

as amended

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

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

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

VISITORS: Gene Seminaro, Manor Brook Dr., Greg Heilman, Chillicothe Rd., Martin and Mary Beth Laskey, Woodside Rd.; Sven Nielsen, Southwyck Dr.

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 November 28, 2022, Regular Council meeting minutes, seconded by Canton. Voice vote – ayes, all. Motion carried.**

VISITORS: Gene Seminaro, Manor Brook Dr., referred to the Special Planning Commission meeting of December 8, 2022, addressing landscaping for the Manor Brook 319 project. Seminaro explained that it was revealed that an area he thought would be landscaped would not because of an easement. Seminaro had been in communication with the Mayor and Village throughout the project and was unaware of the easement for a gas line. He indicated that there was space on Manor Brook's property and possibly some on Whitetail property for planting trees. The trees would block a lot, according to Seminaro. He would like to see this, and he was sure Manor Brook would agree to it.

The Mayor said the strip along Chillicothe Rd. is part of the Whitetail Homeowners' Association (HOA). A lot of dead trees belonging to Whitetail were observed during the Planning Commission meeting. He said that the Village needs to put trees where the culvert will go. The Mayor added that the line to which Seminaro referred is a sanitary sewer line. The Village will figure out exactly how far the opening north has to be and then look at the trees there. Talking to some people in Whitetail, they know after looking at it that something needs to be done along that whole strip along Chillicothe Rd., which will probably come out of their pocket. The Mayor continued that maybe there was something that the Village could do to decrease the visibility of Chillicothe Rd. Seminaro suggested putting the trees in the woods in the back. The Mayor saw no benefit to this and suggested letting the landscape engineers make that decision. The Engineer would be addressing a plan for trees relative to the culvert that may help the situation. He would get some information and then talk to Seminaro intelligently. Seminaro asked if the Mayor wanted to have a meeting there, and the Mayor said not until January or so when the Village knows exactly what has to be done. He added that the Whitetail people should be involved because it is their property.

Canton thanked Seminaro for attending and advised that he and his wife live in Manor Brook and he and Berger served on the Master HOA, and had to recuse themselves, which is why he did not attend the meeting. He hoped that Seminaro and the rest of his group are satisfied with the final outcome.

Porter said this issue would be discussed at the next Special Public Utilities Committee meeting on January 3, 2023, at 9:00 a.m. in Village Hall. The landscaping plan for the project is due back to Planning Commission, so the Engineer will be presenting a modified plan at the next Planning Commission meeting in January. The Planning Commission has the authority to impose greater or

lesser requirements for the landscaping plans. This would be the time for resident input for the landscaping to be done. Seminero verified nothing would be done until spring.

Sven Nielsen, Southwyck Dr. explained he was present to hear of Country Estates' plans to dredge their lake. Porter explained that the Village will not be doing the dredging of Pond 4. The resident understood this but wanted to know if the specifics would be discussed. Porter said Country Estates submitted a petition to the Village for the purposes of the Erosion Special Improvement District (ESID), which is done by the county with the HOA. Council must approve the petition. The petition would contain more information and the Fiscal Officer offered to email it to Nielsen. The Mayor explained the purpose and benefit of the ESID. Nielsen was familiar with the ESID and relayed that the Southwyck HOA had discussed dredging of their lake and it would be very costly. The lake is the recipient of the runoff from other area lakes, and they are considering ways to mitigate the amount of muck that the lake gets. The Mayor said there will be a Special meeting on Tuesday, January 17, 2023, and homeowners are invited to come discuss stormwater projects.

The Mayor addressed the forfeiture appeals. The letter submitted by the Laskey's concerned a swimming pool that had a \$1,000 deposit. Mary Beth Laskey explained that the contractor that installed their pool in 2018 disappeared. She knew there should be a final inspection but did not know whether it had been done, and then it fell off her radar. She received the notice that it was never done from the Village and that the deposit was being held. All funds that were put down for any permit were part of their contract, but he is no longer in business. Berger noted for the record that he read through all of the appeals and believed that the Laskey's was the only one that invited a final inspection, which is a critical factor in closing the issue. He thanked the Laskey's for following the procedure and rules. The Mayor asked if Council should vote on the matter or wait until the inspection is complete. The Solicitor recommended voting because it was a matter of arranging a time for the inspection. She said Council had done it before where it had been conditioned on the inspection itself. Berger concurred and said this is how they needed to operate. The Solicitor stated she would not make the residents wait. Porter asked if it would be necessary to wait until spring for the inspection. Laskey said the pool itself is covered but all the equipment is available for inspection. Berger suggested leaving this up to the Building Inspector. Porter argued that as far as getting the residents their money back that they already paid, he suggested refunding the \$1,000 and if there is a cost to be paid for the final inspection, that they would pay it. Porter speculated how the Building Inspector would inspect the inground pool. Laskey advised that inspections were done before the pool went in, but they still need to look at the final inspection to include the filters and gas lines, etc. Porter suggested returning it to the homeowner rather than sending it to a contractor who disappeared. He reiterated that the resident would pay for the inspection when it was conducted. He added that this may have already been paid. Berger concurred with Porter's proposal.

Canton made a motion that Council vote and approve a refund of \$1,000 deposit to Martin and Mary Beth Laskey subject to final inspection, seconded by Cavanagh. Porter said that they get their money regardless and arrange for a final inspection. He argued that the phrasing indicates the residents get their money when the final inspection is done, which could be months from now. Galicki asked if the monies paid by the Laskey's included a fee for the final inspection and is this inherent in the fees that they paid? The Fiscal Officer explained that typically when she does refunds, they are typically an even dollar amount and she did not believe that the inspection costs come out of it. Porter thought they should get their money back without any conditions. The Mayor added except for the final inspection. Porter agreed but said the residents should get their money and there will be a final inspection. Galicki suggested going forward with the final inspection, deduct the cost from the deposit, and then return the remainder. The Mayor said that he did not know if there was a cost for a final inspection. Porter said

that they may have already paid it, and Council does not have the expertise to say what the final inspection would cost. The Mayor thought the Fiscal Officer described the situation well. She reiterated that the refunds are \$1,000 so she did not think the Village was taking money out fees for the inspection. **Porter reiterated that the residents should be given their money and then make their own arrangements for the final inspection and pay for it if there is a cost. Porter asked if this was fair enough. Cavanagh asked if the motion was good, and the Solicitor said yes, it was amended. Voice vote – ayes, all. Motion carried.**

The Mayor addressed 164 Lakeview. Berger asked if this fell under a different category since there had been no request or agreement to do a final inspection. The Mayor's opinion was that they would be given their money back on completion of the final inspection. It is up to them to call for the final inspection and up to the Village to get it and once the inspection is done, the money is returned. The Fiscal Officer explained that the Building Department Administrative Assistant told her that the Village has always had difficulties with Gunton requesting final inspections. The concern was that if the Village refunds them entirely, they will not do final inspections going forward. Instead, it will be easier for them to wait until they get the forfeiture letters and Council will forever be going through this process. Porter said that Gunton said they were unable to get ahold of the homeowners. The Fiscal Officer reiterated that this was the Building Department Administrative Assistant's guidance. Canton said he also spoke with the Building Department Administrative Assistant, and she concurred concerning Gunton.

Canton made a motion that Council vote and approve a refund of \$500 for Chris and Jack Fishman. The Solicitor suggested adding a requirement for final inspection to the motion. **Canton added the phrasing, execution of a final inspection, seconded by Cavanagh.** Galicki asked why this phrasing was not used for the previous case because the Village is returning their money and then doing a final inspection. For this case, Council is saying that they do a final inspection before getting the money back. He asked why they were not consistent. The Solicitor said Council had discretion on all of the appeals to do whatever they wanted, but to Berger's point, when the last case filed their appeal, they specifically said they wanted to schedule a final inspection. Berger added that the last case may take several months to get the final inspection. The others pertain to windows and interiors, which should be done in the next several days or weeks. Galicki clarified that the refund would be upon completion, and Berger said he would condition it that way for these. **Voice vote – ayes, all. Motion carried.**

Canton made a motion that Council vote and approve a refund of \$500 to Gilbert upon completion of inspection, seconded by Cavanagh. The Fiscal Officer advised that the refund would be going to Gunton. **Porter added that it would be upon completion of satisfactory final inspection.** Porter asked if it was \$500 each for two properties or \$500 total. Bell said each property. **Porter amended the motion to say for a total of \$1,000 upon completion of a satisfactory inspection.** The Fiscal Officer stated they would be refunding \$1,000 to Gunton for the properties at 1600 and 1604 Bell. The Mayor clarified that Council would be refunding \$500 to two different places, to 1600 and 1604, to the Gunton Corporation upon completion of a final inspection. The Solicitor reminded Council that they could take away the administrative costs and things like that from Gunton if in fact they have at all caused a challenge previously or frequently. There is a certified letter that must go out every time and there are mailing costs. The Building Inspector's time and the Solicitor's time have been included as well. Council is able to refund in full, partial, or none, as much or as little as they want, and include the expenses too. Cavanagh asked if Gunton goes after these. The Fiscal Officer said they usually leave them and do not do final inspections. They come and do the windows and are gone. They do not care about the final inspections because usually they collect it from the homeowners up front. In this case, Gunton would be getting the money back. They do not do their final inspections and will keep coming back at forfeiture time.

Porter suggested \$250 for time involved. Cavanagh agreed. Berger pointed out that this is not penalizing Gunton, but instead penalizing the homeowner who has already fronted the money. Galicki advised that Gunton is getting the money, not the homeowners. Berger acknowledged this and said it bothered him. Cavanagh added that the homeowners did not respond when they received the letters. The Solicitor concurred. Bell said they could have done the inspection when they were on the site and did not. He thought it should be zero dollars until the inspections are done. Otherwise, they would be playing this game over and over again. Berger suggested the motion should be for \$1,000 less \$250 in administrative costs. \$750 total. Porter added with completion of final inspections at both residences. **The Mayor said that the motion is to return \$1,000 to the Gunton Corporation minus \$250 for Village fees upon completion of the final inspections at 1600 and 1604 Bell.** The Solicitor asked if the final inspection just needed to be completed or approved. Cavanagh said this had to do with the person who hand delivered the certified letter last time or else she would have pursued this one for these people. But it was just too late. **Voice vote – ayes, all. Motion carried.**

Canton made a motion that Council vote and approve a refund of \$1,000 to Molly and Ryan Strong upon successful completion of final inspection, seconded by Cavanagh. Bell asked if the job was ever finished on this case although he knew the contractor disappeared. Porter thought they had to hire someone else to finish the job. Bell wanted them to have their money back but did not know if there was anything to inspect. **Voice vote – ayes, all. Motion carried.**

MAYOR'S REPORT: The Mayor offered Kudos to the Building Department Administrative Assistant, Building Committee, Fiscal Officer, and Solicitor for quick service with the forfeiture proceedings. There would be more such hearings as time permits for the Building Department Administrative Assistant.

The Mayor attended the Northeast Ohio Area Coordinating Agency (NOACA) meeting last Friday. They said the Village would be getting \$1,020,000, but they were also going to be taking 20% off the top. He was not sure when the money is coming or how they had it budgeted. He could not comprehend everything that was going on there, but the money is coming the Village's way for Bell Rd.

Country Estates has gotten the word and made a presentation to Council. It is coming. The Mayor alerted Southwyck HOA of this. Parts of the Southwyck Lake are about 4" deep and they realize they have some issues coming up also.

The Mayor said the Street Commissioner will address a Village wide yard sale and Canton will discuss the film project in the park. At the last Park Committee meeting, there was discussion about increasing membership.

The Mayor reported that the Village was featured by the Chagrin River Watershed Partners (CRWP) in a presentation about the Manor Brook 319 grant project.

The Mayor asked that Finance Committee make a motion to appoint Tom King to the position as a resident member of the Treasury Investment Board (TIB).

Berger asked what the timing was of the NOACA grant. The Mayor thought 2024 or 2025 according to the man who made the presentation. Berger asked if Bell Road east was on hold until the grant came through and perhaps there was no reason for the Village to plow forward. The Mayor said that the Village was getting some nice chuck holes already on Bell Road east and there may be some temporary

repairs over the next year or two. The Mayor explained that he could not get through all of their stuff to figure out when the Village would get the money.

He asked the new committees to determine a schedule for their meetings. The Mayor verified with the Solicitor that it is best to have a set time. She understood the necessity to have special meetings. If the committees reschedule a regular meeting and it is a special meeting that needs to be moved to a different day, it is not necessary to state all the purposes. It is just like a rescheduled regular meeting. This is why it is better to always set the regular meetings schedule.

FISCAL OFFICER: The Fiscal Officer distributed her report. There is the second pay estimate for the Manor Brook project in the amount of \$68,846.40, which was reviewed by the Engineer. **Galicki made a motion to approve payment of the second pay estimate, seconded by Porter. Roll call – ayes, Galicki, Porter, Bell, Cavanagh. Berger and Canton recused themselves. Motion carried.** As a point of clarification, Galicki asked if there were a need to refer to it as the Whitetail grant because Manor Brook was not executed. The Fiscal Officer explained that the grant paperwork indicates Manor Brook. The Solicitor concurred. Porter added that the Village hopes that the second part of that project which is Manor Brook may one day happen.

The Fiscal Officer addressed the Purchase Order (PO) for the Family Life Center detention pond cleanout which was over \$3,000 and cut after the project was complete. **Galicki made a motion to approve the PO for \$7,400 for R&B Trenching, seconded by Porter. Roll call – ayes, Galicki, Porter, Berger, Canton, Cavanagh. Bell abstained. Motion carried.**

The Fiscal Officer asked for clarification on the proposed January 17, 2023, Special Council meeting. The Mayor said he wanted to have a Council meeting to hear from the residents about stormwater and asked how many Council members anticipated attending. The Fiscal Officer concluded that it would be Sunshined as a Special Council meeting.

Council should all have received an email from the State Auditor to set up a post audit meeting. She asked Council to send her an email with their availability for the remainder of the year. She would like to wrap it up this year because it is the 2019-2020 audit. The next audit will begin in February. The Mayor proposed Tuesday, December 20th at 9:00 a.m. The Mayor asked who needed to be there, and the Fiscal Officer explained that it is not a public meeting so it is whoever wants to come. Berger indicated that he could not attend but had seen all the information. The Solicitor verified it was not a Special meeting, and the Fiscal Officer confirmed it is not per Ohio Revised Code (ORC).

The Fiscal Officer explained the Advance of Taxes legislation. It is for 2023 so the Village can get the advance Real Estate Taxes rather than waiting for the auditor to collect them.

The Fiscal Officer addressed the Advance of Taxes from Income Tax into Manor Brook legislation and explained that before the end of the year, the money must be moved back to Income Tax. The problem is that it must be done through legislation and two Council members cannot vote on it. She suggested having two Special meetings on Friday, December 16th if the four Council members were available. The meeting would take place before the Holiday Luncheon at Augie's at 11:50 a.m. and 11:55 a.m.

Regarding the budget, the Fiscal Officer advised that it must be adopted at the current meeting.

FINANCE COMMITTEE: Galicki reported that there was a Special TIB meeting held Tuesday, November 29th. The investment policy was reviewed with Meeder Investments, the Village's

consultants for municipal investing. Additionally, interviews were conducted of applicants for the TIB on December 2nd and 12th. Galicki also reported that the 2023 Budget summary was included in the Fiscal Officer's report.

Galicki advised that there were no earth shattering changes to the Village's Investment Policy. It contains Meeder's recommendations and updated verbiage.

The Fiscal Officer explained that the Solicitor reviewed the policy with Meeder. The old policy dictated how the Village could invest in 1987. Now, the Village is permitted to invest in additional types of investments. However, per the State of Ohio, the order of priority is safety, liquidity, and then return on investments. Galicki further explained that the changes in the policy just allow the Village's investments to be more diverse. The Fiscal Officer concurred and added funds could be invested without being risky. Galicki said that previously, it was primarily in Certificates of Deposit (CDs).

Galicki made a motion to have Council approve the recommendation from the Mayor that Tom King become the resident member of the TIB, seconded by Berger. The Solicitor advised that it would be the recommendation from the TIB according to the amended Codified Ordinance. Galicki indicated that the Mayor and the Board had a discussion during the meeting earlier. The Solicitor asked if this meant that the Codified Ordinance would need to be amended to go back to a different recommendation. Galicki asked the Mayor to articulate what he wanted in relation to the appointment. The Mayor said that the Village's procedure is for the Mayor to appoint and Council to vote. The Solicitor said this was just changed at the last Council meeting. Porter explained that the TIB recommends to Council and then Council votes. He thought Galicki was saying the Board was recommending Tom King. Galicki said yes, but the Mayor preferred to have the procedure the way it has always been. Porter said this is not what the ordinance states. Galicki said he understood this. Porter said the Mayor is on the TIB. The Solicitor said that with regard to the resident member, the ordinance reads, "which member is appointed by a majority of Council members upon the recommendation of the TIB." **Galicki said on behalf of the Treasury Investment Board, he would recommend that Council approve Tom King as a resident member of the Treasury Investment Board, seconded by Berger.** The Mayor said that King has lived in South Russell since 1998 and served on the Village's Tax Board of Review. He is the retired treasurer of Progressive Insurance and is head of the Department of Accountability of Case Western Reserve. He has a lot of good qualifications. **Voice vote – ayes, all. Motion carried.**

SOLICITOR: The Solicitor reported that the Board of Zoning Appeals (BZA) asked her to give an overview of Sunshine Laws at the December 21st at 7:00 p.m. meeting. She has the information prepared and offered it to interested Council members. Cavanagh asked if there was a reason BZA asked for this, and the Solicitor thought that with email traffic as well as new members, the BZA wanted to be sure they were complying. She further explained that BZA wanted to know of specific exceptions because they are a quasi-judicial Board and are able to meet in private.

In reviewing the spreadsheet of Solicitor charges, Berger noted that these charges were significantly less than prior years and thanked the Solicitor for her fiscal conservatism.

ENGINEER: The acting Engineer, Brian Meluch, discussed the salt dome. A style of salt dome was requested by the Street Department and the Engineer reported that the CT engineer is moving forward with the design and is at the point of being able to provide a cost estimate. He hoped to have this by the

end of the year. Porter advised that this topic would be discussed at the January 6, 2023, 7:30 a.m. Streets Committee meeting.

Regarding the Bell Rd. intersection, the Engineer has been receiving shop drawings for the project which are being reviewed. He noted that there is a gas line at the northeast intersection that would conflict with one of the signal pole foundations, so the pole must be moved a few feet. A drawing was provided to the Mayor asking for a 10' by 10' square easement. This is on the Dry Insurance property. The Mayor clarified that an easement would be needed on the Dry Insurance property. The Engineer said it is just outside of the right of way. He has a drawing of where it is located, and their surveyors are drafting the legal. The Solicitor concurred. The Engineer should have this next week. The Chief asked if the Engineer was able to resolve the grant issue with the expiration date. The Engineer explained that construction was supposed to have been done as of last year, but this is something they see frequently. He will research the original paperwork to see who wrote it. He further explained that they have the reasons for the delay, and once this is submitted, the Village should get an extension.

The Engineer addressed the Manor Brook project. There was a special meeting last week with Planning Commission. The CT landscape architect also looked at it. The grading proposed on the preliminary plan to Planning Commission is the best grade plan to move forward. Increasing the height will also increase the base, which will then encroach upon the right of way. There were seven trees proposed as a row of four and a row of three closer to Chillicothe Rd. A potential proposal could be to add another row of three behind it so that it is 3-4-3, with the middle row being ordered in the 10'-12' range instead of the 6'-8' range. This would provide the extra height that the homeowner hoped a mound would provide. This adds cost to the trees. Increasing the height by 2' would double the cost of those trees, amounting to a \$2,500 increase. The Engineer explained that the homeowners wanted to extend further to the south, but there was existing landscaping that appears to have been torn out that was outside of what the easement is. The Engineer's recommendation is still to keep it within the open view area according to the plan, and that any restoration would be repaired by those who removed it. Likewise, to the north are a lot of dead trees that need to be considered at some point. The Engineer referred to plans and said there was landscaping visible on the plans that is no longer present. If someone else took this out, he did not know if Council would choose to replace it. He thought the area was owned by Whitetail. He reiterated that the trees proposed by CT were only in the open view area that would be impacted by the culvert. Porter asked if this would be presented to Planning Commission. The Engineer said yes and explained that the additional trees would be added as well as that changes to the height of the middle row of trees. These trees would also be wider at the base, which would help with screening.

The Solicitor addressed the discussion of extending the mound that is more north. The Engineer explained that for Planning Commission, there was a specific area he indicated on the plans. He further explained that CT cannot touch anything within the dash line because it is part of the restoration project. Referring to an open area on the plan, he indicated this area was meant to provide access. Putting additional landscaping there would prohibit access in the future. Cavanagh said that the resident who spoke to Council earlier wondered if it could be put further west. The Engineer said that the resident was talking about an area of Manor Brook property. Porter said there was mention of wanting the Village to plant trees at the far western edge of the easement. The Mayor said that the trees the Village would plant would be smaller than the trees that are there now. The Engineer said that all of the plantings will grow, perhaps not as quickly as anyone would like, but would make it into a wooded area. This will help long term. Porter asked if they would grow to be 25' tall, and the Engineer explained that

initially they will grow faster, but growth will then slow down. Referring to the plans, the Engineer explained the difficulty of planting trees in the area identified due to access for equipment and also for the fact that it is private property. Porter said the Village would have to obtain an easement.

The Mayor said that the Village would want to keep the Manor Brook people reasonably happy to hopefully get Phase II. Porter was not sure that the Village could install the screening that the residents in the two or three homes wanted. One homeowner is talking about 25 trees in the narrow section. The Engineer said there is no way 25 trees would fit in that area. Porter said Planning Commission is of the same opinion and would not require that.

The Mayor asked the Engineer to explain why the dense planting of trees a mile south of the project was problematic. The Engineer said the roots are fighting for water, and vegetation above ground is fighting for sunlight. CT will be planting a different type of pine. He explained that spacing and number of plantings selected by CT will ultimately ensure that the correct amount will grow.

Galicki explained that there is a resident who has spoken to both the Finance Committee and the Streets Committee about testifying in front of NOACA and the Geauga County Board of Commissioners about a Bell Rd. and Chillicothe Rd. area project. He asked if the Engineer could explain the NOACA involvement in any projects in this area. The resident seems to want to make a point with people outside the Village that the Village is unaware of what this project is and not doing due diligence with the project. Galicki noted that Council has discussed the culvert project, the Chillicothe Rd. project, etc. and asked if NOACA is the governing body for disbursement of funds for any of the projects. The Engineer knew a little of the process and said the regular Engineer has been more involved. He clarified that Galicki was asking about updating the intersection of Bell Rd. and Chillicothe Rd. Galicki explained that this was the clarification he was seeking. He thought perhaps the resident was alluding to a project that may not exist the way he perceives it to be, but Galicki was not sure and wanted the Engineer to clarify what the NOACA engagement was in any of the Village projects near this area. Cavanagh thought is sounded like a hypothetical, and Galicki said he did not know. She said this would be hard for the Engineer to answer. Galicki reiterated that he was asking what NOACA is engaged in with the Streets or intersections. Porter said the only thing he knew of was Bell Rd. east. NOACA had been involved with Bell Rd. west.

Porter stated that the culverts were supposed to go out to bid by the end of the month, but now it will be the end of January. He asked the Engineer to provide an update at the January 6th Street Committee meeting. The Engineer said that last week, the surveyors were out to gather information for a fourth culvert that was added to the project. The design engineer will take the information to make a design. He hoped to have a design packet and be ready to advertise by the end of January. Porter thought it had always been four culverts and was surprised that there is design work going on this close to the end of the year. The Engineer said with filling in for the regular Engineer, as soon as he found out there was a fourth culvert, he ordered the surveyors out. His job in the Engineer's absence is to make sure everything keeps moving forward.

STREET COMMISSIONER: The Mayor displayed a picture of the device that was installed in the Family Life Center detention pond. The Street Commissioner explained how it operated. It was designed to preclude overflow of the bank. It was necessary to clean all the debris out so it would not be plugged up. When the detention pond was built by the Family Life Center, there was an open 15" pipe. The Mayor said it never worked and water just came in and went out and the water would never rise. This was why the Village's crew made the device and it has worked out well. Cavanagh asked for

clarification on the design, and the Street Commissioner explained. The Mayor said it never retained water until the Village got permission to install the device. Berger commented on the vertical pipe that serves as an emergency overflow. He concluded that this was to preclude water from going over the bank and over Chillicothe Rd.

The Street Commissioner thanked Mayor and Council on behalf of the Service Department for the 2023 percentage rate increase. The Street Commissioner showed Council a photograph of a test area for Reclamite on Ridgecrest Dr. He thought it was working very well. He spoke to a resident who jogs and walks in the area who said the test area is much better than the rest of the roadway.

The Street Commissioner wanted to lock in dates for Trash Day, Shredding Day, and the Village wide Garage Sale. **Porter made a motion that the Village hold its annual Shredding Day October 21st from 9:00 a.m. until noon outside the Street Department, seconded by Bell. Voice vote – ayes, all. Motion carried.**

The Street Commissioner proposed April 29th for Trash Day. Cavanagh asked when Easter and Spring Break were so as not to conflict. The Street Commissioner said that the Mayor potentially wanted to have the Village wide garage sale a week prior. The Mayor said Easter will be April 9th. **Porter made a motion that the Village have its annual Trash Day April 29th from 8:00 a.m. to 2:00 p.m. in the Village Hall complex parking lot, seconded by Bell. Voice vote – ayes, all. Motion carried.** Porter verified the Trash Day would include metal, tires, electronics, and the usual type of trash but no paint. The Street Commissioner said no liquids and no construction debris.

Berger addressed the Village wide yard sale and reminded Council that there are Village HOAs that prohibit yard sales. **Porter made a motion that the Village designate April 22, 2023, as a day of Village wide yard sales subject to any prohibitions imposed by various homeowner or condo owners' associations within the Village, seconded by Bell.** The Mayor said the Village would borrow signs from Chagrin Falls since the First Energy no longer will allow the Village to hang banners from their poles. The Street Commissioner added that First Energy recommended that the Village purchase utility poles and place them across the road away from any wires or obstructions. Galicki asked if there were an issue with the flags, and the Street Commissioner said no that there is unspoken permission, and it is ok. With the Fall Festival banner, a wire worked its way loose due to the high winds and the banner shaking the utility poles. The Mayor specified that the yard sale would be on Saturday, April 22nd from 9:00 a.m. to 2:00 p.m. **Voice vote – ayes, all. Motion carried.**

STREET COMMITTEE: Porter reported that the Streets Committee met in December and the minutes were distributed. The next meeting will be January 6, 2023, 7:30 a.m., in the Street Commissioner's office. The committee will discuss culverts and the 2023 Road Program to identify which roads will be paved for the \$800,000 Road Program authorized by Council. He added that knowing now that Bell Rd. east will not be done until 2024 or 2025, it provides more focus on the streets that need to be done. Currently there are 15 streets that are below 75 Pavement Condition Index (PCI) and he would like to see some of them addressed this coming year.

The Fiscal Officer advised that the first swipe of the budget will not have the entire \$850,000 Road Program in it. There are things that will not make it in the first swipe but will have to be amended in January. Cavanagh asked if the PCI rating of 75 was the point at which a road needed to be done. Porter said at 75, the road is pretty good. Below 75, the road is not as good and at 60 it is a bit rocky.

The Street Commissioner contacted Ohio Department of Transportation (ODOT) regarding a date for resurfacing of Chillicothe Rd., but they did not get back to him. The Street Commissioner addressed the loader and said he had three quotes and it looked like Komatsu was the middle but was far superior. The Caterpillar loader was at the low end of quality being under powered. John Deere was the highest cost. The loader will run \$170,000. Porter asked what the Mechanic's opinion relative to parts availability and the Street Commissioner said John Deere would be best, Caterpillar would be right up there, but Komatsu is also right up there with both of them. The Fiscal Officer added that the loader is also not in the first swipe of the budget, so nothing should be purchased. The Street Commissioner said he was going to do a non-binding order, which means they will start building it and when it is done if the Village does not want the loader they do not have to take it. Porter verified that this would save the Village money. The Street Commissioner replied it will if the Village locks in before the January increase. Porter was not sure the Village could do that. The Fiscal Officer concurred and said it would be necessary to have a purchase order cut which cannot be cut until the Village has the money. The Street Commissioner said he could try to get them to hold the price.

The Mayor reported that at the NOACA meeting, the County Engineer asked if the Village was still interested in East Washington St., and the Mayor told him yes. The Village's share of the paving would now be \$170,000 when it was originally \$115,000. Berger asked if the Village could say no, and the Mayor concurred. Council discussed what might happen in this case. Canton thought the price would double in three or four more years and thought the Village should get it done.

BUILDING COMMITTEE: Canton reported that the minutes from the December 1st committee meeting were distributed. The next Building Committee meeting will be January 5, 2023, at 8:00 a.m. in the Building Department office presided by Councilman Bell. Canton spoke to the Building Inspector about the Zoning Inspector. The Building Inspector said things are working quite well and he has added value to the department.

Bell addressed a matter from the Fiscal Officer's report. The Zoning Inspector had done an inspection and a worried resident contacted the Village because of the unmarked Village vehicle. Bell thought it would be a good idea to have some kind of marking on the car that belongs to the Village. He too would be upset if his daughter was home alone and got scared because there was a black car in the driveway and a man walking around in their yard. Galicki asked if there was also one of the Village trucks that was unmarked. The Street Commissioner said possibly the last salt truck the Village purchased, but all of the rest are marked. Berger suggested getting magnetic signs for the side of the vehicle. The Street Commissioner asked which vehicle, and Bell said the old black cruiser. The Mayor said there previously was a Building sign on the extra car, and the Fiscal Officer explained it was too small to read and prior to that, every vehicle had a sticker on it because they are Village vehicles. Berger proposed using magnetic signs. Galicki said that outside of the Police Department, he did not see a need for any stealth vehicles and would opt for a decal instead of taking the magnetic option. Bell added that it is a simple way to mitigate any potential issues.

Porter addressed the issue of the residents knowing whether someone who pulls up in a Village truck is actually a Village employee. The Fiscal Officer offered that some other communities utilize identification tags. She explained that the mother who complained did so because they did not know who was walking around the house. Porter concurred that it would be problematic for someone to show up with no identification and claim to be the Zoning Inspector. Cavanagh offered that the resident could call the Village. The Police Chief advised that he has an identification maker and could make one for

every Village employee. Porter suggested considering this, and Berger said the HR Committee would discuss it.

POLICE CHIEF: The Police Chief submitted his monthly report. The Police Department has initiated the Shop with a Cop Program. There are nine kids from five different families. They will do the donation on December 20th. During the No Shave November drive, \$29,337 was raised between 13 agencies and is for A Special Wish Foundation.

SAFETY: Galicki reported that the committee met on December 1, 2022, and the minutes were distributed. The Valley Enforcement Group Council of Governments met on December 2, 2022. Galicki, the Mayor, the Chief, and the Lieutenant represented the Village.

HR COMMITTEE: Berger advised that the legislation for the pay schedules would be considered by Council at the current meeting. He noted that the pay schedule as presented includes the increase that was approved by Council at the previous Council meeting. It also adjusts two salaries that HR is recommending to Council. One adjustment is for the Street Commissioner and represents a 7% increase in the schedule and was done to bring that Department Head more in line with the other Department Heads. The second increase is for the Administrative Assistant position, which the committee did not think was correct. It was increased by \$2 per hour across the board so that the max rate now becomes \$24.54 per hour. This was not the rate the individual is currently paid, but this would be the maximum at step 4.

Cavanagh asked if they should add that even though a Mechanic Laborer position was created that it had not been filled but will be. Berger agreed. Porter asked when this would happen and be effective. Cavanagh said with the first of the year. Berger clarified with the Solicitor that the position had been created and there is an individual in mind to fill it and asked whether it would be the Department Head who recommends the individual and the Mayor then making the recommendation to Council. Porter said it is an internal promotion, which would be a recommendation of the Department Head to the Mayor and then the Mayor would appoint and Council would confirm. The Solicitor said this sounded reasonable but was definitely not the process in the Employee Handbook for hiring. Berger asked the Mayor to make that appointment on the recommendation of the Street Commissioner and the HR Committee and ask for Council's confirmation. **The Mayor asked Council to approve a motion to appoint Jeff Pausch as the Mechanic Laborer position. Porter clarified that the Mayor was appointing Pausch and asking Council to confirm. Berger added effective January 1, 2023. Cavanagh made the motion and Berger seconded it.** Bell asked what position Pausch was moving from, and Berger verified it was Maintenance Laborer to Mechanic. Bell verified that Pausch had been doing the Mechanic job but just had not been moved into the position. Berger concurred. The Fiscal Officer explained that the position was created specifically because his pay was outside of the range. Porter added that anyone who filled the position in the future would have to have Pausch's qualifications or be able to obtain or qualify for that position. He further explained that the position is not being created for one person but for the Street Department going forward. Pausch merely happens to fill it because he is qualified and has demonstrated over and over again how appropriate it is to have him fill the position. **Voice vote – ayes, all. Motion carried.**

Cavanagh stated she was delighted to have this off her plate.

Bell asked if the 7% increase for the Street Commissioner was 3% over the original 4%. Berger said it was 7% plus the 4%. Bell asked how it affected the 2023 Budget, and the Fiscal Officer reiterated that she included it.

PROPERTY COMMITTEE: Canton reported that the December 5th committee meeting minutes were distributed. Canton relayed that there was discussion about expanding the Park Committee membership to get some new blood and new ideas. Regarding the Cleveland State University (CSU) film project, Bailey Rogers, the CSU student, spoke to the committee about the proposed film project. It will be a 15-minute short feature entitled, "The Wood." If approved, it will be filmed in the South Russell Village Park on February 17, 2023 with an 8-person crew. It will take about 3-4 hours to produce, and the plot is a modern day take on the story of Hansel and Gretel. The audience would be young adults 20 to 25 years of age. Canton stated that the committee supported the request. Cavanagh added that Rogers wanted to use the park because it provided enough open space and no wires. Canton added that someone on the filming crew knew of the park and thought it would be a nice place to have it done. Canton also asked Rogers if Council would be receiving phone calls from their constituents when they viewed the film complaining about it, and she guaranteed it would be done in good taste. The Mayor asked about how to address permission if there were a date change due to weather, and the Solicitor suggested adding another date. The Mayor asked if they could just coordinate with Cavanagh. The Solicitor said given the size of the crew, duration, and that they would not be using the pavilion, there would not be a need to fill out the paperwork. The Mayor suggested they make arrangements with the Street Commissioner for the dates. **Canton made a motion that Council vote and approve the CSU film project that is at this time scheduled for February 17, 2023, with a possible make-up date to be announced later, seconded by Cavanagh. Berger asked if the motion could be amended to include the name of the person in charge of the project, and Canton said it is Bailey Rogers.** Cavanagh added that it is a thesis project and is at the end of four-year degree. **Voice vote – ayes, all. Motion carried.** The Mayor said he would contact Rogers and connect her with the Street Commissioner to talk about logistics. Porter asked if the Village needed a release. The Solicitor advised that the Village has a location release.

Cavanagh reported that the Kruse family planted two white oak trees in the park.

PUBLIC UTILITIES: Porter stated that the Public Utilities Committee will meet January 6, 2023, at 9:00 a.m. in Village Hall to discuss culverts, ESIDs, and things of that nature. Berger clarified that it was January 6th and not the 3rd as previously stated. Porter concurred.

Porter advised that there was a petition before Council about Country Estates for the purposes of establishing an ESID for approval so that it can be forwarded to the county. It is regarding Pond 4 and erosion issues as well as possible dredging to make it back into a swim lake.

The Mayor addressed the Country Estates Ponds 2 and 3 issue between The Preserve of Chagrin and Country Estates and said these will not be addressed by the ESID because it is too emotional and contentious. Porter thought the Village had resolved this issue and the Street Commissioner said there had not been an issue since the Village did the dredging. Galicki added that he received a comment from a resident who was very satisfied with the work that the Village did. He told Galicki it was the first time he has had a dry lawn in a long time. It appears that it has mitigated the situation. Porter asked if this was a Country Estates resident, and Galicki could not recall, but was pleased to hear the news.

The Street Commissioner reported that regarding the proposed power to the south side of the park for the lighting of a flagpole, he has a work order submitted to First Energy and they will come back with a cost to drop the loop to the pole where it is needed. He explained the necessary work and asked about the certainty of the donation before starting the work. The Mayor offered to go to the lodge meeting and said the donor wanted to know the general cost. \$5,000 was set aside. The Mayor keeps proposing to him that the Village light up a flagpole on the East Washington St. side of the park. In his proposal to the gentleman, he threw in that maybe they get a flagpole, and we will get the lighting, maybe a plaque, or a bench. He said he would come to their lodge meeting and try to get it done. Porter suggested holding off on the electric until then. The Mayor said the gentleman was still talking about it being on Bell Rd., but the Mayor said the Village has a lighted flagpole on the Bell Rd. side of the park. The Mayor thought it would look terrific on East Washington. The Mayor said he would not want the Street Commissioner to move on it until the money was here. The Street Commissioner added that a light on this side of the park would be something to be considered for the future to light the sign and to light the parking lot. Cavanagh verified the Mayor was referring to the Masonic Lodge.

Porter suggested the Properties and Park Committee consider a pavilion on the East Washington side of the park if there was a suitably generous donor like the Village had for the Bell Street one. The Fiscal Officer added that the Building Inspector recently had to update the property values. A pavilion like the one the Village currently has would cost an arm and a leg to do now. It is valued at over \$100,000 and it was built for under \$50,000 with \$25,000 being donated. Porter explained that if one were to be built, there would already be electric there for it.

Galicki referred to the December 2, 2022, Special Public Utilities Committee meeting minutes concerning the Family Life Center project. The minutes reflect Porter commending the Street Commissioner for bringing it individually to the attention of the Mayor and committee that the contractor could get the work done earlier than expected. Galicki pointed out that it would appear that if the Street Commissioner came to two Council members and the Mayor individually, that may have constituted a round robin, which violates Sunshine Laws. Additionally, the Street Commissioner went to the Mayor and committee members proposing action that was explicitly stated by Council that no work would commence until the contract was in hand. *Galicki further stated,* By commending the Street Commissioner for contravening Council as well as committing Village dollars to work without an appropriate contract in place was ill advised. He acknowledged he was probably in the minority opinion, but it is a matter of public record and an admission, and he felt he needed to make the statement. The Mayor thought the minutes were a little off. The Street Commissioner came to him and said the contractor would like to work on Thanksgiving because the weather was going to be good. The Mayor went to the two members of the committee. The Street Commissioner did not do that. The Mayor went to them and went down to the Family Life Center person, and she was out of town so he could not get her signature. It was his decision to let the construction go before having the contract signed. Galicki stated that nonetheless, regardless of whether the Street Commissioner went to the Mayor and he went to the others, work was still executed without an appropriate contract. Serendipitously it worked out for the Village this time. However, he thought a bad precedent was being set if the Village continues to conduct work especially that is in a partnership with a private agency without the benefit of a contract. Galicki thought the Village was put at risk by conducting that.

ORDINANCES/RESOLUTIONS:

Berger made a motion to untable and withdraw the ordinance regarding a salary tier in favor of another proposal, seconded by Cavanagh. Roll call – ayes, all. Motion carried.

Galicki introduced an ordinance amending and restating the Investment Policy of the Village of South Russell and declaring an emergency. Galicki made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **ORD 2022-100**

Porter provided a third 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. Porter made a motion to adopt, seconded by Bell. Roll call – ayes all. Motion carried. **ORD 2022-101**

Canton introduced an ordinance amending section 1440.06(f) of the Codified Ordinances of the Village of South Russell and declaring an emergency. Canton made a motion to waive readings, seconded by Bell. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Bell. Roll call – ayes, all. Motion carried. **ORD 2022-102**

Porter introduced an ordinance authorizing the Mayor and Fiscal Officer to enter into an agreement with CT Consultants to furnish and perform various professional engineering services and to act in the capacity of Village Engineer for 2023 and declaring an emergency. Porter made a motion to waive further readings, seconded by Cavanagh. Berger noted that in the ordinance, the insurance limitations as stated are \$1 million for commercial general liability and engineer's professional liability. He wondered if this was sufficient currently and given larger anticipated Village projects. Porter concurred and said that \$1 million is acceptable for 2023, but in 2024 and 2025 the Village would like it bumped up to \$2 million because of the size of the anticipated Road Programs. Berger suggested keeping the \$1 million and adding an umbrella policy for an additional million to cover all of the projects. He suspected CT already has this, and the Village has not been named as an additional insured on the policy. The Mayor advised passing the legislation and then communicating the insurance issue to CT in February. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **ORD 2022-103**

Porter provided a second reading of 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 made a motion to waive readings, seconded by Berger. Roll call – ayes, Galicki, Porter, Berger, Canton, Cavanagh. Bell abstained. Porter made a motion to adopt, seconded by Berger. Roll call – ayes, Galicki, Porter, Berger, Canton, Cavanagh. Bell abstained. Motion carried. **ORD 2022-104**

Galicki introduced a resolution requesting for advance of taxes collected. Galicki made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **RES 2022-105**

Galicki introduced the 2023 Annual Appropriations: General Fund under Salaries and benefits, \$301,746, and other, \$334,707, for a total in the General Fund of \$636,453; Service Fund, \$114,230; Building Fund under Salaries and Benefits, \$109,808, and other, \$71,950, for a total in the Building

Fund of \$181,758; Ambulance and Fire Fund, \$512,100; Street Maintenance Fund, \$550,554; State Highway Fund, \$70,000; Cemetery Fund, \$15,500; Parks and Recreation Fund, \$22,800; Safety Fund under Salaries and Benefits, \$1,446,569, and in other, \$244,212, for a total under Safety of \$1,690,781; Operating Fund under Salaries and Benefits, \$412,177, and other, \$40,637, for a total in the Operating Fund of \$452,814; Road and Bridge Fund, \$250,000; Income Tax Fund, \$2,117,500; Special Land and Building Fund, \$45,000; Special Equipment Fund, \$70,000; Trust and Agency Fund, \$120,000 for a total annual budget proposed for 2023 of \$6,849,490. 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 2022-106**

Porter introduced a resolution approving a petition for the creation of the Geauga County Erosion Control Special Improvement District (the “District”) and for the levy of special assessments for erosion improvement projects 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 2022-107**

Berger introduced an ordinance repealing ordinance numbers 2015-41, 2016-33, 2017-08, 2018-07, 2018-44, 2020-07, 2020-41, 2020-53, 2020-61, 2021-29, 2021-84, 2022-29, 2022-48, and 2022-49, adopting the position classification and compensation schedule for positions within the Village of South Russell, and declaring an emergency. Berger made a motion to waive readings, seconded by Cavanagh. Roll call – ayes, Porter, Bell, Berger, Canton, Cavanagh. Galicki recused himself. Motion carried. Berger made a motion to adopt, seconded by Cavanagh. Roll call – ayes, Porter, Bell, Berger, Canton, Cavanagh. Galicki recused himself. Motion carried. **ORD 2022-108**

Berger introduced an ordinance amending pay increases and service bonus program section of the Village’s Employee Handbook to include pay schedules and declaring an emergency. Berger made a motion to waive readings, seconded by Cavanagh. Roll call – ayes, Porter, Bell, Berger, Canton, Cavanagh. Galicki recused himself. Motion carried. Berger made a motion to adopt, seconded by Cavanagh. Roll call – ayes, Porter, Bell, Berger, Canton, Cavanagh. Galicki recused himself. Motion carried. **ORD 2022-109**

Galicki introduced an ordinance certifying the advance of \$160,000 from the Manor Brook Fund back to the Income Tax Fund, declaring an emergency.

BILLS LIST

Galicki made a motion to ratify the bills list of November 29, 2022, in the amount of \$62,245.64, seconded by Berger. Voice vote – ayes, all. Motion carried.

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

Porter wished Merry Christmas, Happy Hanukkah, Happy Kwanza, and Festivus to all in the Village and beyond.

Bell complemented the Service Department for the light display in the Village.

Canton said at the Park Committee meeting, the committee agreed on a style and color scheme for the projected park restroom. In January, the committee hopes that any funds that are needed will be transferred, that Council votes for such a purchase, and a purchase order can be written to get this thing rolling.


Cavanagh is moving forward with her 100th and expressed appreciation to the wonderful resident who assisted her but did not want to be identified.

The Fiscal Officer advised that with the anticipated passage of the legislation at the December 16th special meetings, Council would have passed 110 pieces of legislation. The Village used to average 45 to 48. It has been a busy year.

At 9:20 p.m., Canton made a motion to enter into executive session for purposes of discussing the possible purchase of property conferring with the Solicitor regarding pending or imminent litigation pursuant to section 121.22 (G)(2) and (3) of the Ohio Revised Code and to invite the Mayor, Fiscal Officer, and Solicitor, seconded by Porter. Roll call - ayes, all. Motion carried.

Council reconvened at 9:42 p.m.

ADJOURNMENT: Being that there was no further business before Council, Porter made a motion to adjourn at 9:42 p.m., seconded by Cavanagh. **Voice vote – ayes, all. Motion carried.**


William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki