

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 13, 2023 – 7:00 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

MEMBERS ABSENT: Cavanagh

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

VISITORS: Jordan Canter, Sugar Bush Ln., Todd Pocek, SRPD

The Mayor called the Regular Council meeting to order and led the pledge of allegiance. The Fiscal Officer read the roll. Cavanagh was absent. **Porter made a motion to approve the minutes of the January 23, 2023, Council meeting, seconded by Berger. Voice vote – ayes, all. Motion carried.**

VISITOR: Jordan Canter, Sugar Bush Ln., addressed Council regarding a request for a crosswalk with a safety light at the intersection of Sugar Bush Ln. and Gurney Elementary School. She believed it would enable more children and families to walk or bike to and from school, sporting events, and the playground. A crosswalk would contribute to the wellness and empowerment of the community's children to safely cross at this location. It would benefit not only the Sugar Bush Ln. homes, but also Chagrin Lakes, Fox Run, and the houses along Bell Rd. The crosswalk would also allow bicyclists to cross the road enroute to Chagrin Falls. Canter provided the example of the crosswalk at River Run Park and reiterated that a light would be useful. She understood that it would take time for drivers to become accustomed to it and traffic flow mitigation might be needed along with equipment for the blind and possibly widening the road. The addition of a crosswalk would be impactful for a lot of people and believed there was support for it, which she was willing to obtain. Canter added that although her focus was the crosswalk at Sugar Bush Ln., a crosswalk from The Preserve of Chagrin to the South Russell Village Park would be another location that would benefit from having one.

Galicki acknowledged that Canter discussed this proposal with the Safety Committee and asked the Chief for his thoughts on the matter. The Chief explained that initially he thought the crosswalk was being requested for school hours but subsequently Canter provided details on the increasing sporting events and activities over the summer months. The committee is not opposed to it, but wanted it brought to Council's attention for consideration. The Chief added that to Canter's point, there are also a lot of residents who are crossing the road at Alderwood Trail to the park. He felt the suggestion could help improve the safety of pedestrians in the Village and the Safety Committee saw this as a reasonable request. A similar crosswalk is located at the Maple Highlands Trail in Chardon and he explained its operation as well as his thoughts on increasing visibility at the proposed crosswalk. Berger asked about the cost involved, and the Chief said he would explore it if Council supported the proposal. The Chief suspected that the costs might be similar to a school zone flasher, and the Fiscal Officer said that may have been around \$20,000. The Chief thought it would be less sophisticated and would not cost as much. Berger asked the Safety Committee to determine an estimate for the Finance Committee. The Mayor suggested it be further discussed at the April 10th Council meeting. Porter asked if any permissions were required, and the Chief thought a sidewalk approach would be needed to be Americans with Disabilities (ADA) compliant. The Engineer did not know if this was needed or not. He further explained that the Village does not have sidewalks and was not in favor of putting a

sidewalk in that just terminated due to safety issues. The Chief believed that the majority of the project would be in the Village's right-of-way.

Canter suggested paving the roadside area near the guardrail where Chagrin Lakes would walk over to the proposed crosswalk. She thought this would be a small expense. The Mayor verified the location of the crosswalk and said the Street Commissioner would meet with her to further verify.

Regarding a crosswalk at Alderwood, Berger thought a walkway would be necessary and asked the Street Commissioner to include this in the estimate. Porter asked if it would need to be ADA compliant, and the Engineer explained that it would if a walkway were being added.

MAYOR'S REPORT: The Mayor explained that the Village can no longer utilize the First Energy utility poles for its signs across the road. The Street Commissioner is working with Geauga County Soil and Water, which is giving the Village signs for Trash Day and Shredding Day. He thought they could also be used to announce the Village wide yard sale. The Fiscal Officer will get ads in the local papers, and it will be in the newsletter as well.

Moreland Hills has a Green Commission and is asking the six communities that make up the Chagrin Falls Schools to each donate \$500 to fund a program that helps the Chagrin Falls Schools improve environmental practices. He would give it to the Properties Committee to discuss.

The Mayor addressed material for the newsletter as well as plans for the Village's 100th birthday.

The Mayor discussed the Ohio Municipal League's (OML) publication that addressed the Supreme Court ruling about conduct in Executive Sessions.

He asked the Solicitor to wait to address the guide she prepared for Council.

FISCAL OFFICER: Regarding the Village Wide Yard Sale, the Fiscal Officer indicated that details were needed to advertise it in the paper and newsletter. Through research, it was found that some communities have residents register for the event and then a map is generated. However, she thought it might be simpler to instruct residents to put a balloon on their mailboxes if participating, and then to also have the HOA put a balloon at the neighborhood entrance since not all HOAs allow yard sales. The registration method would be labor intensive. Council agreed the balloon idea was best.

The Fiscal Officer explained that Northeast Ohio City Council Association (NOCCA) is an organization like the Geauga County Township Association, but for cities and villages. It offers a membership for \$400 per year for all elected officials or \$75 for each member. While some members of Council are involved with the Township Association, townships are not run like cities and villages. She asked Council to consider their interest in the organization by the next meeting.

All Village Departments submitted inventory sheets on time.

The Fiscal Officer asked if the April 18th storm water meeting would be a Special Council meeting, and the Mayor agreed.

Porter noted that the Income Tax continued to exceed expectations. The Fiscal Officer agreed but expressed caution.

The Mayor addressed the National Incident Management System (NIMS) training requirements and said none of his colleagues are doing it. The requirement is being researched.

FINANCE COMMITTEE: Berger made a motion to acknowledge receipt and review of the Credit Card Report of February 15, 2023, seconded by Galicki. Voice vote – ayes, all. Motion carried.

Berger advised that he and the Fiscal Office had a Zoom meeting on Friday, February 10th with Rob Beglin, Public Entities Pool (PEP) for property and casualty insurance. Berger distributed a table to Council which showed the Village's insurance costs since 2015. In 2018 when the Village moved to PEP, the cost dropped significantly. Over time, it has increased. The discussion included determining whether the Village was properly insured and whether the deductibles were being used appropriately. The Insurance Company is USI, and the Village essentially has a \$5 million insurance policy. There are few deductibles. Subsequent to the policy review, Berger concluded that the insurance premiums went up \$75 over last year, which was by far the exception to the rule in the insurance market. Beglin believed the Village was adequately insured. There was discussion of raising the limits of the policy. To raise it \$1 or \$2 million would mean \$1,500 and \$1,900 respectively in premiums. Berger felt that the Village is properly covered and there is no need for additional insurance.

Berger added that PEP will be providing the Village with a rebate of approximately this year. They represent about 670 municipalities across Ohio and have \$43 million in the pool. Berger said there are six total pools in Ohio, but PEP is one of the largest and best financed. The committee would recommend going forward with approving legislation for the insurance.

SOLICITOR: The Solicitor had nothing to report.

ENGINEER: The Engineer addressed the Chillicothe Culvert Replacement Project, which is out to bid. Completion of the project is set for June 15th or 16th. He and the Street Commissioner attended the Ohio Department of Transportation (ODOT) preconstruction meeting for the paving of Chillicothe Rd. and believed that the Village would achieve its goal of having the culverts in the ground before the paving.

The Engineer will have the updated rankings and five-year look ahead estimate updates for the Road Program for the next Streets Committee meeting. This will get the 2023 Road Program kick started.

Galicki had a question about the status of the funding for the Traffic Signal Project. The Engineer said that there is a funding completion extension until December 31st. He is working with Peram Electric to get invoicing for stored materials and materials purchased. The Engineer planned to use up the grant money first so that if the project went over the funding deadline, the Village would have already spent the money. He concluded that there should be no issue.

Porter verified the Village would be doing four culverts and asked for their sizes. The Engineer said that the one to the north of Village Hall in the vicinity of Manor Brook that will feed into the Manor Brook Stream Restoration project will be a 36-inch culvert. To eliminate a pinch point in its current location, a 12-inch culvert will remain the same but may be redirected to go south across Bell Rd. rather than west across Chillicothe Rd. The Engineer further explained that there is a 15-inch culvert that will be replaced by a 30-inch culvert at the outlet for the Central Retention Basin. This includes an outlet control structure that keeps a 15-inch restrictor plate in place so that water cannot go through any faster than a 15-inch would allow unless it were to reach a point where it would breach the road.

With this situation, the full 30-inch pipe would be utilized. There is also a 24-inch pipe in poor condition that will be replaced at the south Village limits near Sheer Brook that goes across the road. It will be upsized to eliminate the breach over the road in this area. The Engineer thought that in the future, the Village should consider expanding the capabilities of retention in this area on the east side of Chillicothe Rd.

Bell asked about the plans for the Salt Dome. The Engineer had the site plan and would provide it to the Streets Committee.

The Mayor asked if the Village should ask the Lantern to enlarge a 12-inch culvert at its south entrance. His concern was the water coming from the Federated Family Life Center. The Engineer said he would not want to enlarge this culvert because it helps to retain water. Instead, he would envision increasing the storage in this grassy area that the Lantern is not using. It is not very conducive to storage, but more could be obtained than what it is there now by default.

PUBLIC UTILITIES: Berger reported that the committee met and discussed nearly every community in South Russell relative to storm water impact. The committee is considering putting together a format that evaluates the lakes and ponds in the Village in terms of their importance if something fails and the number of residents effected. It would be similar to what is done with roads with the Performance Condition Index (PCI) ratings. It would allow the Village to identify the most important water storage areas in the Village and what the Village would do to help maintain these structures. Berger further advised that it would be a valuable exercise to go through to establish the priorities in terms future consideration of what the Village does regarding storm water.

Regarding the January 17th Special Council meeting for storm water, issues were raised about septic tanks. The Building Committee and Department conducted research.

Porter discussed putting a solar array in the Central Detention Basin or across the street on the lot of the former rental house. This would depend on further research about cost, payback period, and whether it could be financed with grant money. Porter further explained that the Northeast Ohio Public Energy Council (NOPEC) has a community grant for energy efficiency in the amount of \$16,000. This might be a qualifying project. Porter said the Engineer indicated the arrays are typically eight feet tall and would not short out if the detention pond were to fill. The Engineer advised he was unable to locate anyone with CT Consultants to conduct an energy audit for the Village, although he has names of outside firms that could.

The Mayor addressed the issue with Modroo Park, which is at the end of Country Estates. Through contact with John Oros, Geauga Parks, it was recommended the Village speak to Carmella Shale who runs Geauga Soil and Water. She will walk the property with the Country Estates residents before they start on their pond to give them advice.

The Mayor has been talking to Glenn Elliott about doing water testing.

STREET COMMISSIONER: The Street Commissioner submitted his monthly report. He attended the February 9th Planning Commission (PC) meeting about the proposed South Russell Village Park restroom. They voted unanimously to pass it and he will be attending the Architectural Review Board (ARB) meeting on February 21st for it as well.

The Street Commissioner reported that Service Department personnel will be attending Dominion East Ohio Gas Company training on excavation in proximity to gas lines.

The Mayor said that the park benches that were ordered have been received.

Regarding Trash Day, the Mayor asked about the total cost since the Village had grants covering \$6,000. The Street Commissioner said he had purchase orders for \$11,000 which he was able to reduce to \$7,000 due to the grants. He thought it may be less than this. The Mayor thought this was one of the best things the Village does.

STREET COMMITTEE: Bell reported that the committee met on February 3rd and the minutes were distributed. Regarding the Komatsu Loader, the committee learned that the loader available to the Village from the dealer in Columbus has all the specs of the loader ordered by the Village except that the tires are different, resulting in a cost difference of \$1,450. One option is to wait for another loader and most likely pay the 2023 rate. Another option is to amend the purchase order by \$1,450, and there are funds in the Special Equipment Fund to cover this. **Porter made a motion to increase the purchase price for the Komatsu Loader by \$1,450 because of the Michelin tires, seconded by Berger.** Porter recalled there was something discussed about replacing the Michelin tires with the Bridgestone tires. The Street Commissioner explained that they would have to switch the tires to fit the quote they provided to the Village. Porter asked if this would cost the Village, and the Street Commissioner said no because they are meeting the Village's price of \$127,686. Galicki clarified that there would be no need to increase funds. The Street Commissioner explained that it would just delay the Village getting the loader because they do not have the Bridgestone tires. Porter verified it would delay it by a couple of months. The Street Commissioner explained that someone ordered the loader and then it fell through, so it was then offered to the Village. Porter concluded that if the Village delays, it would not get the loader in time for Trash Day. The Street Commissioner said that if all goes smoothly, the Village will have it by March 20th. It was clarified that this was with the Michelin tires. Porter said that without, it would be a couple of months later. The Street Commissioner replied that no date was provided. Porter said he would just go with the Michelin tires. Galicki asked the Street Commissioner if he asked how long it would be with replacing the tires, and the Street Commissioner said it would not actually be ordered. Galicki understood this, and asked what the turnaround time was if the Village had to order. The Street Commissioner said the dealer did not give one. Galicki said that if it were just a week, they could wait for the tires. Bell asked if the matter could be tabled until the next meeting, and Porter said they needed to get going on it so the loader will be delivered on time for Trash Day. For \$1,450, he thought they were in better shape if they did it now. Galicki said that every other Trash Day, the Village has used the current loader. Porter said the Village had help from Russell Township with their big loader. Galicki thought the Village could do this again. Porter said they may, but his sense with regard to the discussion of the tires is that the dealer could not give them a delivery date. Galicki said it would appear the question was never asked. Galicki conveyed that this was a familiar scenario with being presented with a deal and needing to purchase it immediately, although it did not meet the specs for the tires and it would cause the Village to spend extra money because it was needed now, now, now. What appeared to be a good deal has become less of a good deal. Porter said it was slightly less of a good deal, but asked why wait? Bell thought the waiting would also increase the price. Porter further explained that it would be necessary to order the Bridgestone's at some price, although it is within the quote, but how long would it take to get them? The Street Commissioner

added that someone else could purchase this loader. Porter suggested going forward with it with the Michelin tires. **Voice vote – ayes, all. Motion carried.**

BUILDING COMMITTEE: Bell stated that the Building Committee met on February 2nd and the minutes were distributed. He explained that the amendment made regarding certified mail with the forfeiture process was better in theory than practical application. There were issues with certified mail receipts. The Building Department Administrative Assistant collaborated with the Solicitor to make further amendments to make it more practical.

Bell stated that concerns were expressed at the January 17th Special Council meeting for storm water about septic issues coming from the Lake Louise neighborhood. Canton explained that at the January 17th meeting, a Paw Paw Lake resident expressed concerns about inorganic matter that was found in the pond and lake. Porter clarified it was e coli. With a resident raising such an issue, he felt it was important to find out the cause. He did some research and spoke to a realtor and a representative from the Geauga County Health Department. Prior to July 1, 2022, Geauga County had one of the most stringent septic tank regulation policies in the State of Ohio, but not anymore. As of July 1, 2022, there is no longer a need to have septic tanks inspected relative to a home sale. With that in mind, Canton understood that there was a home on Louise Dr. that had been vacant for a year and a half. It was purchased on July 6, 2022. He surmised that maybe the challenge was coming from that property, but did not know. He asked the Building Inspector and Street Commissioner to check out the property. It was discovered that there was a drainage pipe that connects four or five of the houses, which goes to Paw Paw Lake Pond eventually. There was no solid matter coming from it. The Street Commissioner verified it was clear liquid. Canton said that this does not necessarily mean there was nothing wrong with it. The Street Commissioner concurred. This was the reason that throughout the Village, the committee will be taking a look at the quality of septic systems and conducting water testing in 25 locations across the Village.

Canton sent a message to the Paw Paw Lake resident who had the complaint and mentioned the name and address of this particular Lake Louise home. He admitted he should not have done it and apologized. Canton reiterated that when someone comes to the Village and there are concerns about inorganic matter in their neighborhood, it is something the Village must check, which is exactly what the Village is going to do. He thought it was strange that the county would pass such a law eliminating the need to inspect septic tanks. Porter speculated that they may be allowing the Village and Townships to handle it rather than it all being handled through Geauga Soil and Water. The Solicitor stated it was actually though the Health District, and the Health District has had the point-of-sale inspection for a long time. It was an effective program. With it, however, there were a lot of citations and enforcement actions in the courts, which bogged down the courts. It required changes to the septic systems to include expensive upgrades, and it led to a lot of litigation. There have also been a lot of rules with the Ohio Department of Health that have been implemented as well. She, too, was surprised that the point-of-sale inspection was disbanded, but thought that perhaps this was the result of the program that had been in place as well as the existence of other mechanisms like putting money in escrow to fix a septic system. There was further discussion of septic inspections and maintenance requirements. Berger questioned whether these changes should prompt the Village to revisit the required frequency of cleanings or mandate a point-of-sale inspection.

Regarding the suspect home on Louise Dr., Galicki asked if testing had been done of the clear effluent to determine the presence of e coli, or was it an assumption? Likewise, did Paw Paw Lake have testing

done or was it an assumption and was blame being placed on the resident across the street? Canton said he was aware there was a lot of that historically, but he understood that Paw Paw had testing done. He added that the inorganic matter could also be from animals. Galicki explained that there are limits with parts per million (ppm) levels that are acceptable as a result of nature and ppm levels that are not acceptable. He questioned whether the Health or Water Departments had done testing to verify the contaminant and/or to determine if levels are within an acceptable range.

Canton thought this would be a good reason for the Village to have this tested. Galicki was surprised that the Village had not already asked for the testing. Canton thought there had been discussion at the January 17th storm water meeting that the Village would be testing by summer. The Solicitor asked who would be doing the testing, and the Mayor said it probably had not been decided, but probably Glenn Elliott who runs a side business and works for Chagrin Falls in the Water Department. The Solicitor asked if the Village would be targeting certain homes for the testing. She explained that she was asking because she recently went through this with another municipality as far as a point-of-sale inspection. The inspections require an administrative search warrant. She wanted to better understand what the Village was planning to do. The Mayor said that the Building Committee would be looking into whether the Village wants a point of sale inspection. The Solicitor further explained that either way, even if there is a point-of-sale, the resident can decline to have the inspection. If they say no, a search warrant is required. The Engineer suggested testing the effluent in the public right-of-way, and the Solicitor agreed that would be different. The Engineer said that the common drain on Louise Drive is in the right-of-way. The Solicitor verified that there would be no dye testing needed from the actual property owner, and the Engineer thought this was a possibility. Berger suggested testing, and if a problem is found, then the next step would be considered. The Engineer concurred. Porter suggested that it potentially could be considered a nuisance. The Solicitor said it could be, but there was Federal case law that was just released that is on point about the point-of-sale inspections. If the owner refuses the inspection, they cannot be forced to do it. It is considered an unreasonable search and seizure and a search warrant must be obtained. The practices of other municipalities were discussed. Porter said that the Building Committee will look into it.

The Mayor said that testing 25 locations was his idea, but he thought that Glenn Elliott would come up with different ideas. He thought the Village would include an article in the newsletter offering that if residents wanted their water tested, they should send an email to the Village and the Village would choose. Letters would be sent out notifying them of when the testing would occur, because the inspector would have to get into the house. They may be looking for the water coming right out of the well before it goes into any cleaning system. Also, they would look at surface water like water going in and coming out of a lake to get a feel for what is going on. In saying this, the Mayor thought they should be very careful with the results so as not to lead residents think sewers are being installed. Galicki asked what the purpose was of well water testing. The Mayor said it would just be to determine water quality in different areas throughout the Village. Galicki said with point-of-sale inspections, well water is still tested. He thought the issue appeared to be that one lake community was blaming another community for fecal matter contamination of their recreational lake, which had nothing to do with well water. It had to do with septic systems and effluent either seeping out of broken vaults or leach fields that are already overflowing, which would be readily apparent with a visual inspection. He wondered if there had been any independent verification or tests to support the allegations. He reiterated the need to test the effluent and perhaps conduct a visual inspection, which he thought could be done by the Village through the Building/Zoning Department relative to septic

violations. Well water does not contribute to contamination of anything like septic systems and Galicki did not know what value added testing of well water would be unless it was just a matter of concern for water quality throughout the Village. They are two separate issues.

The Mayor relayed what he learned about septic systems by watching This Old House, specifically that if a septic system is maintained for eight to ten years, it would not need to be cleaned.

The Solicitor addressed the implication of the results of water testing. She thought that the homeowner should know that there could be possible enforcement action by the Village if there were something wrong with the water and with respect to surface water. The Mayor said that they would want to go very slowly as to how the Village handled it. He did not want residents to panic about being cited, etc. Porter said that the results would be a public record. The Solicitor concurred. Porter added that any potential buyer or seller would be able to access the records. Galicki offered that another unintended consequence would be if the results indicated a homeowner's water was unpotable, they would have to put in a new well.

Regarding Lake Louise issue, Bell asked if any objective evidence was provided or suggested it could be given. Galicki said it was just a statement. Canton said this was why he asked the Building Inspector to go there and check it out. The Building Inspector found nothing wrong with it and on a second trip with the Street Commissioner they checked the pipe. Canton explained there were four or five houses connected to the pipe, and the Street Commissioner said there were four on Louise Drive and may also come from Ridgecrest as well. He was not sure how many homes were still connected to it on Ridgecrest. Canton asked if it were a possibility that the challenges at Paw Paw Lake may be caused by themselves. The Mayor did not think they wanted to get into all of that. Galicki advised that by opening the door to water testing, the Village is de facto doing so. Perhaps this was an issue that should have been deferred back to Paw Paw Lake and Lake Louise to do some independent testing.

Berger said that at the meeting, Council was told that Paw Paw Lake had done testing and had Aqua Doc involved. There should be documentation that can be provided to the Village.

The Mayor said there have been three individuals who have been coming to Planning Commission meetings for six months as potential alternates. The ordinance allows for one alternate, but he thought they may want two to be selected. The issue has been that they get educated and get a feel for what is going on.

While updating the master Homeowners' Association (HOA) list for the Village, the Mayor reported that one HOA asked if it could sell off some of its land to build more condos. Another asked about selling off land to build more houses. They wanted to sell their green space. The Mayor said they could not because certain neighborhoods are mandated to have a specific amount of green space. There were also HOAs that have internal issues who asked for the Village's involvement and the Mayor said no. The Mayor also discovered that the neighborhoods are not required to have HOAs. He will discuss these matters at the next Building Committee meeting.

POLICE CHIEF: The Chief submitted a monthly report. The Charity Car Show will take place on Sunday, August 6, 2023. On behalf of the Police Association, he requested permission to use the Village campus. **Canton made a motion that the Police Department on August 6th be able to**

utilize the campus for their event, seconded by Galicki. Porter asked if there would be an agreement, and the Solicitor said yes. Voice vote – ayes, all. Motion carried.

The Chief advised that he and the Fiscal Officer concurred that the Village needed to reengage with Chagrin Valley Dispatch (CVD) for IT services. The Police Department will be utilizing new software in May and the amount of IT work behind the scenes will be extraordinary to the extent he would not be able to handle it on his own. Furthermore, there will be new laws put into place for multifactor inscription on the Village's devices, so he thought it was in the Village's best interest to go to an outside source for help. The Fiscal Officer added that there was money included in the budget because she and the Chief knew something would have to be done once the new Federal laws went into effect. It does not currently impact the Village right now but will in the next few years and entails Federal regulations, multifactor authentication, cloud storage, etc. and is beyond their scope. The Chief said that the Village also must be prepared because the insurance company is looking at how the Village protects its systems. Going back with CVD for IT services should accomplish all requirements. The Fiscal Officer relayed that it was revealed in the meeting with the PEP representative that before providing cyber security coverage, the company tries to break into your system. If they are successful, they will not provide coverage.

The Fiscal Officer explained that the Village had an agreement with CVD but then opted out last year. CVD advised that it only required an email asking to be reengaged and the contract would not change, to include the monthly rate. The Solicitor questioned whether the Village had terminated the agreement. According to the Chief, there was no reason to renegotiate the contract. The Solicitor asked if the same contract would be provided, and the Chief said yes and added that there was no need to sign a new contract. They would just open the existing document back up. The Solicitor thought an updated contract should be signed.

The Mayor thanked the Chief and LT Pocek for helping the Village secure a 1922 Model T and hopefully the Village's oldest living resident would ride in it. The Mayor referred to the Chief's report regarding the trends in mental situations and suicides. He also thanked the Chief for fixing the wireless system in the Building Department.

SAFETY: Canton reported that Safety met on February 2, 2023, and the next meeting will be Thursday, March 2nd at 9:00 a.m. at the Police Station.

HR COMMITTEE: Berger addressed the part-time Administrative Assistant position which would provide support for both the Fiscal Officer and Administrative Assistant, allowing them to provide support to the Building Department when the Building Department Administrative Assistant is off. An interview was conducted, and the committee is ready to make a recommendation to hire a part-time Administrative Assistant, Debra Hladky. **Berger made a motion that Council approve the hiring of the part-time Administrative Assistant at \$20 per hour, seconded by Galicki.** Porter asked if this was a Mayor appointment or a Council appointment. The Solicitor said it was just the regular hiring process. **Voice vote – ayes, all. Motion carried.**

Juneteenth, which is now a federal holiday, was discussed relative to the Village. Berger said the committee recommended adding Juneteenth as a holiday for all Village employees. **Berger made a motion to accept Juneteenth as a Village holiday and add it to the schedule, seconded by Bell.** Galicki asked if he should recuse himself, and the Solicitor said no since it applied to all employees.

Porter clarified that the date of Juneteenth was always June 19th. **Voice vote – ayes, all. Motion carried.**

Berger explained that parts of the Village Employee Handbook are included in the Codified Ordinances which makes it cumbersome when an amendment is made to the Handbook. Through discussions with the Solicitor, the committee recommended amending Section 252 of the Codified Ordinances to say that the Village has a handbook and that the handbook exists and is amended from time to time by Council. Therefore, this can be done without having to amend the ordinances every time the handbook is amended.

Galicki asked if there were an old ordinance on the books, would the handbook supersede an old ordinance? The Solicitor said no. In the Employee Handbook, it states that the Codified Ordinances and/or Ohio Revised Code (ORC) trumps the Employee Handbook. Galicki asked if this meant that the ordinances still had to be amended. The Solicitor said yes. Galicki questioned the logic of the proposed ordinance. The Solicitor explained that the Employee Handbook does not trump ORC or the Codified Ordinances. The Codified Ordinances have specific and certain parts of the handbook like vacations, holidays, etc. and is not consistent with what is in the handbook. This was being corrected by eliminating the whole chapter in the Codified Ordinances and adding one section that refers to the adopted Employee Handbook that is on file with the Fiscal Officer as amended from time to time. Then the sections that require amending are amended through ordinance individually.

PROPERTY COMMITTEE: Canton advised that Properties Committee meetings would be changed to the first Thursday of the month in Village Hall at 10:00 a.m.

The Mayor said that the former Citizens Bank is not for sale but rather for lease.

The Village is waiting on the Chagrin Falls Masonic Temple to provide the wording for the plaque relative to the donation. They are going to give the Village \$3,000 for a 25-foot flagpole lit by a 300-watt bulb. The Village would do part of the electrical work. There would be a bench and a walkway from the parking lot to the northeast area towards the flagpole. They looked at solar and it would be approximately \$7,500 for up to eight panels and a battery component that must be kept in an insulated container or building. The flagpole, bench, and walkway will be put in long before there is electrical power.

ORDINANCES/RESOLUTIONS:

Berger introduced an ordinance employing USI Midwest, LLC as Insurance Agent for the Village of South Russell and declaring an emergency. Berger made a motion to waive readings, seconded by Galicki. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Galicki. Roll call – ayes, all. Motion carried. **ORD 2023-07**

Berger introduced an ordinance authorizing the 2023 Property and Casualty Insurance with Public Entities Pool of Ohio and declaring an emergency. Berger made a motion to waive readings, seconded by Galicki. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Galicki. Roll call – ayes, all. Motion carried. **ORD 2023-08**

Porter introduced an ordinance approving amendment No. 1 to the contract agreement between Chagrin River Watershed Partners, Inc. and South Russell Village for the South Russell Village Manor

Brook Stream Restoration Project, authorizing the Mayor to execute Amendment No. 1, and declaring an emergency.

Berger introduced an ordinance amending Chapter 252 of the Village of South Russell's Codified Ordinances to reference the Employee Handbook, as amended from time to time, which is on file with the Village Fiscal Officer and declaring an emergency. Berger made a motion to waive 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 2023-09**

Berger introduced an ordinance amending the Holidays section of the Village of South Russell's Employee Handbook and declaring an emergency. (Juneteenth) Berger made a motion to waive readings, seconded by Bell. Roll call – ayes, all. Berger made a motion to adopt, seconded by Bell. Roll call – ayes, all. Motion carried. **ORD 2023-10**

Berger introduced an ordinance authorizing all actions necessary to accept Northeast Ohio Public Energy Council (NOPEC) 2023 Energized Community Grant Funds and declaring an emergency. Berger made a motion to waive readings, seconded by Bell. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Bell. Roll call – ayes, all. Motion carried. **ORD 2023-11**

Berger introduced an ordinance authorizing the Fiscal Officer to apply for and accept NOPEC grant funds for the 2023 Community Event Sponsorship Program on behalf of the Village of South Russell and declaring an emergency. Berger made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2023-12**

Berger introduced an ordinance requesting the County Auditor to certify to the taxing authority the total tax valuation of the subdivision and the dollar amount of revenue that would be generated by a specified number of mills and declaring an emergency. Berger made a motion to waive readings, seconded by Galicki. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Galicki. Roll call – ayes, all. Motion carried. **ORD 2023-13**

Bell introduced an ordinance amending section 1440.06(f) of the Codified Ordinances of the Village of South Russell and declaring an emergency. Bell made a motion to waive readings, seconded by Canton. Roll call – ayes, all. Motion carried. Bell made a motion to adopt, seconded by Canton. Roll call – ayes, all. Motion carried. **ORD 2023-14**

BILLS LIST: Berger advised that it was necessary to postpone approval of the bills list since there was not a quorum.

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

Porter verified the next Streets and Public Utilities meetings will be meeting the first Friday of March. Berger concurred.

Bell shared unsolicited feedback received from residents about their displeasure about the release of SGT Kimball.

At 8:36 p.m., Canton made a motion to enter into Executive Session for the purposes of discussing the employment of a public employee pursuant to section 121.22(g)(1) of the Ohio Revised Code, discussing the purchase or sale of property pursuant to Section 121.22(g)(2) of the

Ohio Revised and conferring with the Solicitor regarding pending or imminent litigation involving the Village pursuant to Section 121.22(G) (3) of the Ohio Revised Code. The Mayor, Fiscal Officer, Police Chief, Lt Pocek, and Solicitor were invited to attend, seconded by Porter. Roll call – ayes, all. Motion carried. Executive Session began at 8:45.

Council reconvened at 10:03 p.m.

Berger made a motion to acknowledge receipt of the resignation of SGT Eric Kimball with an effective date of January 28, 2023, seconded by Galicki. Voice vote – ayes, all. Motion carried.

Berger made a motion that Council ask the Fiscal Officer to make payment of any accrued vacation for Eric Kimball up to two weeks as has been earned and according to our policies, seconded by Galicki. Porter asked if this was by request or direction. Is Council directing the Fiscal Officer to make the payment, or is Council asking her? Berger rephrased the motion to direct the Fiscal Officer to make such payment, seconded by Galicki. Voice vote – ayes, all. Motion carried.

ADJOURNMENT: Being that there was no further business before Council, **Porter made a motion to adjourn at 10:03 p.m., seconded by Berger. Voice vote – ayes, all. Motion carried.**



William G. Koons, Mayor

as amended



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki