food Drive on Saturday was being done on Village property, he thought they probably needed a motion to approve the use of it if Council wanted to do it. **Porter made a motion that the Village authorize the Chamber of Commerce to conduct a food drive Saturday, October 29th between the hours of 9:00 a.m. and 1:00 p.m. provided there is an indemnification agreement between the Chamber of Commerce and the Village just like it does with the Farmers' Market and everybody else, seconded by Canton.** Cavanagh asked if this food drive had been done before, and the Mayor said no and added that they called a week ago and asked if they could do it. The Mayor told them it was perfect because the Village was doing paper shredding that day. Galicki wanted to make Council aware that he believed Mr. Henry had a great idea and commended him for it. When it comes to the vote, however, he would vote nay

because in the past four to six weeks, this was the third or fourth after-the-fact issue that was coming before Council. He could not understand why these issues could not be addressed beforehand. This event was already advertised on social media and is nothing that the Village should cancel because the gate is open and the cow is out. He did not understand why business continued to be conducted in this way. There are processes and procedures and Galicki asked that they try to follow them in the future. Cavanagh stated that it had not happened yet, so they were still before the event. Porter stated that to Galicki's point, there was a sign out on the Village campus, and it was on social media. They take the risk that Council could say no. The Mayor concurred. Porter thought they had known about this for a while. The Mayor thought he received it as a text or email from the Chamber and it was after the last Council meeting. He responded that they could and told them to come on this day. If it had been before the Council meeting on the 10th, he would have known. Galicki reiterated that it was not the first and only incident but seemed to be a pattern. He realized he could not abstain from the vote but was against the continuing after-the-fact authorizations Council has faced.

Bell noted the Solicitor's concerns about the proposal and asked if having the indemnification agreement made her feel better about it. She said yes, as long as it is similar to previous agreements, and clarified that she is referring to the use agreement the Village has had with Farmers' Market, MC Art Studio, etc. Porter concurred this was what he was referring to in the motion. The Solicitor asked with whom the Village would be contracting, because she understood it was through Bainbridge Area Food for Friends. The Mayor said the Chamber of Commerce contacted him. She explained that the Village would want to be added as an additional insured just as with Farmers' Market, etc. The Mayor said he would imagine it would be twisted because it was going to be a Chamber Event and Mike Henry Realty truck and the food would go to possibly the Bainbridge Food Pantry, but he did not know. Porter concluded that the Chamber was running it, and this would be the proper entity. The Solicitor would prepare the agreement and asked about the traffic plan the Mayor developed. The Solicitor would provide the agreement to the Mayor to have it signed. The Mayor said he would take it to the director. The Solicitor wanted to be sure they would be the ones indemnifying the Village or adding the Village as an additional insured.

Berger asked if it would be helpful to the future process to have the Village requirements for the use of the Village Campus written down. This would include a list indicating what documentation must be provided. The Mayor thought that there should be revisions on how to use the pavilion, park, Village Hall, and probably the campus. Berger thought it would be helpful to have a written policy instead of having to address each on a case-by-case basis before Council. The Mayor said this was a good point and addressed the situation of when the Girl Scouts wanted to sell cookies on the campus. When they said they were going to go to the park and do all this work on the trails, he forgot all about it because he did not think they would come through and here they did a fabulous job. What if a Girl Scout breaks her leg? He did not have any idea. The Solicitor reminded Council of when Chagrin Yoga wanted to use the campus, an agreement was prepared like what the Farmers' Market and MC Art Studio had for the art show. That was a standard agreement which included the date of the event, signage, traffic pattern, and asked for a certificate of insurance where they add the Village as an additional insured. The Mayor suggested getting through this week and then it was something that would be ongoing to get it changed around.

Bell said he loved Berger's process and would also acknowledge, to Galicki's point, that things were being done after the fact. Additionally, if possible, it should be communicated to the groups who want to have an event here to please not advertise beforehand. Let Council go through the process first

because it puts Council in an awful position. It is wonderful they are having a food drive, but Galicki has a point in voting no. Then it comes out that a council member says no to a food drive. That is not true and not what it is about. It puts Council in an awkward position.

Porter discussed a time when the Chagrin Schools Rocket Club used the park for firing off its rockets, and it was fortunate no one got hurt. If someone wants to use the park for this kind of activity, there should be a similar application. He added that the remote-control airplane people were concerned they would be denied because the ordinance banned motor vehicles. He concluded that since the Village was getting more and more requests, there would be more requests to use the park as well. Porter added that the lost child exercise used the park. The Chief asked if Porter was referring to the Child Abduction Response Team (CART) and pointed out that this was a law enforcement exercise that would not require liability insurance since there is insurance through the Valley Enforcement Group. Porter said that his point was that more organizations were using the park for a variety of things.

Porter said the policy could specify how much in advance the Village requires notice of the event. The Fiscal Officer stated that in the beginning of the year, there was discussion of updating the Village Hall use policy. Previously, the HOAs were permitted to use Village Hall. It was a matter of fine tuning the process, and it did not need to be difficult. It should include the required notice and documents. Regarding the Girl Scout cookie event, they did not proceed with the event because of their own process through the Girl Scouts organization that they were required to follow. There are rules to be followed and it is better to streamline and follow the process.

The Mayor referred to the Bellwood Club organizational meeting and the difficulty he and the Chief had in getting their Zoom to work for them. They ended up with a black eye because they were trying to do the talking and people were calling in. It did not go well.

The Mayor said the Village is vulnerable if a group goes in and starts using the park. Should they be told to stop? Berger said yes. Porter and the Mayor addressed sports teams that might elect to use the park without proper notice. Canton stated that he encountered this with the cross-country team. He welcomed the coach but told the coach that next time, he would suggest they contact Village Hall.

The Mayor reminded Council that the motion to approve the Chagrin Valley Chamber of Commerce Food Drive on Saturday, October 29th from 9:00 a.m. to 1:00 p.m. was still on the table. **Voice vote – ayes, Canton, Cavanagh, Porter, Bell, and Berger. Nay, Galicki. Motion carried.**

PUBLIC UTILITIES: Porter reiterated that there would be a committee meeting Friday, November 4, 2022, at 9:00 a.m. in Village Hall. The minutes from the last Special Public Utilities meeting were distributed. The committee discussed the Fox Run detention pond possibility and will discuss this at the next meeting along with the ARPA fund issue.

ORDINANCES/RESOLUTIONS:

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

Berger provided a second reading of a Resolution of Appreciation for L. Adam Lechman.

The Mayor asked that Lechman's family be invited to the Holiday Luncheon. The Fiscal Officer indicated she could, but this had not been done in the past other than for retirements.

BILLS LIST

Galicki made a motion to ratify the payments of October 14, 2022, in the amount of \$95,401.59, seconded by Bell. The Mayor said that Tim Sustar got an extra \$50 and asked if it was for the lights or windows. The Fiscal Officer stated that he charges \$550 per month now. The Mayor said he was going to bill the Village for doing the windows. The Fiscal Officer concurred. **Roll call – ayes, Cavanagh, Galicki, Porter, Bell. Berger and Canton abstained. Motion carried.**

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

Canton utilized the Vacation Watch program and thanked the Police Department.

Cavanagh spoke to Anastasia Nichols, Chagrin Valley Times. They will talk next week about how she can give the Village coverage. She is the Village's reporter but has not been able to attend the meetings. The Fiscal Officer added that if there were information Cavanagh would want in the paper, the Fiscal Officer can do a media release to the editor. The Village does not pay for these.

Berger said he was advised by the Solicitor that instead of an Executive Session, the matter to which he previously referred must be on the record. Draft pay schedules were distributed. They relate to the tiered salary system with which the committee has collaborated with Mansour Gavin. Berger described the tiered system that includes five steps beginning with probationary employees and goes up to the most senior step of step five, which would be reached within a five-year period. At a future meeting, the committee would ask Council to consider adoption of the pay schedule. The schedule does not necessitate every employee start at step one. Justification could be given to hire someone at a higher step to remove the arbitrariness of raises and advancements. The goal is to implement it January 1st.

Consistent with this, the Fiscal Officer distributed the State Employment Relations Board (SERB) report, which is a compilation of negotiated or collectively bargained wage increases and those from communities where they are not collectively bargained. It reflects information collected across the State, divided up by regions, divided up by size of communities, etc. It provides an idea of what other communities are thinking of regarding increases for the employees. Berger gave credit to former Councilman Mike Carroll for the work on the salary schedule and making them aware of the SERB report's existence.

The Mayor said this had been going on for three years and asked if a professional should have been brought in earlier. Berger explained that although it became confusing, it was good to have contracted with an outside consultant when they did because there was enough information to proceed quickly and determine what worked, did not work, and how to adjust it. He viewed what was distributed as potentially the final proposal the Village would use. Porter pointed out that the increases indicated for 2023 do not take into account the Consumer Price Index. Berger said he understood, and this was one of the issues. However, he reminded Council that the Village was absorbing a 16.1% increase in the cost of healthcare, which would be approximately \$34,000. The Mayor said to be ready on November 14th.

Cavanagh asked if the committee would be meeting with the HR attorney again, and Berger said yes. The Fiscal Officer explained that he would be doing the salary comparison.

The Mayor read a text from Tuesday, October 11th regarding the request for the Stuff the Truck event.

At 8:21 p.m. Porter made a motion that Council go into Executive Session and include the Mayor, Fiscal Officer, and the Solicitor so that Council may have a conference with the Solicitor to discuss

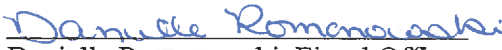
pending or imminent litigation involving the Village pursuant to Section 121.22(G)(3) of the Ohio Revised Code and to discuss the possible purchase of property pursuant to Section 121.22 (G)(2) of the Ohio Revised Code, seconded by Cavanagh. Berger asked Porter to amend the motion to include the Chief. Porter amended the motion to include the Chief. Roll call – ayes, all. Motion carried.

Berger made a motion to reconvene at 9:04 p.m., seconded by Cavanagh. Voice vote – ayes, all. Motion carried.

ADJOURNMENT: Being that there was no further business before Council, Cavanagh made a motion to adjourn at 9:04 p.m., seconded by Bell. **Voice vote – ayes, all. Motion carried.**



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki