

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, NOVEMBER 28, 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 and led the pledge of allegiance. The Fiscal Officer read the roll. **Cavanagh made a motion to approve the Special Council meeting Public Hearing minutes of November 14, 2022, seconded by Canton. Voice vote – ayes, all. Motion carried. Cavanagh made a motion to approve the Regular Council meeting minutes of November 14, 2022, seconded by Porter. Voice vote – ayes, all. Motion carried.**

**MAYOR’S REPORT:** The Mayor distributed his report. Updates were provided on the following: Charlie Cimperman’s Eagle Scout project in the park; the monetary donation for a lighted flagpole in the park; screening for the Central Retention Basin; a Village yard sale; development of a database of South Russell businesses; the replacement of dead trees by Davey Tree in the wetlands; and the proposed filming in the park by two Cleveland State University (CSU) students. The Solicitor acknowledged having received a location release from the Mayor. She added that it might be necessary to do a form for the park in consideration of the amount of people who might be attending, etc. The Mayor did not think the students knew how many people would be present. The Mayor reported that the family of Greg Pike wished to have a bench installed in his memory at the top of the hill in the park. The Mayor also reported that an Eagle Scout will present a project proposal at the January 23, 2023 Council meeting to install solar panel(s) on the pavilion.

The Mayor said he and Berger had spoken to strategic planners and thought they had a good group of guys, but they want \$15,000 to do the strategic plan. He thought the Village had a lot of talent internally and suggested having a decision at the December 12<sup>th</sup> meeting.

The Engineer will be temporarily replaced for the rest of the year due to illness.

The Mayor reported that the Family Life Center job was done.

A Planning Commission meeting is scheduled Thursday to walk Manor Brook project property relative to the landscaping plan. The Solicitor clarified that this is a joint meeting with Planning Commission and Council and will take place on Thursday, December 8, 2022, at 9:00 a.m. The Mayor said it was not rocket science, but landscaping and they should continue to go with this, but he had not spoken to Steve Latkovic or anybody yet. He asked Porter if he wanted to decide after his Street Committee meeting and discussion with the new Engineer. Porter thought the walk should be conducted because the Manor Brook residents were looking forward to it. He thought the replacement Engineer would be finalizing the plan since the Planning Commission was not overly impressed by what was presented. This will be discussed at the meeting on Friday.

The Mayor reported that there was a cultural ceremony performed at a grave in the cemetery during which items were burned. Cavanagh asked if the burned items were left behind, and the Fiscal Officer explained the pertinent Cemetery Rules and Regulations and added that the Service Department tends to the Cemetery.

The Solicitor noted that the Mayor said the Federated Church Family Life Center work is done. She asked if the Village had a signed agreement. The Mayor said not yet and said he did not even know where she is. The Solicitor reminded the Mayor that the motion stipulated that work could begin as long as the Village had an agreement prior to the work beginning. The Mayor agreed. The Solicitor verified that the work had been started and was actually done. The Mayor said yes. Porter said that as he recalled, the motion also specified that the contractor would not be paid until there was such an agreement. The Fiscal Officer added that she had not cut a purchase order for this because she did not have any agreement. Galicki said that there had not been a motion to do the work yet, and this is another after the fact case. The Solicitor clarified that the motion was to abate the nuisance. Galicki advised that the legislation before Council to authorize payment of costs, and the Solicitor explained that this was for use of American Rescue Plan Act (ARPA) funds for the Village's share of the project. Even if the Village does not use ARPA funds, it is still on the hook and there was a motion to pay for half of the project. The issue is in the motion wording, "so long as there is an agreement between the Village and the Federated Church prior to any work being done." The Solicitor's concern, as discussed at the previous Council meeting at length, was that if anything were to have happened during the project, there was no release or waiver. Galicki asked if this was work the Streets Commissioner did on his own initiative. The Mayor said no, that he did it. The contractor said Thanksgiving was coming and his workers were leaving the country. The Mayor told the contractor to go ahead and get the job done. Galicki stated that the wording was very explicit. Berger agreed. Galicki reminded Porter that he was very explicit in the motion about the agreement being engaged in, because now, there is no compelling reason for them to pay half of any bill. The work is complete, and there is no agreement. Porter said that the motion he made specified there had to be an agreement, but he did not say it had to be a written agreement, which he normally would have. He thought the Mayor may have had a handshake agreement with the Family Life Center, but in his view, the contractor proceeds at his own risk. If he wants to do the job early and does the job, and then the Family Life Center does not sign, then in theory, he is out of luck or could be. The Solicitor said possibly. Porter recalled that the nuisance ordinance allows the Village to attach or put the amount of abating the nuisance as a lien against the Family Life Center. The Solicitor said she did not think this was so. The Fiscal Officer said that practice is for lawn mowing, etc. The Solicitor asked Porter if he meant on the taxes or actually placing a lien. She investigated that option of putting it on the tax duplicate, and the Village cannot certify those costs. Porter did not think they pay taxes as a religious organization, but it looked to him like if the contractor proceeds before there is an agreement, the contractor does so of his own volition. The Solicitor explained that her point was more along the lines that this was a motion by Council subject to an agreement prior to any work starting. Porter agreed. Galicki summarized that it was a matter of abrogating procedures that were established. This was probably the fifth instance in the past 8 weeks.

The Solicitor asked that the Mayor get the agreement signed. The Mayor said that it is in her office. Porter asked if she was in town, and the Mayor said she was not there again today. He tried on Wednesday and again that morning. Porter asked if she was the only person there, and the Mayor said no, that there were other people. He had never met her and had only talked to her. The Mayor thought her last name was Owen and she was in charge of their facilities.

**FISCAL OFFICER:** The Fiscal Officer said her report was the budget summary. Regarding the Federated Life Center, at the last meeting there was discussion about using ARPA funds to pay for the Village's half. Through discussion with the Solicitor, it was determined that half, \$3,700, would come from the ARPA funds and the other \$3,700 would come out of the Village's funds out of Stormwater since the Family Life Center would be reimbursing the Village.

The Fiscal Officer provided a summary for the budget. The budget is what the ‘wish list’ budget was. The Village is limited by the Tax Budget approved by the county, so there are some things the Village cannot do on the first swipe of the budget until year-end balances are certified. She provided Council with a summary of this. After year-end balances are certified in January, then the budget can be amended to do whatever Council wants. The legislation to adopt the budget was provided to Council.

Bell asked if the budget reflected the 4% raise for employees, and the Fiscal Officer explained she made this adjustment. Bell thought the HR Committee was going to review the Department Heads’ salaries, and the Fiscal Officer added that the salary tier was also to be discussed. Cavanagh said HR will be meeting Wednesday with the outside HR consultant. Bell concluded that this would allow them to budget correctly.

**FINANCE COMMITTEE:** Galicki reported that there was a Special Finance Committee meeting held on November 14<sup>th</sup> and the minutes were distributed. He asked the Solicitor to clarify her correspondence about the Treasury Investment Board. The Solicitor explained that the Treasury Investment Board will be meeting November 29<sup>th</sup> to go over the Village’s relationship with Meeder Investments. There was an ad placed seeking applications for one resident member who must have a financial background for the Treasury Investment Board. There was a question as to who appoints this resident member. The way the Codified Ordinances were amended in August relative to the Fiscal Auditor, that appointment would be made by a majority of Council. If the Treasury Investment Board meets November 29<sup>th</sup>, technically it may not discuss the application or filling the seat. There would have to be a special meeting. It is already a special meeting just to discuss things with the investment management representatives. Galicki said another issue is that an invitation was extended to one of the candidates to attend the November 29<sup>th</sup> meeting but not the other. He asked if this was proper procedure. He also asked if there would be an issue with discussing certain Treasury Investment Board matters with a non-member present. The Solicitor explained that it is a public meeting, but with it being a Special meeting, the board can only talk about the relationship with Meeder Investments. They are supposed to be presenting the investment policy, proposed revisions, and their goals as to what the Village can and cannot do. The Mayor verified it is a public meeting, and Porter added that the other candidate could attend. The Solicitor concurred. Berger questioned the wording of the ordinance, and the Solicitor proposed that it could be amended to say that the Treasury Investment Board or possibly one of its members would recommend to Council who should be appointed as the resident member and then Council approves. Berger proposed that any member could make the recommendation, and Porter suggested that it should be the board as a whole.

Porter introduced an ordinance amending Section 235.02 of the Codified Ordinances of the Village of South Russell such that the board will make a recommendation to fill a vacancy as needed to Council for approval by a majority of Council. Porter made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **ORD 2022-95**

**SOLICITOR:** The Solicitor addressed the location release provided by the CSU students for the Mayor to sign. She suggested it be provided to all of Council and that a motion be made to approve it and authorize signing it on behalf of the Village. Regarding the number of people who might be present, this would involve the Village’s policy at the park. Canton asked if anyone knew what these kids were going to be doing in the park, or what the project was about. The Solicitor had no information other than the location release and that it is Hansel and Gretel. Porter suggested that they should appear

before the Park Committee and then have the Park Committee make a recommendation. The Mayor took exception with not allowing the students to attend the meeting virtually and said they could have gone ahead with their filming without Council's knowledge. Council members instructed the Mayor on the Open Meetings Act and acknowledged the students' efforts to follow the correct procedures.

The Solicitor reported that the Building Department Administrative Assistant recently sent out a batch of forfeiture letters regarding deposits. She received a phone call today (November 28<sup>th</sup>) from a property owner who wanted to appeal the 10-day notice that was sent out on November 18<sup>th</sup>. The Village's Codified Ordinances require the appeal to be sent to Council by certified mail within 10 days of the date of the notice, which would be today. The Building Department Administrative Assistant asked if the homeowner could drop it off to the Village instead, which the resident did. The Solicitor asked if Council would consider waiving the requirement for it to be sent by certified mail for this specific property owner, which would be accepting the appeal as timely. The address is 26 Woodside Dr. Porter wanted the motion to reflect that it was accepting a delayed appeal, and the Solicitor argued that it was not delayed and that it was a matter of waiving the necessity of using certified mail in this case. Porter said it was not timely because it was not certified. The Solicitor suggested the Building Committee consider amending the ordinance to be the date of the receipt of the certified mail return receipt instead of the date of the notice.

Berger asked if there was a reason the Village did not allow for the appeal to be delivered by hand. Porter did not know but reiterated what the ordinance stated. Berger thought the Building Committee should consider amending the procedure to allow for hand delivery with a date stamp and also by certified mail. The Solicitor advised that the deposit involved a pool that had no final inspection, and the contractor is no longer in business. Cavanagh asked if Council should accept this today, and the Solicitor asked for a motion. **Porter made a motion that Village Council accept the delayed appeal filed by the residents of 26 Woodside Dr. for the purposes of contesting the forfeiture of the inspection fees paid in connection with their construction project, seconded by Canton. Voice vote – ayes, all. Motion carried.** The Solicitor would inform the Building Department Administrative Assistant of Council's decision and expected something on the actual appeal in December or January.

**STREET COMMITTEE:** Porter said the Street Committee will be meeting December 2, 2022, at 7:30 a.m. The agenda will include next year's Road Program, PCI indexes, and other matters.

**BUILDING COMMITTEE:** Canton reported that the Building Committee will meet Thursday, December 1, 2022, at 8:00 a.m. in the Building Department office. Bell thanked Council for holding the Public Hearing regarding the potential to amend the ordinance to allow goats on properties of less than two acres. He thought it was a good example of local government working with the constituents. A week later, Bell received a communication from Patrick Holtz saying some things had changed and there is no need to go further with the goat issue on account of them. It will either delay or terminate this issue for now, which will be discussed in the Building Committee meeting. Porter clarified that it was a withdrawal of the petition, and Bell concurred.

**POLICE CHIEF:** The Chief had no report. Approximately 1,500 people attended the Turkey Trot.

**SAFETY:** Galicki reported that the Valley Enforcement Group Council of Governments (VERCOG) will meet December 2, 2022, at the United Methodist Church, Chagrin Falls.

**HR COMMITTEE:** Berger stated that the HR Committee met on November 17, 2022. The committee discussed an issue with fraud relating to the Ohio Department of Jobs and Family Services (ODJFS).

Three fraudulent unemployment claims were filed against the Village. They were reported as fraud, but the Village continues to receive billing statements. As a matter of process, the Village pays the unemployment directly. The Fiscal Officer has not paid these, and the matter has been reviewed by Mansour Gavin, the HR consultants. Their advice was not to pay. Berger wanted Council to be aware so that there was no misconception that the Fiscal Officer was not handling the bills properly. Porter praised the Fiscal Officer for not paying the fraudulent claims.

Berger explained that every year, the Village employees are offered an incentive to take a physical because by taking care of their health, it reduces the healthcare coverage for the Village. **Berger made a motion to renew the annual medical physical incentives to employees in the amount of \$250 for the year 2023, seconded by Cavanagh.** Porter asked how many employees had taken physicals, and the Fiscal Officer reported 13 of 17. The Mayor said that the program started at \$100 and they got one person and now with \$250 they had 13. **Voice vote – ayes, all. Motion carried.**

Berger addressed the medical waiver incentive for insurance coverage. Previously, the Village offered employees \$1,000 on an annual basis paid quarterly as an incentive if they do not need insurance coverage or have spousal or other insurance coverage. It would reduce the total cost to the Village by not duplicating insurance coverages. The committee was proposing raising the incentive from \$1,000 to \$2,000 annually paid \$500 quarterly as an incentive for employees to review and determine whether such duplicate coverages are necessary. Berger reminded Council that health insurance costs went up 16.1% and will continue to rise, and money can be saved by the Village. **Berger made a motion to increase the medical waiver to \$2,000 annually paid \$500 per quarter as an incentive for the insurance coverage of our employees, seconded by Cavanagh.** Canton expressed concern that the \$2,000 might put the employees into another tax bracket. Porter discussed the incentive it would provide to employees and the benefit to the Village. **Voice vote – ayes, all. Motion carried.**

The Mayor offered kudos to the Fiscal Officer for her handling of the unemployment fraud.

**PROPERTY COMMITTEE:** To address matters discussed earlier in the Mayor's report as well as other pending issues, Canton called a Special Parks and Properties Committee meeting on Monday, December 5, 2022, at 7:00 p.m. in Village Hall. The Fiscal Officer asked if Canton had received the information about the NatureWorks grant relative to the proposed park restroom and reminded Council that some grants may require obtaining the grant before ordering the item. For example, if the restroom is ordered this year to avoid cost increases, the Village may not be eligible for the grant. It is necessary to do everything in the right order. Canton hoped to finalize things on December 5<sup>th</sup>.

**PUBLIC UTILITIES:** Porter said there will be a Special Public Utilities Committee meeting on Friday, December 2, 2022, at 9:00 a.m. in Village Hall to discuss the Erosion Special Improvement District (ESID) for Parkland and others.

#### **ORDINANCES/RESOLUTIONS:**

Berger continued to table the ordinance repealing Ordinance 2022-17. He hoped to have it for Council by the next meeting.

Galicki introduced a resolution authorizing payment of costs from the ARPA Fund for cleaning out the Congregational Disciples Churches of Chagrin Falls Federated Inc.'s stormwater retention pond to reduce and recapture stormwater in the Village and abate a public nuisance causing pollution and contaminating the waters of the Village and declaring an emergency.

Porter introduced an ordinance approving the authority of the director of the Ohio Department of Transportation to apply, maintain, and repair standard longitudinal pavement markings and erect regulatory and warning signs on State Highways inside the Village corporate limits, to remove snow and ice, and use snow and ice control material on State Highways inside the Village corporate limits, and to perform maintenance and/or repair on State Highways inside the Village Corporation, and declaring an emergency. Porter made a motion to waive readings, seconded by Bell. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Bell. Roll call – ayes, all. Motion carried. **ORD 2022-96**

Canton introduced an ordinance authorizing the Village of South Russell to participate in government joint purchasing cooperatives designated by the Mayor of the Village and declaring an emergency. Canton made a motion to waive readings, seconded by Cavanagh. Canton made a motion to adopt, seconded by Cavanagh. Roll call – ayes, all. Motion carried. **ORD 2022-97**

Porter provided a second reading of a resolution authorizing payment of costs of Village Engineer's planning and assessment activities in pre-project development of the Central Retention Basin Project, an eligible stormwater management project, from the ARPA Fund, and declaring an emergency. Porter made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **ORD 2022-98**

Porter provided a second reading of a resolution authorizing payment of costs for revegetation and reforestation of the Village Hall Headwater Section 319 NPS Restoration Project from the ARPA Fund, and declaring an emergency.

Galicki introduced an ordinance transferring from the Income Tax Fund to the Safety Fund \$250,000, Operating Fund \$200,000 and General Fund \$100,000 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 2022-99**

## **BILLS LIST**

**Galicki made a motion to ratify the bills list of November 15, 2022, in the amount of \$130,092.24, seconded by Bell. Roll call – ayes, Cavanagh, Galicki, Porter, Bell. Berger and Canton abstained. Motion carried.**

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

Porter addressed the Federated Life Center detention pond matter with the contractor. He said that the Street Commissioner also reached out to him to get his views on the topic of letting the contractor start early. For the reasons he already stated, he thought it was okay by him that they proceed. It was not just the Mayor and Street Commissioner. It was more than that.

Berger said he also confirmed starting with the contractor. He stated there was some discussion held.

Berger asked about ratifying the Turkey Trot, and the Chief explained that in the past, the coordinators have come to Council to ask permission, but due to an oversight, it did not occur this year. The Chief verified that the coordinators informed him months ago but forgot to come to a Council meeting. The confusion lies in the fact that Chagrin Falls only requires them to coordinate with the Police Department, which is responsible for closing the roads. The Chief asked if Council wanted to consider changing the requirement to seek permission from Council. Galicki declined to make the motion to ratify the Turkey

Trot since it fell into the category of post-facto ratifications. **Cavanagh made a motion to ratify the Turkey Trot of this past Thanksgiving morning, seconded by Bell. Voice vote – ayes, Cavanagh, Porter, Bell, Berger, Canton. Nay – Galicki**

Canton asked the Fiscal Officer to invite the CSU students who wish to film in the park to the December 5<sup>th</sup> Special Properties and Parks Committee meeting.

**At 8:04 p.m., Canton made a motion that everyone present is welcome to an Executive Session here this evening concerning a potential purchasing of property pursuant to Section 121.22 (g) (2) of the Ohio Revised Code, seconded by Berger. Roll call – ayes, all. Motion carried.**

**ADJOURNMENT:** Being that there was no further business before Council, **Cavanagh made a motion to adjourn at 8:32 p.m., seconded by Berger. Voice vote – ayes, all. Motion carried.**



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki