

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, JANUARY 9, 2023 – 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, Solicitor Matheney, Engineer Meluch

**VISITORS:** Greg Heilman, Chillicothe Rd.; Nancy Grattino, Walton Hills

The Mayor called the Regular Council meeting to order and led the pledge of allegiance. The Fiscal Officer read the roll. Cavanagh requested changes to the verbiage in the last paragraph of page 13 of the December 12, 2022, minutes. She felt that some of the opinion needed to be stated as opinion. She suggested that it say, "Galicki stated, or Galicki said." The Fiscal Officer asked for clarification, and Cavanagh stated that it pertained to the portion that read, "by commending the Street Commissioner for contravening Council as well as committing Village dollars, that was ill advised." "Galicki said or stated" should be added to this sentence because it is not fact but opinion. Porter proposed that the sentence begin with, "Galicki further stated," and Cavanagh agreed. Galicki stated he would not want to delete any statement that he made. He offered to the Solicitor that it was not a matter of opinion but is a matter of fact that Council was contravened by the actions in executing the work without a contract. The Solicitor did not think that it had to include the opinion, but if there was a motion to amend the minutes and it is seconded, so be it. **Cavanagh made a motion to amend the Regular Council meeting minutes of December 12, 2022, seconded by Porter. Voice vote – ayes, Bell, Berger, Canton, Cavanagh, and Porter. Nay – Galicki. Motion carried. Porter made a motion to approve the Regular Council meeting minutes of December 12, 2022, as amended, seconded by Cavanagh. Voice vote – ayes, all. Motion carried. Cavanagh made a motion to approve the Special Council meeting minutes of December 16, 2022, amended to reflect the meeting took place at 11:50 a.m. and not p.m., seconded by Canton. Voice vote – ayes, Bell, Canton, Cavanagh, Galicki, and Porter. Berger recused himself. Motion carried. Porter made a motion to approve the Special Council meeting minutes of December 16, 2022, amended to reflect the meeting took place at 11:55 a.m. and not p.m., seconded by Bell. Voice vote, ayes – Bell, Canton, Cavanagh, Galicki, and Porter. Berger recused himself. Motion carried.**

**Porter made a motion to acknowledge receipt and review of the Council Rules, seconded by Berger. Voice vote – ayes, all. Motion carried.**

**Cavanagh made a motion to approve the committee assignments.** The Fiscal Officer asked that they be read into the record. The Mayor listed the committee assignments as follows:

Building Committee:	Chairman Bell and Canton
Finance Committee:	Chairman Berger and Galicki
Human Resources Committee:	Chairman Cavanagh and Berger
Properties Committee:	Chairman Cavanagh and Canton
Public Utilities Committee:	Chairman Berger and Porter
Safety Committee:	Chairman Canton and Galicki
Streets Committee:	Chairman Bell and Porter

**Voice vote – ayes, all. Motion carried.**

**Canton made a motion to nominate Porter as Pro tem for 2023 for South Russell Council, seconded by Cavanagh. Galicki nominated Canton as the second longest serving Council member after Porter for the experience of President Pro tem. No second was heard, motion failed. Voice vote – ayes, Bell, Berger, Canton, Cavanagh, Porter. Nay – Galicki. Motion carried.**

**MAYOR'S REPORT:** The Mayor referred to the 2023 calendar, committee assignments, and goals he distributed to Council. On March 15<sup>th</sup>, there will be a community tour of the Manor Brook 319 grant project at 1:00 p.m. The tour is mandated by the grant to provide community access. On April 21<sup>st</sup>, there will be a rain garden grand opening event at 10:00 a.m. The individuals who built the rain garden will be invited to attend. The Blossom Time Parade will take place on May 28<sup>th</sup> and the Mayor would love for the Village to have a presence in the parade for its 100<sup>th</sup> birthday. June 19<sup>th</sup> is Juneteenth; it is a Federal Holiday, and he will have the HR Committee consider it and make a recommendation relative to taking June 19<sup>th</sup> off. Porter asked if Juneteenth was a State of Ohio holiday. Cavanagh thought it was. The Mayor addressed the 2023 Fall Festival date and explained that determination of the date is based on Ted Kruse and the Cleveland Browns football schedule.

Regarding Juneteenth, Galicki asked if the Federal Government eliminated a holiday when establishing Juneteenth. Berger said no.

Cavanagh noted that the January 17, 2023, Special Council meeting for stormwater at 7:00 p.m. was not on the Mayor's list.

Regarding the community tour of the Manor Brook 319 grant project, Berger asked if the Village's easement would allow the Village to bring community members onto the property. The Solicitor said this was a good question. The Mayor did not think it did and said he usually calls Peter. Berger added that it is private property and before the tour, the association should know that it is happening.

**FISCAL OFFICER:** The Fiscal Officer advised that with the change in committee Chairs, the Safety Committee representative to Chagrin Valley Fire Department (CVFD) would be Canton; she will notify the CVFD of this. The Fiscal Officer further advised that the Property Chair is also the Park Committee Chair, which will now be Cavanagh. Additionally, the Chair of the Public Utilities Committee or their designee will be the Village representative for the Erosion Special Improvement District (ESID). Berger said this will be discussed at the first Public Utilities Committee meeting.

The Fiscal Officer asked that when all of the committees determine their meeting schedules to notify her so that they can be properly Sunshined. To clear up some confusion, the Fiscal Officer explained that once the committees are established, they remain so until they are changed by Council. If committees meet prior to the first Council meeting, last year's chair would be the chair for the meeting.

The Fiscal Officer addressed Income Tax collections, which were up 28% and were \$500,000 over what the Village received last year. The Village budgeted more in Income Tax revenue with the County, but it may be necessary to amend again if the Village continues to receive increased collection amounts.

The Fiscal Officer spoke to the Fire Prevention Officer who told her that the Village has a lot of empty office space. Many companies have sent their workers home permanently. However, the Village is reaping the benefits of that from the companies outside the Village. She thought this was where a lot of the increased collections had been generated.

Porter stated that as of November, the Village may have a deficit of around \$200,000 for 2022. The Fiscal Officer thought it would be more than that because there were some big payments in December. She anticipates having the year end financials prepared by the next meeting.

**FINANCE COMMITTEE:** Berger made a motion to approve the January 9, 2023, Credit Card Report as submitted, seconded by Galicki. Voice vote – ayes, all. Motion carried.

Berger suggested that the Finance Committee meet Friday, January 13, 2023, at 9:00 a.m.

The Mayor addressed the last audit, and said there were no audit findings. There were two verbal comments and the Village received an award for the best practices of Sunshine Law and Public Records.

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

The Mayor asked if there were any major changes to the Solicitor's Guide for Council Members that was distributed. The Solicitor said there were changes that are important for this year and moving forward. The version distributed was an old version and she will provide the new version. The Mayor asked the Solicitor to provide an explanation of the changes at the next meeting.

The Solicitor will provide an overview at an upcoming Board of Zoning Appeals (BZA). The Mayor asked the Solicitor to explain the eagerness of the BZA for this information. The Solicitor said there were new members, but BZA is also a quasi-judicial board that can meet outside of the public and are allowed private deliberations and discussions. They are different than Council comparatively speaking. The new members were interested to learn about public records in Ohio and the Public Meeting Act. The Mayor added that the members realize they are a Zoning Appeal Board and can get in trouble if they make a mistake. They have been diligent in their work. The Solicitor acknowledged it is an amazing board.

The Mayor stated that the Fiscal Officer provided examples of final determinations by the State Auditor in her report. The Fiscal Officer said these were just samples of what she gets from the State Auditor.

Porter questioned whether an Executive Session for litigation was needed, and the Solicitor said she had nothing substantial to report but she could provide a quick update should Council want it.

**ENGINEER:** Engineer Meluch reported that an updated drawing adding trees within the easement on the Manor Brook project was provided. A row of trees was added with the middle row being higher since mounding cannot be done. The plan extends the trees to be within the full easement width.

Shop drawings were received, approved, and returned to the contractor for minor modifications for the Traffic Signal project. Because of a gas line, it is necessary to obtain a small easement for which the drawings are being prepared. The Engineer verified the Mayor spoke to the property owner and that the property owner is in agreement, and the Mayor concurred. The Engineer further explained that the CT Traffic Group is working on getting the legal language written to properly authorize the easement. This project is moving forward.

Regarding the culvert project, Engineer Meluch spoke to the design engineer and the project is on track to advertise for bids at the end of the month. This project is also moving forward.

Engineer Haibach will have more information on the salt dome project at the next Streets Committee meeting to include a preliminary cost estimate. Engineer Meluch said that Engineer Haibach would be attending virtually, and the Solicitor advised that this is not permitted. Engineer Meluch said he would be present on behalf of Haibach.

Galicki addressed the delays with the Traffic Light project relative to the gas line and wondered if the Village would be running into issues with the funding. Engineer Meluch said the gas line was a separate issue and not delaying the project. Engineer Haibach was aware that there were some delays in the design, bid, and award of the project, and has been in contact with the funding agency to make sure they have everything they need to move forward. Meluch is ensuring that when the contractor submits drawings, they are being processed in a timely manner. Galicki verified that with regard to the funding agency, everything is on track. Meluch concurred and said Engineer Haibach has provided requested documentation.

The Mayor asked the Solicitor if Council should have held an organizational meeting earlier in the month because there were members of the Village Boards that needed to be reappointed. Although some communities hold organizational meetings prior to the first meeting of the year, the Solicitor indicated that the present meeting was the organizational meeting and recommended appointing the individuals at the current meeting. She further explained that the committees do not end at year end but continue until Council approves new assignments. The Fiscal Officer advised that board members have term limits. The Solicitor concluded that Council would have to not only reappoint the board members to new terms, but also ratify the actions they took. The Fiscal Officer offered that the appointments could have occurred in December with a 1/1 effective date, and the Solicitor concurred.

**STREET COMMISSIONER:** The Street Commissioner submitted his month end report for December. After the last Council meeting, he contacted the county to reserve the dates for Senior Trash Day. Because he was the second to call, the Village will have the help of the county. Porter asked about the age criteria, and Cavanagh verified it is 60.

Bell asked the Street Commissioner to rate the salt usage in November and December compared to previous years, and the Street Commissioner said it was light, but all depended on the snow. With the storms experienced by the Village in December, the use was 219 tons. He explained the specifics of salting the roads.

**STREET COMMITTEE:** Bell stated that the Street Committee would be meeting on Thursday, January 12, 2023, at 3:00 p.m. in the Service Department.

**BUILDING COMMITTEE:** The Mayor indicated he was appointing Gary Neola and Denis Marino to three-year terms on the Architectural Review Board (ARB). **Bell made a motion to confirm the Mayor's appointments to the Architectural Review Board, Mr. Denis Marino and Mr. Gary Neola, to three-year terms commencing January 1<sup>st</sup>, seconded by Canton.** The Solicitor clarified that ratification would be by ARB not Council. Voice vote – ayes, all. Motion carried. The Mayor said that one of the two individuals appointed would not be returning after this term so it would be necessary to find a replacement a year in advance in order to get the new member acclimated. He added that it is a paid position.

Bell stated that the next Building Committee meeting will be Thursday, February 2, 2023, at 8:00 a.m. in the Building Department. The Building Committee met on January 5<sup>th</sup>, and Canton advised that the minutes were distributed.

Berger noted that per his request, statistics for the year for the Building Department were provided. 491 permits were issued generating fees of \$105,000.

The Mayor spoke to the Fire Prevention Officer who said that everything is okay and up to snuff. He is working on a couple issues with certain businesses and the matters may come to Council.

**POLICE CHIEF:** The Chief will submit his year-end report for the next Council meeting. He also submitted a list of items the Village should consider to sell by internet auction.

**SAFETY:** Canton stated that the Safety Committee will be meeting on February 2, 2023, at 9:00 a.m. at the Police Station.

The Mayor proposed that the Safety Committee have the CVFD come to talk to Council about ambulance service and billing. He suggested it occur in March or April.

**HR COMMITTEE:** Cavanagh stated the committee will meet on Thursday, January 12, 2023, at 1:00 p.m. in Village Hall.

**PROPERTY COMMITTEE:** Cavanagh distributed minutes from the January 5, 2023, committee meeting. The committee went through a number of things and the bathrooms are the biggest ticket item for the park. Cavanagh stated that the Fiscal Officer informed the committee that it would be necessary to go to Planning Commission, which will take extra time. She asked if Council was familiar with the proposed restroom and said that the Street Department staff will do the foundation. The availability of a grant is being explored through the Chagrin River Watershed Partners (CRWP); it is necessary to determine this before ordering. The proposed cost is around \$70,000 total. Hopefully, the Mayor can get this in front of Planning Commission Thursday night, January 12<sup>th</sup>. A public hearing will be needed at the February Planning Commission meeting.

Regarding the Park Committee, Bill Howell is leaving and there are several people who have shown interest in replacing him.

The Mayor continues discussions with the individuals wishing to donate the flagpole and there are many little pieces and parts. She thanked the Mayor for working on this.

Many ideas were discussed regarding the 100<sup>th</sup> anniversary of the Village. The committee is considering having a special 100<sup>th</sup> South Russell Village logo that could be offered to the students as a contest. Cavanagh has a call in to Joan Demirjian relative to newspaper coverage. She further explained that the Mayor is very much in favor of having a Blossom Time float with individuals dressed in 1923 attire. The committee hopes to have the assistance of Ted Kruse. Cavanagh said the Mayor would like her to do a tea for anyone who would like to listen to history about the Village. The committee also hopes to do a Cemetery tour, but there are some logistical issues. They have people who will dress up in costume and speak from the voice of the old-time people like they do in Evergreen Cemetery in Chagrin Falls.

An Eagle Scout has sent a proposal to place a kiosk in Rarick Cemetery.



Regarding the time capsule, Cavanagh asked if anyone wanted to take it and run with it. She had been involved with time capsules, which get forgotten over time. She thought the Village had a time capsule and wondered where it was. The Fiscal Officer relayed that through contact with former Council member Kathy O'Donnell, information was obtained that there had been a time capsule.

Cavanagh continued with the ideas discussed by the committee, and said that to include families, the Mayor suggested cake, ice cream, movie, a concert with 1923 or patriotic music, wine tasting, and a brief South Russell Village program. She explained that the Mayor broke the activities down month by month to conclude with the Fall Festival. The committee wanted to have demonstrations of old-time skills. Regarding a 100-year synopsis, Cavanagh relayed that Darrell Johnson put together display boards with many historic pictures and she thought residents would enjoy seeing these. Cavanagh thought the school children should be involved, and she is reaching out to Community Education to see what can be done like little children singing or having speaking parts. It is all somewhat tentative at this point.

Regarding the park restroom, Cavanagh wanted to see it done by October 15<sup>th</sup>.

The Mayor suggested that the Park and Property Committees recommend the double Rocky Mountain restroom. Cavanagh concurred. She referred to a 'cheat sheet' provided by the Fiscal Officer. First there needed to be Council discussion and general approval of the Double Rocky Mountain for the bathroom. She appreciated the Street Commissioner digging the foundation, and said it all has to be written, sewed up, and put before Planning Commission.

Bell asked if cleaning of the restroom would be outsourced. Cavanagh agreed this needed to be considered. She thought a septic person would come clean it out once a year. The Solicitor verified it is not attached to the septic. Cavanagh said it is not attached and is a vault. The Solicitor asked how deep it was, and the Street Commissioner said it is as deep as specified. The Service Department personnel would dig the excavation for the base of it and the company would double check it and then set the vault in and the building on top of it. The Solicitor thought the excavation by the Service Department might present another issue with Planning Commission relative to a water sensitive zone. She suggested running it by the Building Inspector. Cavanagh said it is in the Master Plan for the park. The Solicitor understood but advised Master Plan does not go to the Planning Commission for approval. The Mayor clarified that the water sensitive issue would be if the vault leaked. He thought it was four feet but could not remember for certain. Porter asked if this discussion was the Council discussion and thought it could be designated as such so it goes to Planning Commission on Thursday. The Solicitor said that technically, it is a residential district, and the park is a conditional use. Even though the Village, by law, only has to make reasonable efforts to comply with zoning, she and Hocevar are of the mind that it should go to Planning Commission on an application for conditional use, so it gets set for a public hearing within a certain amount of time. She further explained that at Thursday's meeting, the public hearing will be set, and contiguous property owners will be provided notice and then it would go forward from there. Bell's concern was the potential for odor from the restrooms that would affect the homes across the street from the park with the wind. The Street Commissioner and Cavanagh discussed the necessary frequency of cleaning and venting to preclude this from happening.

Porter asked if this was the \$80,000 variety double Rocky Mountain model. Cavanagh said it is not supposed to be \$80,000. When the Mayor first checked into it, it was around \$63,000 and it might be

\$70,000 now. The Fiscal Officer thought it was \$70,000 including the delivery, which is almost \$12,000. The Solicitor asked if the Village had the specifications, and Cavanagh said she had them. The Fiscal Officer clarified that for the current meeting, only approval was necessary for the project to go to Planning Commission, and then details would be considered after Planning Commission approval. The Solicitor thought it should all be done now. Porter thought the specifications of the restroom had been distributed to Council previously. Cavanagh reviewed the process explanation provided by the Fiscal Officer to include the process of amending the budget for the restroom. She verified that the committee was waiting on information about possible grants from CRWP and read to Council what the grant process might entail. The Street Commissioner explained that the foundation comes with the building, and the Street Department would only need to do the excavation and then build a sidewalk up to it. Regarding the excavation, he explained that the top of the vault sits at ground level. The foundation requested by the company consists of gravel and sand. Cavanagh continued to read through the Fiscal Officer's guidance and addressed the need to ensure that the costs are State Bid amounts. Once Planning Commission approves the project, Council would need to pass legislation to accept the agreement with the restroom company. After this point, a purchase order may be cut, and ordering can occur.

Regarding the 100<sup>th</sup> anniversary celebration, Galicki asked if the Village had found the location of the stained-glass window that was original to Village Hall. Cavanagh said no, and she had made inquiries. She verified the Mayor had made inquiries, and he said yes, but had received no response.

**Cavanagh made a motion that Council wants the Double Rocky Mountain outhouses for the park and begin the process to go before Planning Commission pursuant to the specifications, seconded by Canton. Voice vote – ayes, all. Motion carried.**

The Mayor said the committee is investigating possibly adding an additional member to the Park Committee because it will be a busy year with the 100<sup>th</sup> Birthday and another set of hands would help.

**PUBLIC UTILITIES:** Berger proposed that Public Utilities have its first meeting of the year on January 20, 2023, at 8:00 a.m. in Village Hall.

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

Canton introduced a resolution expressing the intent to sell personal property not needed for the public use by internet auction and declaring an emergency. Canton made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **RES 2023-01**

Canton introduced an ordinance authorizing the sale of Village personal property not needed by the Village and declaring an emergency. Canton made a motion to waive readings, seconded by Galicki. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Cavanagh. Roll call – ayes, all. Motion carried. **ORD 2023-02**

Berger introduced an ordinance advancing funds incorrectly named a transfer, authorizing the Fiscal Officer to take all necessary action to effectuate such advance, and declaring an emergency. Berger made a motion to waive readings, seconded by Galicki. Cavanagh did not understand the legislation, and the Fiscal Officer explained that in dealing with reimbursement grants, in order to move funds to pay bills, the Fiscal Officer labeled them as transfers. At the time, she was unaware that moving the funds should have been labeled as advances. Because the word, transfer, was used instead of the word

advance, the Village could not move the funds back. The State recently changed the laws and stated that because it was an error in using the wrong word and it was not intended to be a transfer, the Village would not need the State's permission. The State provided letters and a final determination that their approval would not be needed to move the money back, but she and the Solicitor wanted Council's approval. This involved three funds. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Cavanagh. Roll call – ayes, all. Motion carried. **ORD 2023-03**

Canton introduced an ordinance approving the Additional Services Agreement with Flock Group, Inc., authorizing the Mayor and Fiscal Officer of the Village of South Russell to enter into the additional services agreement with Flock Group, Inc. and declaring an emergency. Canton made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **ORD 2023-04**

### **BILLS LIST**

Galicki made a motion to ratify the bills list of December 14, 2022, in the amount of \$148,539.82, seconded by Bell. Roll call – ayes, Bell, Cavanagh, Galicki, and Porter. Berger and Canton abstained. Motion carried. Berger made a motion to ratify the bills list of December 28, 2022, in the amount of \$40,389.56, seconded by Galicki. Roll call – ayes, all. Motion carried. Berger made a motion to approve the December 30, 2022, bills list in the amount of \$88,673.36, seconded by Galicki. Roll call – ayes, all. Motion carried.

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

**At 8:07 p.m., Porter made a motion to go into Executive Session under Ohio Revised Code Section 121.22 to confer with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action, seconded by Galicki. Porter invited the Solicitor, Mayor, Fiscal Officer, and the Chief. Roll call – ayes, all. Motion carried.**

Council reconvened at 8:16 p.m.

**ADJOURNMENT:** Being that there was no further business before Council, **Berger made a motion to adjourn at 8:16 p.m., seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki