

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, JANUARY 23, 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, Solicitor Matheney,

The Mayor called the Regular Council meeting to order and led the pledge of allegiance. The Fiscal Officer read the roll. **Canton made a motion to approve the Regular Council meeting minutes of January 9, 2023, seconded by Cavanagh. Voice vote – ayes, all. Motion carried. Cavanagh made a motion to approve the Special Council meeting minutes of January 17, 2023, amended to reflect “Kevin Keesler” as a visitor and to include on page 5 that Heidi Baumgart would not allow her kids to swim in Paw Paw because of E. Coli. Porter seconded the motion. Voice vote – ayes, Berger, Canton, Cavanagh, Galicki, and Porter. Bell abstained. Motion carried. Porter made a motion to acknowledge receipt and review of the Council Rules, seconded by Berger. Voice vote – ayes, all. Motion carried.**

MAYOR’S REPORT: The Mayor acknowledged the Fiscal Officer’s Administrative Assistant for identifying speakers in the minutes from the January 17th Special Council meeting for storm water and relayed positive feedback from a resident about the Village Newsletter. He was not sure whether the number of people attending the Special Council meeting was due to the meeting announcement in the newsletter or from notices sent to the presidents of the Village Homeowners’ Associations (HOA).

The Mayor distributed his report to Council. He discussed the Village’s membership to Chagrin Southeast Regional Hazardous Material Response Team (HAZ-MAT) and distributed their yearly report. He also addressed upcoming well monitoring by Charles Hart, U.S. Geological Survey (USGS), to include a well on a property with a new homeowner for which the Mayor obtained permission to continue monitoring. It is a shallow well located in the Alderwood neighborhood. The Mayor advised that the Chagrin Valley Fire Department (CVFD) will attend the March 13th Council meeting and the Manor Brook tour will take place March 14, 2023. Additionally, the Mayor will not be attending the March 27th Council meeting.

The Village’s 100th birthday is on Sunday, July 23, 2023, and the Mayor suggested doing a cake and ice cream birthday party that night, adding that it would be nice if a member of the community volunteered to do this. He clarified that July 23rd was the day the Village was incorporated.

The Mayor addressed \$2,000,000 in funding obtained by Congressman Dave Joyce for additional paving that sometimes is distributed to the Villages, which he specified would be Chardon, South Russell, Middlefield, and Burton. Chagrin Paving will be doing Chillicothe Road and they have the contract and a completion date. It will be necessary to have the culverts installed before that time.

The Mayor met with members of the Masonic Temple about the donation for the flagpole on the East Washington Street side of the South Russell Village Park. There is a stick in the ground marking the location and the Village will do everything except solar-wise, so it is pretty much good to go. He will talk to the Park Committee.

The Mayor reviewed the proposed meeting schedule of the Public Utilities and Finance Committees. He concluded that everything else in his report pertained to storm water and the Public Utilities Committee.

Regarding the Mayor's report, the Fiscal Officer requested clarification about the policy allowing expenditure of \$75 if someone wanted to buy someone a gift or meal. The Mayor said this was the Northeast Ohio Public Energy Council (NOPEC) policy. The Fiscal Officer advised this did not align with the Ethics Commission's guidelines.

FISCAL OFFICER: The Fiscal Officer explained that the Village has expenses for projects that were not completed in 2022 and were not budgeted in 2023. As a result, it is necessary to carry over or encumber some money, which is usually not done. This will require a motion to approve purchase orders to encumber from 2022 to 2023. Additionally, there are expenses for the Chillicothe Road Culvert project, which were not budgeted in 2023. It will be necessary to amend the appropriations and do a transfer for this. Last, a motion will be required to approve a PO for that project.

As a brief review of 2022, the Fiscal Officer explained that the original gross budget for Income Tax was \$1.6 million. The budget was amended part way through the year at \$2.1 million. The actual gross was \$2.5 million. From a net perspective, the Village brought in an additional \$516,000 over 2021 collections. However, the January 1st balances were almost \$3.6 million, and the Village ended the year just over \$3 million. Despite bringing in an additional \$500,000 in income tax revenue, balances decreased \$544,000 for the year. Cemetery fees and plots were up but cannot be budgeted. Court fines were up from what was budgeted, but no longer have an impact because everything received in court fines is paid to the City of Chardon the following year. It used to be that the Village could keep the fines obtained through police cases that go to court, but now the City of Chardon takes them back. It is based on a formula, and the Village cannot be charged more than what it receives in fines. Porter asked what their authority was to do this, and the Solicitor explained it is the Ohio Revised Code (ORC). The Fiscal Officer continued her overview of 2022 and explained that in Local Government Funds, the Village brought in a little more than budgeted, but those are numbers provided by the county that the Village is required to use. On the expense side, the Village did not spend as much as anticipated from the State Highway Fund because the culvert project and the traffic light project were not completed. Regarding the Special Road Fund, the Village paid off the Bell Road west loan.

The Fiscal Officer will be working on getting the year-end balances certified with the county. Once this is done, she would expect to be making amendments to the budget at the following meeting.

The Mayor said that ambulance fees will be explained at the March 13th Council meeting.

FINANCE COMMITTEE: Berger made a motion to approve the December 31, 2022, financial statements as presented by the Fiscal Officer, seconded by Galicki. Voice vote – ayes, all. Motion carried.

Galicki made a motion to approve the following 2022 purchase orders: for the Central Retention Pond, a blanket PO in the amount of \$30,356.84; for the Manor Brook Project a blanket PO in the amount of \$12,232.88; and a Mr. Excavator PO in the amount of \$9,774.54, seconded by Porter. Roll call – ayes, Galicki, Cavanagh, Porter, Bell. Canton and Berger abstained.

Berger made a motion to approve a 2023 blanket PO in the amount of \$50,000 for culvert project expenses, seconded by Galicki. Voice vote – ayes, all. Motion carried.

Berger said the Finance Committee will meet Friday, January 27th at 9:00 a.m.

SOLICITOR: The Solicitor referred to the Mayor's Report. She asked if Council had selected July 23rd as the 100th birthday of the Village, and the Mayor said no. She inquired whether the Parks Committee would be making this recommendation, and the Mayor said it was needed to get more formalized first.

The Solicitor distributed the updated Guide for Elected Officials which addressed Sunshine Law, Conflict of Interest, and attorney-client privilege. Previously, the Mayor asked the Solicitor to go over some of the notable changes, but she suggested requesting questions first. The Mayor would provide her with a topic in advance and ask that she speak for five to ten minutes on the subject over the course of several Council meetings. The Solicitor pointed out that one change is that the Village used to keep a database of all of the elected officials and their addresses, but the Village now only keeps the names. She further explained that the Public Records and Open Meetings Act are ever evolving law. The Fiscal Officer asked about employees, and the Solicitor said it was the same for both elected officials and employees and that no addresses were kept. The Mayor asked about the list of HOA leaders maintained by the Village, and verified it was a public record. She said it is a record created by the Village and is a public record. The Mayor added that he informed them of this. The Fiscal Officer clarified that the changes in the law did not change the fact that once something is written, it becomes a record. The Village must still keep a list of all employees names, but no longer need to include the addresses on that list. However, what the Village has in its possession is a public record until it meets the Records Retention Schedule for disposal. The Solicitor concurred. The Fiscal Officer concluded that the HOA list is a public record which would be provided if requested.

An Executive Session would be necessary regarding pending imminent litigation and/or the sale of property.

STREET COMMITTEE: Bell reported that the Street Committee met on January 12th and the minutes were distributed. He added that the Geauga County Water Resources will be installing flow meters in the Manor Brook/Alderwood area to diagnose how stormwater is getting to the sanitary sewers. He saw this as a benefit to the residents.

Bell stated that the committee was ready to move forward with a purchase order for the loader. Bids were received for three types of loaders, and the Komatsu was the middle bid and the committee and Service Department believed this was the best route to go as far as parts availability and product reliability. The Fiscal Officer advised that the purchase order could not be done until the budget was amended at the next meeting. She asked for the total cost, and Bell said it was \$127,686. Porter asked if it could be amended at the present meeting. The Fiscal Officer said she was not prepared to do so. Porter said they wanted to move on it because the quote was given last year, and in order to buy it at the lower price, a purchase order must be issued. The Fiscal Officer suggested adding it on to the amendment for the culverts. Porter explained that the Street Department could go ahead with the purchase order and get it delivered at least a month sooner. Porter thought the new price was \$20,000 more. The Solicitor verified that the \$127,686 was in the middle, and that the lower one was not as responsive as far as parts, etc. According to Bell, user feedback was also obtained from other municipalities. The Fiscal Officer verified it was at state bid, and Bell commented that this was a good

question. If not, the Fiscal Officer explained that it was over \$50,000 and therefore it would be necessary to go out to bid. Porter recalled it being state bid and added that three quotes were obtained. The Fiscal Officer pointed out that this is different than a sealed bid. Porter concurred. The Fiscal Officer explained that the budget can be amended, but a purchase order cannot be issued until there is verification that it is state bid. Porter suggested including this in the motion.

Berger asked where the Fiscal Officer would be transferring money from for this purchase. The Fiscal Officer said it would be from Income Tax Fund to the Special Equipment Fund. The transfer can be done, but she cannot issue the purchase order yet. Berger clarified that the ordinance can be done for the funds and then the committee could make the motion to accept the quote pending verification that it is state bid.

Bell made a motion to approve the Mayor and Fiscal Officer permission to create a purchase order for a new Komatsu loader in the amount of \$127,686 upon verification to satisfy the state bid, seconded by Porter. Voice vote – ayes, all. Motion carried.

The Fiscal Officer requested that moving forward, someone inform her before the meeting so that she could be prepared and have legislation written if necessary. Porter and Bell agreed.

Bell reported that the Village should be going out to bid for the Chillicothe Road culverts by the end of the month according to the Engineer.

The next Streets Committee meeting will be Friday, February 3rd at 7:30 a.m. in the Service Department office.

The Fiscal Officer and Solicitor clarified the state bid and cooperative purchasing process for the Mayor.

BUILDING COMMITTEE: Bell reported that the next Building Committee meeting is Thursday, February 2nd at 8:00 a.m.

POLICE CHIEF: The Chief distributed his year-end report. Regarding the traffic light project, he understood that the Village had received an extension through September for the grant but expressed concern about the ability to complete the project within this timeframe. He noted that a 12-month lead time had been predicted for the poles to which the mast arms attached, and he was concerned that the Village would not be able to meet the September completion requirement given that they had not yet broken ground. The Solicitor suggested addressing this with the Engineer. The Fiscal Officer asked if Perram Electric had ordered the parts, but the Chief had not received an update. The Chief offered to follow up with this matter.

SAFETY COMMITTEE: Canton reported that Safety Committee would be meeting February 2nd at 9:00 a.m. in the Police Department. Canton spoke to the CVFD Fire Chief about the modifications to the building. The Chief verified the project has started but there are supply chain challenges. It should be full speed ahead by March.

Cavanagh reported that former South Russell Village Police Chief Kurt Laderer had recently passed away.

HR COMMITTEE: Cavanagh reported that the committee met on January 12th and the minutes were distributed. She stated that the part-time administrative assistant position was offered to an individual.

Cavanagh addressed National Incident Management System (NIMS) training and conveyed that it is necessary for Council to complete it so that the Village will be eligible for Federal Emergency Management (FEMA) funds if needed. Bell asked if the requirement was to complete it every four years for elected officials, and the Fiscal Officer explained that it was permanent, and that Council would receive a spreadsheet in the next Council packet explaining the required training.

Cavanagh said the next committee meeting would be the first Thursday in March.

The Mayor asked the committee to discuss Juneteenth at their next meeting.

PROPERTY COMMITTEE: Cavanagh said the Properties Committee met on January 5, 2023, and the minutes were distributed. She spoke with Robert Schwind, who does the Evergreen Hill Cemetery tour, to get ideas for the Village's 100th anniversary. Cavanagh also spoke extensively to Joan Demirjian about the Village history and hoped it would be in the paper soon. A historic picture of Village Hall did not translate well, and she was uncertain it could be used for the paper, but Nancy Gallagher had pictures from when Village Hall was moved. Cavanagh also reported that Darrell Johnson did not recall the existence of a time capsule, but that perhaps she should ask Gallagher.

Cavanagh reported that three park benches that had been ordered came but were the wrong color. The Street Commissioner was going to return them but was told by the company to keep them and that they would send three frames in the correct color. She concluded that the Village would be getting six for the price of three.

PUBLIC UTILITIES: Berger stated the committee met January 20, 2023. The discussions pertained to the list of issues generated by the Mayor from the January 17th storm water meeting. Berger said that Porter would continue to be the representative to the Geauga County Erosion Special Improvement District (ESID) program.

The next Public Utilities Committee meeting will be February 3, 2023, at 9:00 a.m.

Porter advised that the committee discussed adding more screening for the Manor Brook project, specifically planting three six to eight-foot trees on the "notch" of the easement on the South Russell side. The cost would be \$400-\$500 and would assist greatly in screening for a resident, Eugene Seminaro, who attended the storm water meeting and was concerned about screening. Porter offered that this was a matter for discussion by Council and also wondered whether it needed to be sent back to Planning Commission (PC). The Solicitor advised that PC made a recommendation of a plan and Council must approve the funding for the plan. Porter concurred but said the plantings he was discussing were not a part of this plan. The Solicitor explained that Council should first approve the funding for the initial plan, but the second piece would be in addition to this plan and she did not know whether it would have to go back to PC. If it were a matter of overruling the plan, it would take five of six members of Council to overrule, and she questioned whether this was, instead, a modification of the plan. Porter said it was a modification in adding more screening. The Solicitor advised that there was a cost estimate for the total of 15 trees, which was over \$16,000 but less than \$17,000, which required approval. Regarding the add-on, PC said that this was nothing PC had any say over because they are saying outside the easement. Porter said that was the first thought of PC, but the addition is inside the easement. It would be the recommendation of the Public Utilities Committee that PC's recommendation be approved by Council and funding be consistent with the \$16,000 - \$17,000 plus three additional trees in that notched area. The Solicitor verified that there was an Engineer present at

the Public Utilities Committee meeting saying that this was okay to do. Porter said yes. Galicki noted that Porter said \$400 and asked if he was saying this would be for three trees. Galicki did not think three eight-foot tree could be purchased for \$400. It was clarified that it would be \$1,200 total. Porter said they would not be planted until spring, but Council would be asked to approve PC's recommendation and Public Utilities Committee's addition as well as appropriating money and amending the budget to do it. The Streets Department would plant the three additional trees. The Solicitor verified it was inside the easement with Whitetail. Porter distributed a diagram. The Solicitor ascertained that any of the three CT Engineers agreed with the discussion from Public Utilities. Porter said yes. The Solicitor explained that there was discussion at one point of certain things inside the easement and how it could actually affect the stream restoration project. Porter said this was closer to Chillicothe Rd., and the area to which Porter referred was further back. The Solicitor asked if the Engineer recommended the trees. Porter said no that it was between the resident and the committee. The Solicitor verified that the committee ran the idea past the Engineer, and Porter said yes.

The Fiscal Officer observed that on the CT documentation, the 8-foot trees were \$750 each, so it would be \$16,025 with the additional cost of three trees at \$750 each. Porter recommended going with the higher number. The Solicitor verified this would be on the Whitetail property. Porter said yes. She wanted to ensure there were appropriate agreements. Porter advised that the resident would like the Village to plant the trees three-inches into the South Russell side of the easement.

The Mayor said this buys the Village peace and support. Porter added that visually, it is like looking down an alley and this will help break it up.

The Mayor explained the rationale behind all the plantings and said he and Canton and possibly all of Council have discussed a mound that belongs to Whitetail which contains trees that are starting to go. Whitetail needs to spend some money on it. He spoke to the people of the Whitetail Master HOA and told them to be prepared to do something about this. The Mayor also pointed out an area on the diagram of the project which must stay open because of a sewer line.

Porter made a motion that Public Utilities Committee's recommendation with regard to the landscaping plan produced by CT Consultants in connection with the Manor Brook 319 project be approved but amended with the addition of three trees, six to eight-feet, \$2,250, in the furthest west extremity but within the South Russell easement at the north side of the project, seconded by Bell. The Mayor added that it is all staked out, so there would be no question as to where the trees should go. Bell asked if the concerns of the resident who lives across the pond were satisfied, or were they unrealistic? The Mayor said he thought they were satisfied, and added that he had gotten to the point that he did not care anymore; 15 trees at \$17,000 so that they do not see the traffic, which you can see anyway in the winter time. Porter did not think the resident would consider this the wall of green of which he spoke, but from Chillicothe Rd., it will look like a wall of green. **Roll call – Ayes, Cavanagh, Galicki, Porter, Bell. Berger and Canton abstained.**

ORDINANCES/RESOLUTIONS:

Berger introduced an ordinance amending the 2023 Annual Appropriations increasing the Culvert Fund expenses \$50,000 and Income Tax Transfers \$50,000 and additionally increasing the Special Equipment Fund by \$127,686 and the Income Tax Transfer fund by that \$127,686 and declaring an emergency. Berger made a motion to waive readings, seconded by Porter. The Solicitor raised the

question of the condition of it being state bid, and the Fiscal Officer said it was permissible to move the money, but a purchase order will not be cut. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2023-05**

Berger introduced an ordinance transferring \$50,000 from the Income Tax Fund to the Culvert Fund and transferring \$127,686 from the Income Tax Fund to the Special Equipment Fund and declaring an emergency. Berger made a motion to waive further readings, seconded by Porter. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Bell. Roll call – ayes, all. Motion carried. **ORD 2023-06.**

BILLS LIST

Berger made a motion to ratify the bills list of January 14, 2023 in the amount of \$70,058.67, seconded by Galicki. Voice vote – ayes, all. Motion carried.

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

Porter asked if the Village was still looking for a Fiscal Auditor. Berger said no because the most recent candidates were well qualified but more than needed. Asking the individuals to drive from the west side to the Village for a couple hours of work did not seem like a worthwhile endeavor. It could be reposted on Indeed.com to see if there were any local or resident candidates. He deferred to the Fiscal Officer but said that the system that had been created was working well. The Fiscal Officer added that the State Auditor was happy with the current system. Galicki concurred and added that in the future should Council choose to fill the position, it might be redundant in terms of what is currently in place.

At 7:55 p.m., Canton made a motion to go into Executive Session for the purposes of discussing the possible purchase of property and conferring with the Solicitor regarding pending or imminent litigation pursuant to Sections 121.22 (G) (2) and (3) of the Ohio Revised Code and to invite the Mayor, Fiscal Officer, Chief, and Solicitor, seconded by Berger. Roll call – ayes, all. Motion carried.

Council reconvened at 8:24 p.m.

ADJOURNMENT: Being that there was no further business before Council, **Berger made a motion to adjourn at 8:24 p.m., seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki