

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, MAY 8, 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, Engineer Haibach, Solicitor Matheney

**VISITORS:** Karen Mulloy, Maple Springs Dr.; Jack Zilly, Maple Springs Dr.; Tom Asplin, Sheerbrook Dr.; Family of Skyler Rossbach

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 April 24, 2023, seconded by Cavanagh. Voice vote – ayes, all. Motion carried. Bell made a motion to approve the April 26, 2023, Special Council meeting minutes, seconded by Porter.** Galicki provided clarification to Ms. Heide Baumgart's allegation that he repositioned the problem of just fixing the swim lake subsequent to the September storm water meeting. He invited Council's attention to the fact that in the meeting minutes of January 23, 2023, Council member Cavanagh wanted to have the minutes amended to include that Heidi Baumgart would not allow her kids to swim in Paw Paw Lake because of E. coli bacteria. He had no intent to misdirect, but there was more than one issue being discussed with respect to storm water. His comments were in relation to the potential E. coli bacterial infestation. The Solicitor clarified that Galicki was not asking for the minutes to be amended, and Galicki concurred adding that he was just making a statement of clarification. **Voice vote – ayes, all. Motion carried. Canton made a motion to approve the Special Council meeting minutes of May 3, 2023, seconded by Cavanagh. Voice vote – ayes, Canton, Cavanagh, Galicki, Porter, and Bell. Berger abstained.**

Chief Rizzo introduced Skyler Rossbach, a full-time officer with Case Western Reserve University Police Department. The Chief asked for a motion to appoint Rossbach as a part-time Patrolman. Porter stated that the Mayor had appointed, and they were now looking for Council confirmation. **Canton made a motion to approve the appointment and the employment of Skyler Rossbach as a member of the Village of South Russell part-time Police force, seconded by Berger. Voice vote – ayes, all. Motion carried.** The Mayor administered the oath.

**VISITORS:** Jack Zilly, 5231 Maple Springs Dr., inquired about the Maple Springs resurfacing project. Bell stated that the Streets Committee plans to recommend Maple Springs for repaving. Zilly asked about the dates, but Bell did not know. The bid was received, and if approved by Council, the Village will move forward, and scheduling will follow. The Engineer offered that it would be in a couple of months. The Mayor addressed driveway culvert replacement on Maple Springs prior to the repaving, and the Street Commissioner explained culvert pipes are inspected and residents are notified of the ones that require replacing. Zilly clarified that this would be at the Village's expense. Porter explained that the homeowner buys the culvert pipe, and the Village installs it. The Street Commissioner added that if this occurs on a road that is to be paved that year, the driveway apron gets paved. Zilly clarified that he has a cement driveway. The Street Commissioner stated that they do not cover concrete. The Engineer clarified the process of transitioning the road to the driveways so as not to leave a bump. The Street Commissioner said that the 12-inch driveway culvert pipes run \$250 - \$275. Zilly noted that there had been an issue when Sheerbrook was paved regarding the bid specs and

what was accepted or understood was that where the berm meets the grass was to be pressed limestone but was not according to some of his neighbors. Rather it was particulate and possibly ground up asphalt. Zilly asked what would be put in the berm. The Engineer said that the crushed limestone was an old spec that the Village had moved away from for several reasons to include residents hating it because the dust from it was white and covered ditches and yards when it rained. Stabilized, crushed, and pulverized asphalt material is now used. Zilly said he does not live on Sheerbrook but understood from his neighbors that they were less than happy with the product used. The Engineer said that no matter what berm material is used, residents are typically less than happy. Replacing it with topsoil and planting grass, however, does not stabilize the edge of the roadway.

Karen Mulloy, 5235 Maple Springs Dr., wondered if repaving of the street would be done at the same time as the paving of Chillicothe Rd. She suspected that people would be cutting through Maple Springs during the Chillicothe Rd. construction. The Engineer explained that he did not have much control over the Ohio Department of Transportation (ODOT) scheduling. He was only aware that ODOT would be coming later in the summer to pave Chillicothe Rd. and estimated that the start date for Maple Springs would be in July. The Engineer said he has some control over the Village's Road Program to preclude a direct conflict with paving.

Porter inquired about the culvert installation timing, and the Engineer explained that they will each take two days. The contractor, Grade Line, is still gathering materials, some of which are apparently hard to get. They are estimating one to two weeks out from a start date. He will notify the impacted streets when he has more information. Cavanagh inquired about traffic control during the process, and the Engineer said a temporary light would be utilized to keep one lane open at all times. He reiterated that it was important the culverts be installed before the Chillicothe Rd. paving.

The Mayor provided a summary. There would be driveway culverts on Maple Springs that need to be replaced, Maple Spring will be paved, culverts will be installed in June on Chillicothe Rd., and in August the road will be paved. He advised that the Chief was well aware of the people who try to cut through the Maple Springs neighborhood and will be ready for that situation.

Mulloy and Zilly addressed the details of driveway culvert replacement with the Street Commissioner. Zilly again clarified that individuals with asphalt driveways would get their aprons repaved by the contractor, but those with cement do not. The Street Commissioner offered that asphalt could go from the roadway to the pipe. The Mayor said that there were 34 culvert jobs already. The Street Commissioner said there were six on Chillicothe and five or six others throughout the Village. He thought there would be quite a few on Woodside and Maple Springs. The Mayor said that with the largest paving project, the Village did Sheerbrook, Maple Hill, and Daisy Ln., and 146 driveway aprons were done. Only one had an issue because it involved bricks. The Village took care of it.

**MAYOR'S REPORT:** The Mayor reported that there was a pavilion rental request for a Homeowners' Association (HOA) meeting that will have over 50 people and asked if anyone had any issues with it. **Porter made a motion to approve the pavilion request for August 6<sup>th</sup>, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**

The Mayor reported on a game truck used in conjunction with a pavilion rental.

Local mayors will be meeting with State Officials in Columbus in an effort to keep pressure on the State Legislators so they do not forget about us. The Ohio Municipal League (OML) will have more State Officials present at the June 21-22 convention.

The Mayor discussed solar lighting used by residents in Paw Paw Lake and East Bel Meadow. He also urged Council members to view the water flowing under Bell Rd. onto the Paw Paw Lake property from Silver Creek and Lake Louise.

Regarding the solar lighting, the Mayor explained this pertains to the proposed donation by the Masonic Temple of a flagpole on East Washington St. It will cost the Village \$100 per month to have a meter to light up the flagpole. The Village currently pays \$100 per month for the Cemetery, corner lot, and the pavilion.

The Mayor reported that the Northeast Ohio Public Energy Council (NOPEC) had its meeting to learn about rates and 15 people attended the Bainbridge meeting. It was just a question and answer about electricity.

Local mayors also discussed what could be done with Rarick Cemetery and honoring First Responders. Events to honor the First Responders will happen on May 21<sup>st</sup> at 5:00 p.m. at the pavilion and May 24<sup>th</sup> at 5:00 p.m. in Triangle Park in Chagrin Falls.

The Mayor met with Congressman Joyce's communications director. The suggestion was to meet as a group. The meeting would be held on June 13<sup>th</sup> and include Aurora, Bainbridge, South Russell, Russell, and Chagrin to discuss what could be done if they were to possibly come together. The first meeting will just be to talk about what the municipalities are doing and are they doing something different. He thanked Jenny Brown from CT Consultants who provided some ideas. Cavanagh asked if the Mayor was saying that on June 13<sup>th</sup> someone from Congressman Joyce's office would be here. The Mayor said that he had somebody who deals with environmental problems in their office in Washington. What they want to do is see what the five communities are doing and see if they want to work together. It will be a session to share thoughts and nothing formal. The Village had written a letter of support for Chagrin Falls for funding for McFarland Wastewater Treatment Plant. Congressman Joyce received 81 requests for money and 15 will be chosen.

There was also a meeting with Cuyahoga County Representative Jack Schron on how to improve Chagrin Valley Dispatch services. They are happy and things are going well, but there are some things that can be done to make it even better. There is still a lot of money floating around Cuyahoga County to include the Inflation Reduction Act and they are trying to cover every base.

The Mayor reported on the start of the Farmers' Market, the Eagle Scout project, Chagrin Schools Bike to School, the first Board of Zoning Appeals (BZA) meeting of the year, and the death of a Hambden Township Trustee.

Galicki referred to the Mayor's discussion of solar lighting for the flag. This topic had been previously explored and the Village had three locations with solar lighting which included the Cemetery, Village Hall, and the Building Department. They were woefully inadequate. Galicki relayed that the Fiscal Officer forwarded some information on more expensive commercial solar flagpole lighting, but it was found that those do not provide adequate power in this area to light the flagpole for an entire night. While some of the systems may work for a home flag, he suspected they would be inadequate for industrial or governmental use. He wanted to convey that this was not unplowed ground, and the results of previous trials drove the Village to illuminate the flags with electric lights. He asked the Street Commissioner if the department kept the solar powered lights, and the Street Commissioner said they are still on the poles. He suggested shutting the electricity off at the flagpole to see how well

these work before purchasing new ones. Galicki provided this information for the benefit of newer members of Council.

The Mayor said that one of the two providers of Model T's from 1925 for the Blossom Time Parade had moved and sold the car. He asked Council to let him know if anyone knew of another possibility and also asked them to consider what they should wear.

**FISCAL OFFICER:** The Fiscal Officer distributed her report. Berger asked why the Tax Revenue was down for the month. The Fiscal Officer explained that often April is estimated because it is Income Tax month. Once collections are complete, the Village will get an adjustment in May. Berger clarified that May would then be 'supersized' over April. The Fiscal Officer said it was possible.

The Fiscal Officer was working on her five-year forecast numbers. She will email to Council and Department Heads what is predicted for the next five years in terms of the big-ticket items. She requested they look this over to ensure she included everything. She would apply the cost increases and then be able to provide the five-year forecast. Then she would be able to do the Tax Budget which will be due in July. The goal is always to try to adopt it in June.

She asked if Council would be involved in the meeting planned for June 13<sup>th</sup> with the other communities. The Mayor hoped to get one person from every community but thought it should be considered a Special Council meeting although it would be very informal. It will be June 13<sup>th</sup> at 7:00 p.m.

Bell said he wanted to make a note that he was encouraged to read how the cross training was going well between the Administrative and the Building Departments. He was especially excited about the process documentation.

The Mayor asked what the Fiscal Officer was getting from her colleagues about Income Tax trends. The Fiscal Officer said she learned from her Hot Topics Seminar for the Treasurers that Mayfield Village had a 60% drop in Income Tax revenues. They had Progressive Insurance employees who will continue to work from home. There is a question of how they will make up that money. The Village is lucky to be a bedroom community where some people now work from home. The Central Collection Agency (CCA) report shows the breakdown of the revenue. Generally, there has been an increase in collection and the Village can be optimistic but must still watch collections carefully.

#### **FINANCE COMMITTEE:**

**Berger made a motion to acknowledge receipt and acceptance of the Credit Card Report, seconded by Galicki. Voice vote – ayes, all. Motion carried.**

Berger advised that for Trash Day, there were two employees from Russell Township who assisted. **Berger made a motion to approve paying them for working Trash Day, seconded by Porter.** Porter thought it was helpful that they brought their loader so that there could be one at both stations. The Street Commissioner stated that they did not charge the Village for the use of the loader. **Voice vote – ayes, all. Motion carried.**

The next Finance committee meeting is Friday, May 12<sup>th</sup> at 2:30 p.m.

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



**ENGINEER:** The Engineer is looking for a recommendation from the Streets Committee for the scope of the 2023 Road Program. As previously discussed, he did not have a start date for the Culvert Replacement project. He said he would keep the Streets and Public Utilities Committees apprised of the start date.

Galicki shared the concerns of a resident with the Engineer about a situation in the proximity of 1417 Bell Rd. There is new construction, and it appears there is an extended parking area off the road. His assumption was that there had been a culvert in the filled area that used to be a ditch. It is now completely filled in. In looking at the rest of the properties on Bell Rd., they either have swales, ditches, and/or culverts. He asked why the resident was allowed to fill in the ditch when there are so many issues with water. Is a precedent being set that everyone on a rise on the road can say they do not need a ditch or swale? The Engineer said it was a complicated question. In this case, the Street Commissioner brought it to his attention, and they determined that no water actually flowed across that property from east to west or from west to east because it was at a local crest and a high point. The ditch/swale that was in front of the property was picking up water from the property and taking it to one side or the other. There are a handful of dried aprons in the Village that do not have culverts or need them because the same conditions hold true. There is another handful of conditions in the Village where a dried apron is at a local high point, but there is a culvert under it that had been placed by the builder. No water flows from one side of the driveway to the other. In the case in question, it was determined that no water was going to come across that area from off-site to the other side and there was no need to put a driveway culvert there for that reason. It is determined on a case-by-case basis. Galicki asked if this meant that the Village is willing to entertain requests from other members of the community who might believe they are on a high point, and the Engineer concurred. He explained that he and the Street Commissioner recently viewed a property on Circle Dr. that was located on a crest of a cul-de-sac and had a failing driveway culvert. The resident was informed that it was not necessary to have one, but they opted to anyway. Cavanagh noted that 1417 was halfway down the hill from Bellwood, so water would come down and there is ditching there. The Engineer said he would have to see which way it flowed. There could be an inlet or culvert crossing before that point where it takes the water to the south side of Bell Rd. Cavanagh recalled hearing that. The Street Commissioner verified there was an inlet that takes it to the north. Cavanagh said she questioned the Street Commissioner about it. The Engineer said there are cases where the "culvertless" driveway may not be at the absolute crest of the hill if the waterflow is being directed in a different direction, then it could be treated the same. Cavanagh said the other issue was that they were allowed to put the gravel all the way to the road edge. The Engineer said he does not have input with this. Cavanagh asked if the Village did, and Galicki thought it was a zoning issue. Porter said it was in the right of way, and Cavanagh concurred. The Solicitor asked if the driveway was 100% gravel. Galicki said it was not only a driveway but extended 30 to 50 feet and was a significant fill. There had been a ditch there that collected water, and he was surprised to find it filled in now. He was unaware that other residents had similar circumstances, but the extent of what was filled in was pretty significant. Cavanagh said that on this issue, she agreed with Galicki.

Cavanagh said there was so much discussion at the Special Council meeting regarding Chagrin Lakes about the Lantern relative to drainage. She asked if the Engineer needed to look into it again. There seemed to be real opinions from Chagrin Lakes, although this does not mean they are expert or correct, but just that coming from the Lantern, they felt there was a big impact from the Family Life Center (FLC), Bainbridge, and the Lantern in South Russell coming across and the neighbors saw changes. She added that this was not the only issue. Cavanagh suggested going back and asking the Lantern to do more. The Engineer said they could always be asked, but the volume of the stormwater retention they provided was a function of their developed impervious area respective to the site. It actually

exceeds the Village's code. If they wanted to build more, or pave more in the future, then they will be required to add capacity for the additional runoff. However, they are not required to provide storm water retention for any water that was previously running across their property from east to west towards Chillicothe Rd. The Engineer explained that the Village does not require developers to take their site down to zero from start. They start at a natural baseline and the Village ensures the finish product is at or below the baseline from which they started. He thought that the issue affecting the residents on Sheerbrook and Chagrin Lakes is the water that is coming around the Lantern and not even making it into the retention areas because it is coming from off-site. It would be helpful to look at the retention capabilities of the FLC combined with the retention capabilities of at least the south pond of the Lantern development to provide more storm water retention. Cavanagh clarified that the Engineer would wait for direction from Council before doing this, and the Engineer concurred.

The Mayor said that last night, he got a nice thank you from a Sheerbrook resident for Council's efforts to protect their property and the fact that the new culvert is going in and there will be some device in the culvert. He had to crush them to say what will be done will have no effect on their personal property. If you live downhill on Sheerbrook, and if you have Wembley behind you, their water is going to come to you. Maybe 50 years ago those houses had swales or something around them, but throughout the Village, people are facing the issue that the water does not flow as it used to. Swales fill up and the water flows sideways. With the people who live down the hill on Sheerbrook with Wembley behind them, nothing the Village will do will change the amount of water they are dealing with. The water being addressed is going across Sheerbrook just like it does now to that first pond and then down to ponds 2, 3, and 4. That water will be between Parkland and Sheerbrook and will have no effect on the people living on Sheerbrook. The Mayor said Cavanagh had hit it on the head. The Village will be looking at this and some people are realizing there will not be a change in their personal situation.

**STREET COMMISSIONER:** The Street Commissioner described the repair of the flagpole in front of Village Hall. He distributed his monthly report for April. Regarding Trash Day, there were seven trash dumpsters, which was an all-time low.

Galicki said on behalf of the senior citizens of South Russell, he thanked the Service Department for their efforts. Seniors registered to have items picked up at their homes, and this was a great service they provided. The Street Commissioner said there were 110 Senior pick-ups.

**STREET COMMITTEE:** Bell addressed the Salt Dome Project. At the last meeting, they talked about the project and the Engineer was going to commence with the initial background work. After speaking to the committee, it appears that likely that project will be in 2024 because of the timing. The Engineer said he is identifying a project manager and design team who can take the project and run with it. Bell addressed the issue of what would happen to the rest of the salt if the Village had a mild winter. It will be necessary to contact and develop agreements with nearby communities for storage. Porter said the school will certainly take some of it and verified the Village will be getting 1,000 tons. He said it was 700 tons less than the Village normally gets. If there is another mild winter, it will still be near full but not overfull. The Street Commissioner said he was contacted by Russell Township which needed to store 50 tons. He was going to try to make room, but they were able to fit it.

Regarding the 2023 Road Program, Bell said the bid opening was April 24<sup>th</sup> and one bid was received. It was his understanding that a lot of companies did not bid because it was bid as a base bid and alternates. A bid was received from Specialized Construction and the overall cost with the base bid plus the two alternate streets ended up being \$82,000 less than the Engineer's original estimate. The

base bid that was for base repairs throughout the Village was quoted at \$51,000. Woodside Rd. was quoted at \$189,274 and Maple Springs at \$251,994. The Mayor reminded the committee that the Village has a Road Levy that brings in \$235,000 from the taxpayers. Given this and the fact that the salt dome will be pushed back to 2024, the committee felt it was acceptable to move forward with a bigger road program than initially thought. They recommended the base repairs, Woodside, and Maple Springs bringing a total of \$492,268 for the 2023 Road Program if approved. **Porter made a motion that the Mayor, Fiscal Officer, Solicitor, Engineer, and Street Commissioner are authorized to enter into the agreement with Specialized construction for the purposes of base bid plus alternates (A) and (B) in the amount of approximately \$492,000 for the 2023 Road Program, seconded by Bell.** Galicki said that although the salt dome project will be moved to 2024, there will still be associated costs in planning, engineering, etc. in 2023. Given these anticipated costs in combination with the inclusion of the alternates for the road program, Galicki asked if it was within the budgeted amount. Bell clarified that the committee was not moving forward because of the movement of the salt dome. Galicki responded that without those additional funds, the proposal would be for the base repairs. Bell agreed. Galicki continued to say that it would appear with the deferment of the salt dome, there are funds available to address the other streets. As he recalled from previous discussions of Council, there was concern that there was no money left in the piggy bank because of issues including the purchase of property, the salt dome, and other items. With the total expected costs for salt dome planning and the streets proposal, he wondered if it would still be within the budgeted amount. Porter said that \$850,000 was budgeted for roads this year. The Fiscal Officer clarified that this was discussed but was not in the budget currently. Porter acknowledged this and added that the proposed road program is below \$500,000 and he thought there were sufficient funds for the engineering for the salt dome. The Engineer stated the salt dome would probably run about \$50,000 this year. Galicki advised that some of the \$800,000 originally discussed for the pie in the sky street program had gone to other issues. Porter agreed, but also noted that the Village's portion of paving East Washington St. may wind up being part of the county bid in the sense that the Village would join in with the county for that purpose and it is about \$150,000. The Village has made no commitments. The Solicitor interjected that it was already in the bid. Porter responded that the county had not gotten their bids yet, and the Fiscal Officer said that they had, and the Solicitor concurred and said the Village is included in it. Porter questioned whether it was \$160,000 and Bell said it was \$154,281. Bell advised that they asked the Village to estimate 10% for overages, which may not occur, and the Village will receive \$121,000 in MRF Funds from the county for the project. At most, it will be \$48,709. Porter said the 2023 Road Program goes beyond base, (A), and (B) alternates, and also includes East Washington St. The local share is about \$50,000. The Village would be getting three streets done and base repairs for about \$550,000. Galicki said that as a member of the Finance Committee he wanted Council to be mindful. It is not a saver's payday with the peoples' money. Bell concurred.

The Solicitor asked Porter if his motion said to authorize the contract because what Council was doing was approving the bid. Berger commented that Porter said contract. **Porter said he would go with bid.** The Solicitor explained that after approving the bid, they will approve the contract at the next meeting. **Voice vote – ayes, all. Motion carried.**

Bell reported that the committee met on April 5<sup>th</sup> and the minutes are forthcoming. The next meeting will be Friday, June 2<sup>nd</sup>.

**Bell made a motion to ratify the purchase of food for the 2023 Trash Day event not to exceed \$500, seconded by Porter.** Galicki asked if this was a case of asking permission after it had been purchased. The Fiscal Officer explained that there is legislation that specifies events for which the

Village may purchase food. It was discovered that Trash Day is not listed in the legislation, so this will need to be amended or a motion will need to be made ahead of time. Galicki verified that this expenditure does not fall under the existing guidelines, and the Fiscal Officer concurred. **Voice vote – ayes, Canton, Cavanagh, Porter, Bell, and Berger. Nay – Galicki. Motion carried.** Galicki explained he voted nay because the expenditure was after the fact and was not in accordance with existing instructions.

**BUILDING COMMITTEE:** Bell addressed the proposed Planning Commission alternates. The committee discussed the matter and reviewed drafted changes to the ordinance. They were recommending a change to the current structure from one alternate to allowing the current or future Mayor to be able to have up to three alternates with only two serving at one meeting at one time. The Committee felt this would help the Planning Commission to move forward and not have to cancel meetings due to the personal schedules of commission members as well as allow the business of the Village to move forward more effectively.

**POLICE CHIEF:** The Chief submitted his month-end report. Wednesday, May 10<sup>th</sup> will be the bike to school event from the Cleveland Clinic to the Intermediate School. The third-grade seatbelt program will be on May 22<sup>nd</sup> and Cops and Kids Fishing will take place June 11<sup>th</sup> from 9:00 a.m. until 1:00 p.m. The Bike Rodeo will take place June 25<sup>th</sup> from 10:00 a.m. until noon. Patrolman Zippay obtained a grant to receive 72 bike helmets for the events.

The Mayor referred to the presentation for the seniors regarding scams and said it was very well done.

**SAFETY COMMITTEE:** The Safety Committee met May 4, 2023, at 9:00 a.m. and the minutes were distributed.

**HR COMMITTEE:** The HR Committee met on May 4, 2023, at 1:00 p.m. and the minutes were distributed.

Berger said that one item discussed at the meeting was the application of comp time for non-exempt employees. He wanted to bring to Council's attention that there is a comp policy for employees to bank comp time versus overtime for part of the Village employees. There are two employees, the Administrative Assistant and the Building Department Administrative Assistant, who are not eligible for comp time because of the way their jobs are set up. HR will have a continuing discussion about this and will bring it to Council to resolve so that all employees are treated the same way as those who are in the same classification.

Cavanagh thanked the Chief for updating the AED system in the Building and Streets Departments. The Chief addressed the cost, and the Fiscal Officer advised it can be included in the amendments at the next meeting.

**PROPERTIES COMMITTEE:** Cavanagh reported that the Properties Committee met on May 4, 2023, and the minutes were distributed. She was glad the Mayor followed up on the Eagle Scout project to put trail signs in the park.

Cavanagh addressed the upcoming Blossom Time Parade.

There will be a Park Committee meeting on May 16, 2023, in Village Hall at 7:00 p.m.

Cavanagh discussed designing shirts and reported that during the HR Committee meeting, she, the Mayor, and Canton came up with supplying shirts to employees, but Council must purchase them. She described two possible logos. Department Heads should speak to the employees to determine whether they want polos or t-shirts. They will be blue or two colored to keep cost down.

Canton addressed the purpose of the solar light kit and suggested comparing the quality and power of a new updated solar light kit with the old ones. Cavanagh asked how this could be done without buying one. Galicki thought the Fiscal Officer had information about the current solar light kits for flagpoles. Cavanagh still wanted Council members to view the solar lights at the two residences previously mentioned. She thought Council was being ridiculous and referenced the comment that they move at the speed of erosion. The nice gentlemen at the Masonic Lodge want to donate this and do we pay \$1,200 a year to light it? Galicki said this was a great question because of whether the Village is being penny wise and pound foolish. Someone has offered the Village a flagpole, so the Village wants to grab onto it and install a flagpole. The acceptance of it is based on the hope that solar light power will illuminate it properly. From past experience, the Village has found that solar light does not do this. Would this then justify putting in proper light which would result in an added monthly cost? Is this a different avenue to accept a kind donation that will end up costing the Village the same amount of money in a few months? The question might be, is this the best donation we should accept, or are there other projects that are begging for people to donate money to, whether it is benches, park support, etc.? He did not want to rush into it only to find out something was inadequate. Cavanagh said they were not rushing it. Galicki said that in purchasing the kit, how will they know if they do not install it here? Cavanagh said they did not have to vote on the kit tonight, and the Fiscal Officer said she would forward the information she found but had no information about the past solar lights. The Street Commissioner said they are 300-watt LED that are on the poles currently. Cavanagh said she and the Mayor had gone back and forth with the Masons and they were very firm that they wanted a flagpole on Washington St. Galicki wanted Council to realize that the Village may be incurring costs to accept their kind gift. Cavanagh understood. Porter added that just because the Village has a flagpole, it does not mean that it is necessary to put the U.S. Flag on it. Cavanagh thought it did. Porter asked if they were insistent, and Cavanagh said it must be a U.S. Flag. Porter clarified that it could not be the Ohio flag or the flag of South Russell. Galicki said that even if it were the flag of Ohio, Ohio Revised Code (ORC) requires lighting of the Ohio Flag or that it only be displayed under daylight conditions. Perhaps a South Russell flag or other local flag may not require the 24/7 lighting, but the State and U.S. Flag do. Cavanagh discussed her respect for the Masons and said her father and grandfather were members of that lodge. She said that the Village would get something that everyone is going to be more or less happy with and the Village will see it through, just not tonight.

The Mayor summarized that they came to us probably a year ago offering \$5,000. They talked about putting a flagpole on East Washington St. The cost of lighting it will be \$100 per month. They talked to solar providers and have looked hard at this. The Mayor asked Council to look at 103 Paw Paw Lake and 20 East Bel Meadow. If those are adequate, we can run with them. If they are not, then we don't. He thought the Masons were willing to be flexible and wanted a flagpole dedicated to one of the members and wanted a bench too. The Mayor thought they would work it out.

Canton advised that the Park Committee would be discussing the Fall Festival date and a rain date at the May 16<sup>th</sup> meeting. Planning will start for the Fall Festival as well.

The Mayor addressed the installation of the Eagle Scout project trail signs as well as the bluebird houses in the park that are maintained by a volunteer. The Service Department staff rebuilt some of the bluebird houses since they did not have a lot of snow to plow over the winter.



**PUBLIC UTILITIES COMMITTEE:** Berger reported that the committee met on Friday, May 5<sup>th</sup> and minutes will be forthcoming. The Committee met with a solar power company representative and discussed the possibility of installing a solar array for the Village. In his report, the representative said that there is proposed legislation before the State to allow multiple location entities to net out their electricity use. For example, if more power was generated at one location than needed, a credit could be netted against other locations with meters. If that were the case, it would eliminate the concern for solar power for the flagpoles because it would be possible to net the use from the main campus against the meters at both the park and cemetery, and potentially East Washington St.

Regarding the meeting with the solar power representative, the committee learned that the solar panel installation the Village is discussing would be about \$200,000. He referred to the solar array near Progressive Insurance. Cavanagh asked how many panels it would involve, and Porter said the representative could not provide a number. The Mayor and Street Commissioner will eventually walk the Village to determine the best site for a solar array. The representative also reported that the Federal Government currently provides a 30% credit for purchasing U.S. made solar panels. An array for the Village could cost about \$120,000 and would be paid back over about 8 to 9 years. There is virtually no maintenance with them, and no training is offered for maintenance. The three locations mentioned are in or above the Central Retention Basin, or behind the Police Station. Bell asked about the lifespan of a solar panel, and Berger said 30 years, but they degrade over time by a half percent. He stated that the Village cannot have a solar array that exceeds current electrical use. Most arrays are designed to generate between 80 to 90 percent of the annual usage. Berger also explained that the former rental property was suggested as a location, but the committee was informed that it is not permissible to run the power lines under a street. Bell asked about the disposal of the panels, and Porter said this was not discussed, but said they are considered hazardous material. Berger said there are recyclers that will take them, one of which is in Toledo. Council concurred that it was worth exploring further. Galicki observed that the size of the array is not known and thought this would be a consideration. Canton asked if there were any other grant opportunities other than the credit. Porter said there was the NOPEC grant received yearly by the Village. Porter discussed the potential cost savings for the Village. Berger noted that there was future consideration of having electric police and service vehicles which would require charging stations. The arrays are modular and if needed, panels can be added with minimal expense. Berger said the committee would continue to investigate, get better numbers, and report back to Council.

The next Public Utilities Committee meeting will be June 2, 2023, at 9:00 a.m.

Berger said the other major discussion at the meeting was about Paw Paw Lake as a follow up to the Special Council meeting regarding help with their silt pond issues. Porter said that fundamentally, what the committee wanted to do is have the Engineer figure out the size of the parcel that the Village would own for the purposes of maintaining the Paw Paw Lake silt pond. Once that drawing is provided, the Village would seek a commitment from Paw Paw Lake that they are willing to sell it. There would not be much point in splitting the property, going through Planning Commission, and doing all the legal work necessary to make it happen if Paw Paw is not interested in selling the parcel to the Village. He asked Cavanagh when the next HOA meeting was scheduled, and Cavanagh responded that the Solicitor told her she had to clamp her lips. Porter asked if the Engineer might have a drawing by the next Public Utilities Committee meeting, and the Engineer said Porter already has it. Porter said it will be reviewed and then Paw Paw Lake will be invited to have a vote to express interest in the sale of the property. If they are so inclined, then it will be up to Council. Bell asked what the cost and frequency would be if the Village were required to dredge that silt pond regularly. Porter

reported that Paw Paw Lake spent \$50,000 dredging the silt pond this last time, and it had been 8 years since they last dredged. Porter's recollection was that the silt pond was supposed to be 10 feet deep. He guessed that it had to be dredged every 10 years after it had been cleaned out.

The Engineer said that Paw Paw Lake had waited a little long to dredge the primary retention area. Worst case scenario, if the Village owned it and was saddled with the maintenance responsibility thereof, the plan should be to take a good look at it once every five years and possibly do some work. He offered that it may or may not be the full \$50,000. If this sets the cost, it may mean that it is \$10,000 per year. Porter thought it would be monitored yearly, and dredged when it reached a certain percentage, so that it would not be the full big dredging that Paw Paw Lake has had to do the last few times. He concluded it would be \$50,000 every five years plus inflation. Bell asked how this would be justified to other residents and HOAs that have ponds that need dredging and want the Village to cover the expense. Porter said it would be necessary for the Village to evaluate their silt pond and used Lake Louise as an example describing it as a retention pond. The Engineer stated that Lake Louise is not a retention pond, nor is Paw Paw Lake.

In reviewing the April 26, 2023, Council meeting minutes, Galicki noted that Rich Haber said that the dredge materials cost money to take off site, and the community elected to grade it into the existing property. Galicki had a lot of questions about this proposal, including whether the purchase price will include property to which the Village can take the dredge materials to spread out. The Engineer said this cannot be done indefinitely. Galicki further inquired whether the Village would be expected, if it does not own this property, to haul it off site. There are Environmental Protection Agency (EPA) issues with respect to dredge material, which can make it difficult to find a recipient for it. Galicki explained that he was not saying no to the project, but he is trying to honor the essence of what was being requested by the residents. He was not attempting to reposition any of the community's concerns, but in his opinion, he would like to find a compromise between maintaining silt ponds in perpetuity and doing nothing at all. One concern that was expressed by a resident was that they are accepting all the water from surrounding areas. Instead of just clamping onto this as the only solution, does the Village have an obligation to explore issues upstream to see if there are other measures the Village can take to mitigate both the problems they are experiencing while exploring the larger issue of mitigating storm water? Galicki noted that silt ponds are not associated with every pond. The pond silts up before the lake does, and if properly maintained, there should be no issue. The silt pond is sacrificed to maintain a proper lake. Obviously, the people who designed Paw Paw Lake realized they were on low lying land and there might be an issue with silt in the swim lake, so they created the silt pond to mitigate these circumstances with the realization that it would require dredging every so often.

From a sound engineering perspective, Galicki wanted the Engineer's professional opinion about the proposal, and asked the Engineer if this plan had merit. The Engineer explained that the migration of silt down the water course is a natural process. Silt is picked up in suspension when there is flowing water. When the flowing water reaches an area where it loses its energy like when it reaches standing water, it falls out and deposits. This is what has happened with Sugar Bush, Paw Paw Lake, and the Lake Louise silt pond. To date, the Village has undertaken a wide and impressive variety of storm water projects. All of them, with the exception of the small 319 grant project just south of Village Hall, had a large component for storm water quantity management. The Village was able to get the funding because it also dealt with storm water quality and habitat creation but there is a storm water quantity benefit the Village gets from it as well. From an engineering standpoint, the focus is on the issue of peoples' properties flooding and having huge quantities of water flowing unabated downstream and causing problems. He sticks to his realm of stormwater quantity management with a storm water project. Assuming responsibility, ownership, maintenance, etc. of a silt pond does not

have a storm water quantity benefit with it. It is strictly water quality improvement for areas downstream. It would be unique for the Village to take ownership or maintenance responsibilities for stormwater that does not have any storm water quantity benefit associated with it. Galicki indicated that the Engineer touched on his question with respect to whether this is storm water related. He was trying to solicit from the Engineer what the impact might be besides the Village taking on responsibilities of the private property to clean the silt pond. To Bell's point, will the Village then take on silt pond responsibilities for every community with a silt pond? How can the Village say yes to one and no to others? Is the Village prepared for this course of action? The other point is that it seems like an ideal Erosion Special Improvement District (ESID) project much like the Parkland Dam. The residents may not be in favor of this solution, but other communities have tried to appeal to the Village to get projects bankrolled but were directed to the ESID. These communities elected to increase their tax assessments to fix problems within the community. Would the Village have to go back and provide them the money? He also wanted the Solicitor to address the legal aspect of this commitment, to include the issue of the dredging material. If the Village is to take this on forever, there are some forever questions that have not been adequately addressed.

The Mayor said we have to make a good start to thinking it out.

The Solicitor said there are legal implications to purchasing the property, obtaining an easement, etc. and however the Village assumes the maintenance of the silt pond. The ESID may not be an interesting idea for the residents of Paw Paw Lake because it would be an assessment. This situation sounds very similar to Parkland Dam. As she understood, it would not affect the infrastructure of South Russell. It would only really affect Paw Paw Lake, the actual swim lake, and their residents. She thought it would be opening the door to other requests and would be precedent setting. The legalities would include a lot split since the Village did not want to purchase the lake, the land behind the lake, or the road, which are all part of that 44 acre parcel. It would also involve Planning Commission approval, tax map, surveying, etc. The Engineer had already determined a proposed area. The Solicitor consulted with the Building Inspector and found that since the platted subdivision of Paw Paw Lake predated zoning, there were no green space requirements. However, she had no idea if there were a declaration and did not know if the bylaws had been amended since then. The Paw Paw Lake home company would have to explore this. It would also require a vote of the residents. She posed the question about what would happen if the Village were to get off the dredging schedule. What is the liability with respect to Paw Paw Lake for swimming purposes and the effect of that? What if we are tying future councils down the road with regard to this maintenance? She added that this is an aggressive maintenance schedule. It might not be the \$50,000 every five years but would appear that something would have to happen every five years. These are things to consider. The ESID is available for specific projects. She thought these would be some of the issues; the precedent that is being set.

Porter said there was no doubt the Village could do it, but the wisdom of doing it is at issue. Galicki questioned the "can" part at this stage with the information the Village has. Right now, there is a proposal, but it has not been fleshed out very well. Porter said the Village could certainly buy the property from them if it is offered. The Solicitor agreed the Village could buy the property, but it is a question of splitting it. Porter said the Village would have to go through a lot of steps to separate it so that it is split from Paw Paw Lake itself and go from there. Porter's question was whether the Village should buy the property and whether Paw Paw Lake is willing to sell it because they would lose control of it forever. Galicki said this was a good question. The Village is going to invest a lot of engineering costs and potentially legal costs without knowing whether they have a majority of HOA members who would consider a sale. Porter said they would not know that until the night of the vote, if there were a vote. If there is no interest, the Village drops it, and perhaps suggests they do the ESID.

Galicki suggested that perhaps the residents should take that vote before the Village invests a lot of time, effort, and money into exploring this project. Porter said this is why they have a drawing from the Engineer to consider at the next Public Utilities Committee meeting and they would go from there. He did not think a lot of legal and engineering time should be invested until the Village knows there is actual desire to do it. The Mayor said that Friday, June 2<sup>nd</sup>, at 9:00 a.m. the discussion would continue.

The Mayor hoped to observe a burn by Geauga County parks system. A burn has been recommended for the Village park because it is full of weeds.

Regarding the complaint of people who have water flowing onto their property, the Mayor displayed a picture of Paw Paw Lake and Silver Springs. He explained how the water flows from a house on the east side of Paw Paw Dr. It flows down onto them from Silver Springs. The resident built a stone walkway to catch the water and divert it off their property to a ditch. If someone is living above you, their water will come to you.

#### **ORDINANCES AND RESOLUTIONS:**

Bell introduced an ordinance amending Section 260.02(b) of the Codified Ordinances of the Village of South Russell by providing for the appointment of up to three alternate members of the Planning Commission and declaring an emergency.

#### **BILLS LIST:**

**Berger made a motion to ratify the bills list of April 28, 2023, in the amount of \$28,451.37, seconded by Galicki. Voice vote – ayes, all. Motion carried.**

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

Porter asked when the trees would be installed for the Manor Brook Phase I project. The Street Commissioner asked if there was funding, and the Fiscal Officer verified there was. The Street Commissioner verified the sizes. Porter wondered if it was a good time to plant, and the Street Commissioner said it was.

**ADJOURNMENT:** Being that there was no further business before Council, **Cavanaugh made a motion to adjourn at 8:56 p.m. seconded by Canton. Voice vote – ayes, all. Motion carried.**

  
William G. Koons, Mayor

  
Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki