

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, JUNE 12, 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: Amber DiVita, Novelty; Doug DiVita, Lyndhurst; Cindy Trigilio, Mayfield Heights; Marie Masseria, Mayfield; Lisa and Stephen Brenner, Lyndhurst; Ben Stankewicz, Hunting Valley; Marissa Kline, Mayfield Hts.; Kailey Gavanditti, SRVPD; Karen Kassel, Broadview Hts.; Debbie Pocek, Streetsboro; Rachel McKillen, Mentor; Charlie Robinson, Southwyck Dr.; Gregory Robinson, Moreland Hills; Steve Fedorko, Jefferson; Jason Cheng, Dorset Dr.; Ralph Spidalieri.

The Mayor called the Regular Council meeting to order and led the Pledge of Allegiance. The Fiscal Officer read the roll. **Porter made a motion to approve the Regular Council meeting minutes of May 22, 2023, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**

Chief Rizzo introduced Steve Brenner, a full-time security officer for the Jewish Federation of Cleveland and retired police officer for the City of Wickliffe. The Chief acknowledged his experience and said he looked forward to having him as a part-time Patrol Officer for the Village. Canton and Cavanagh advised that Safety and HR Committees approved. **Berger made a motion to Council to approve the hiring of Steve Brenner as a part-time Police Officer, seconded by Cavanagh.** Porter verified that the Mayor was appointing, and the Mayor concurred. Berger clarified that the motion was **to confirm the Mayor's appointment.** Voice vote – ayes, all. Motion carried.

The Chief proposed the promotion of Nick DiVita to the Sergeant position. DiVita had been with the South Russell Police Department for 10 years. Previously, DiVita worked for the Cuyahoga County Sheriff's Office where he served on various units. He is currently a field training officer and is on the Valley Enforcement Group (VEG) Drone Team. The Chief advised DiVita's experience and dedication to the department's mission will make him an excellent supervisor, and he recommended him for promotion to Sergeant. The Mayor concurred that it has been wonderful to have DiVita as part of the department. The Mayor appointed DiVita as Sergeant for the South Russell Police Department. Canton recommended DiVita for the position. **Berger made a motion to confirm the Mayor's appointment of Nick DiVita to the position of Sergeant, seconded by Porter. Voice vote – ayes, all. Motion carried.**

The Mayor administered the oath to Brenner and DiVita.

VISITORS: Cavanagh introduced Charlie Robinson, an Eagle Scout candidate, who has been working on his Eagle Scout project at Rarick Cemetery for about a year. Robinson introduced his grandfather, Gregory Robinson, who is with the Chagrin Falls Rotary and is a scout leader. Charlie Robinson is 17 and attends Walsh Jesuit High School. His Eagle Scout project involves building a sign that will have a brief explanation of South Russell history, its founding, and the people who are buried in the Rarick Cemetery. He and his troop would also be doing general cleanup of the cemetery.

Robinson distributed a handout with a project description. Materials and eventual installation of the project were discussed. **Cavanagh made a motion to accept the Eagle project as proposed from Charlie Robinson, seconded by Canton. Voice vote – ayes, all. Motion carried.** The Mayor commented that this is the 24th scout project in South Russell. He thanked Robinson for what he is doing for the cemetery.

MAYOR'S REPORT: The Mayor reported receipt of a public records request by the Village. He explained that public records requests are great ideas to get information, but sometimes a lot of time and money are spent that could possibly be handled in an easier way. He provided an example concerning applications for driveway culvert replacements, and said the request was as thorough as possible for somebody who wanted to know what culverts the Village was putting in. His concern was that a couple of hours of work and \$100 in time went into it and it could have been handled with a phone call or visit to the Street Commissioner. In April, the Village had a public records request that had 12 different items which cost hundreds of dollars and was 375 pages. It could have easily been handled differently. The Mayor stated that if someone had questions, officials are here and available, and he recommended calling if information was needed.

The Mayor addressed a Chamber of Commerce Lunch and Learn session for area communities. Solar panels were discussed. Chagrin Falls already has solar panels and South Russell and Moreland Hills are investigating them. The Mayor said grants should be explored for this and other projects.

The Mayor discussed the Health District Advisory Committee Board changes with the Health Board as a positive example of regionalism. The Mayor also addressed local government funding (LGF).

The Village will be closed on Monday, June 19th for the Juneteenth holiday.

Regarding the Park Appreciation luncheon, the Mayor said it was designed to say thank you to anybody who contributed financially or physically to the park. Since there is enough availability, he was inviting all employees to attend. Susan Brownstein, the Garden Editor of the Cleveland Plain Dealer will be the guest speaker. There will also be a presentation by the Chagrin River Watershed Partners (CRWP). People from CT Consultants, the Cats Den Garden Club, and the Tom Harvey Memorial Garden were invited, but not the scouts for a number of reasons.

FISCAL OFFICER: The Fiscal Officer distributed her report. She addressed Income Tax collections. The Village received an estimated amount for April and May due to workload volume for the Central Collection Agency (CCA) during this time. The Village should be back on track in June with an actual amount and adjustments.

The Fiscal Officer relayed that the Building Department Administrative Assistant was working with new software which changed the format of the regular monthly Building Department reports. She asked Council to review the current report, which is 8 pages, for what information they wanted it to contain and let her know. Once known, adjustments will be made to ensure officials are receiving the information they are looking for.

The Mayor reported that the Tax Budget Hearing would take place at the next Council meeting on July 10, 2023 at 7:00 p.m.

FINANCE COMMITTEE: Berger stated that the Finance Committee would meet on June 16, 2023, at 9:00 a.m.

SOLICITOR: The Solicitor had nothing to report.

ENGINEER: The Engineer provided project updates. The Chillicothe Rd. Culvert Replacement Project is well underway. Grade Line, Inc. is doing an exceptional job with the workmanship and are handling traffic as best they can. At peak traffic, the project caused a 20-minute delay for traffic to the south on Chillicothe Rd. There have been cost increases due to the installation of an additional connector pipe for the 12-inch culvert that crosses Bell Rd. On completion, it was determined that it would not be possible to get water to drain from the Chillicothe Rd. and Bell Rd. area to the new inlet basin. 60-feet of 8-inch pipe was installed that will cost approximately a couple thousand dollars more. The second anticipated increase was related to the restrictor requested by the Sheerbrook neighborhood in relation to the installation of a larger, 24-inch culvert. He is working with Grade Line and the CT design engineer to develop an inlet restrictor that is similar to the one installed at the Central Retention Basin which will restrict the flow to the previous 15" pipe size. This would account for about a 60% overall restriction. The Engineer wanted to have a two-stage structure which would allow water to be restricted, build up, and accumulate on the east side of Chillicothe Rd. until it reaches the point where it would crest over the road and become a danger. At this point, it was important to have the ability to use the full 24-inch pipe. The cost will be about \$10,000. The total increase would be about \$14,000 to \$15,000 extra for the whole project. The awarded contract amount was about \$148,000 and the Engineer's estimate for the job was \$170,000, so the Village is still comfortably inside that number.

The Engineer reported there was a preconstruction meeting for the 2023 Road Program with Specialized Construction. They are hoping to get an earlier start by beginning later in June.

Regarding the Traffic Signal Replacement Project, the Engineer was contacted by Perram Electric. The poles and mast arms are in their final stage of production and are anticipated to be delivered in August. As soon as they have these, Perram Electric wants to get the foundations and underground work done to get the poles and mast arms up. They are hoping to complete the project by the end of August, but it is dependent on weather and scheduling. A formal time extension was received from the Ohio Public Works Commission (OPWC) until December 31, 2023, to get the grant money spent. The Village should be well inside that deadline, which is good news.

The Chief asked if the infrastructure would be prepared if the Village were to consider crosswalks. The Engineer explained that the signals are modular, so the equipment could just be added. The only cost would be the hard physical infrastructure of installing the crosswalks.

The Solicitor asked if the signal would be in before the paving of Chillicothe Rd. The Engineer said it would not matter because they will not be touching the road. The contractor will bore across the pavement to install conduit. The new technology includes a radar signal detector that sits on the mast arm and can sense when a car pulls up optically rather than using an electromagnetic sensor embedded in the pavement. The Chief further explained that GPS units have been delivered for the police cars, which will automatically change the light based on the direction of the police car.

The Fiscal Officer verified that the culvert project needed to be completed by July 1st for the OPWC grant money and expressed concern about the changes the Engineer discussed. The Engineer explained that the culverts associated with the changes are not included in the OPWC grant funding. Only the Manor Brook and Central Retention Basin culverts are involved. The Fiscal Officer verified that all the paperwork for the two culverts would be submitted by July 1st. The Engineer concurred.

Porter asked if there had been a start date provided by the State for the paving of Chillicothe Rd., and the Engineer had not heard. Porter verified that the culverts would be installed before it would occur, and the Engineer thought they would.

STREET COMMISSIONER: The Street Commissioner submitted his month-end report for May. The Ohio Department of Transportation (ODOT) has published salt prices for 2024, which will be \$46.81, which is a \$.92 increase. Geauga County is again the lowest in the State.

The Street Department has completed 25 culvert pipes and has applications for eight more. They have five more people to convince before the paving of Maple Springs.

The Mayor referred to an email commending the Village for putting up the flags, which are up from Memorial Day through July 4th, from Labor Day until September 11th, and then on Veterans Day and Election Day.

STREET COMMITTEE: Bell reported that the Street Committee met on Friday, June 9, 2023, and distributed the minutes. Of note, ODOT would not be doing the ditching as part of the paving of Chillicothe Rd. as originally thought. That would be a requirement for the Village. The committee also discussed the 10-hour workdays, which would be addressed by the HR Committee.

Regarding the motions that were required to close out the 2022 Road Program, the Engineer explained that there are two fiscal instruments involved in closing out last year's Road Program, one of which is a final change order that adjusts the contract price down from the awarded to the final contract price. The Fiscal Officer added that this was because the Reclamite was done outside of the contract. The Engineer said that it was a coincidence that the amount the Village was under for the Road Program covered the cost of the Reclamite. The other fiscal instrument to close out the project is the final pay estimate which releases the retainage. **Bell made a motion to approve Change Order #1-Final for the 2022 Road Program for a revised contract price of \$652,759.05, seconded by Canton. Voice vote -ayes, all. Motion carried. Bell made a motion to approve the Payment Application #2 - Final in the amount of \$145,794.59 to Specialized Construction for the 2022 Road Program, seconded by Canton. Voice vote – ayes, all. Motion carried.**

BUILDING COMMITTEE: Bell reported that the Building Committee technically did not have a meeting on June 1st since he was unable to attend. Canton advised he had received a number of emails concerning the property on the corner of Laurelbrook Dr. and Bell Rd. It is private property and unkept and might be a safety issue. He contacted Dave Hovevar who is addressing it. There have been challenges with the property for quite a few years and this needs to be addressed by the owner of the property. There will be a letter sent giving the owner until July 5th to address the situation.

Cavanagh asked about the Manor Brook Gardens expansion. Canton said there was discussion of building another condominium on Manor Brook if permitted. However, there was a question of whether there is enough common area to allow it. He did not know the status. The Mayor said this had been going on for four months and explained the issue with determining ownership of the property and the amount of greenspace. He met with interested people from Manor Brook three times. They finally had their Homeowners' Association (HOA) meeting, and they are not interested at this time in building any more condos. The Solicitor has been assigned the task of writing a letter to explain where we stand. They had to bring in Paul Snavelly to explain what had happened. It was a mess. As of now, they are not looking to do anything. The assumption was that when the condos were built, they

were built to use every buildable inch. It will end with a letter from South Russell and signed by Dave Hocevar to the Manor Brook Condominium Association.

Bell advised the next Building Committee meeting will be on July 6, 2023, at 8:00 a.m. in the Building Department.

The Mayor hoped to get Dan D'Agostino, who filled in last year as a Zoning and Building Inspector, an arrangement whereby he would simply be used as a Building Inspector. The price would probably go up to about \$60. This will be discussed at the next Building Committee meeting. He would simply be on call for building inspections. He would not have office hours and would do very little if any zoning. To clarify, Bell asked if D'Agostino was resigning from his current position as the Building and Zoning Inspector. The Mayor said he had not even thought about that. He said D'Agostino was not resigning and is still interested in helping. Galicki clarified that he was originally hired to do zoning. Berger stated it was for Building and Zoning. Galicki concurred, and said he was a standby for Hocevar on the Building Department side, but he was the sole Zoning Inspector. Bell concurred and said it would be discussed at the next committee meeting.

The Mayor acknowledged the Fire Prevention Officer, who received a nice card thanking him for helping with a smoke alarm. He said the Fire Prevention Officer does a very nice job and has helped Village businesses as well.

POLICE CHIEF: The Chief submitted his month-end report, noting that activity had spiked and was up 14% from last year. This included a few underage consumption parties where arrests were made.

Cavanagh asked about the increase in price of the police cruisers, and the Chief explained that Ford cancelled orders that were placed late in the year, to include one for the Village. Typically, they would price guarantee the vehicles for the following year but did not. Instead, they announced the vehicles would cost \$8,000 to \$9,000 more in 2023. After speaking to the dealership that won the State bid, they anticipated a \$4,000 to \$5,000 increase for the same car. They do not know a reason for the increase, but it is the same vehicle for \$10,000 more. The Safety Committee discussed looking at alternate vehicles, but decided to stick with what the Village has had.

Bell addressed the increase in underage consumption issues last month and expressed his concern with the change in behavior. He asked what the repercussions were for the parent or homeowner. The Chief said the homeowners can be charged as well, and two were. Canton asked what the punishment would be for an adult, and the Chief said it was a misdemeanor. Porter recalled it was a first-degree misdemeanor. The Chief said it would be up to a \$500 fine. Porter added that a first-degree misdemeanor would be up to 6 months in jail and a \$1,000 fine.

The Mayor discussed the No Turn on Red violations. The Chief advised that there are two signs, but it is a matter of opportunity. The reason for the No Turn on Red sign was because of limited sight distance looking northbound. There was discussion about changing it to limited hours, but it was decided to keep it as it is. The Police write citations for these violations.

SAFETY COMMITTEE: Canton reported that the next Safety Committee meeting would be held July 6th at 9:00 a.m. in the Police Station.

He asked the Chief to explain the proposed legislation regarding dogs and animals running at large. The Chief said that years ago, the Village Park ordinance was changed to include that dogs must be

under control and on a leash no longer than eight feet. This verbiage was not in the Village ordinance, which only addressed keeping the animal under control and not being on a leash. The police have received complaints about dogs off leashes and dogs at large and he felt it would be beneficial to be proactive by adding verbiage to the existing ordinance. All that is being added is, “and must be on a leash no longer than eight feet.” The Chief explained that there are aspects of the existing ordinance that already address control of the animals on private property, but the proposed change does not apply to animals on private property. The effort is to make the law consistent across the Village. The Mayor proposed three readings on the ordinance to give time to inform residents. The Chief concurred. The Mayor said that August 14th would be the third reading and it would go into effect on August 15th.

HR COMMITTEE: Cavanagh stated the committee met on June 1st and the minutes were distributed with the Fiscal Officer’s notes. There was a big discussion about the 10-hour workdays. There were questions about why this could not be offered to other people. She stated that the bottom line was that the Street Department is going to do this through the end of June and then that will be it and they will be back to five 8-hour days after that. This is temporary.

Cavanagh reported that the Zoning Inspector issue had been covered by the Mayor. There was also discussion about how many hours the Mayor works per week, which is a lot, and he is not paid as much as he works. Council needs to come to a decision about the 8 hours two Service Department employees worked on Blossom Time Sunday helping with the parade. There was also discussion about the luncheon invitations that have gone to everyone. Cavanagh felt that the committee went from having some conflict to pretty much solving all the problems in-house.

Cavanagh made a motion that the Street Department can continue their 10-hour days, four days a week, from now through June 29th. The Solicitor suggested changing it to “from June 2nd”, which was the last motion. Cavanagh corrected the motion to say from June 3rd through June 29th, seconded by Porter. Voice vote – ayes, Porter, Bell, Berger, Canton, and Cavanagh. Nay – Galicki. Motion carried.

Cavanagh made a motion recognizing non-exempt employees, which includes the Administrative Assistant and the Building Department Administrative Assistant, including but not limited to the Administrative Assistants in Building Department and Fiscal Officer are entitled by law to overtime and comp time when applicable, seconded by Berger. Berger explained that as a condition of the Building Department Administrative Assistant position becoming full-time, Council limited it to a maximum 40 hour per week with absolutely no overtime. When the part-time Administrative Assistant position at the Village was changed to full-time, the same rules were applied even though the description did not say it. This is inconsistent. All of the non-exempt employees, the hourly employees who are entitled to overtime after 40 hours, should be treated the same but are not. Two people are being treated differently from the rest. The motion recognizes and states that if there is a need for the Building Department Administrative Assistant or the Village Hall Administrative Assistant to work more than 40 hours, then there should be the leeway to do that, and they will be paid overtime appropriately. Cavanagh added that with the evening meetings, it is not always possible to keep it in the span of time. She added that it was also an exclusion for the two employees. **Voice vote – ayes, all. Motion carried.**

Cavanagh made a motion to approve overtime or comp time for Street Department workers that participated and worked the parade on May 29th 8 hours, seconded by Berger. Galicki asked the Fiscal Officer to explain what the Employee Handbook states about compensation of work hours as well as State law with respect to overtime. The Fiscal Officer reported that the Village’s policy which

was amended in 2021, states that sick, vacation, paid holiday, and comp time do not count towards overtime. In this case, the employees physically worked 38 hours that week and used two hours comp time to get to 40. There were also 8 hours of holiday. The employees worked 38 hours and would be paid for 48 for being at the parade, but the 8 hours would be at straight time and not overtime. This is what the Village adopted as its policy. It is also Federal law. Council can always grant more and include the holiday if they choose, but Federal law states that it is not required. She reiterated that this was the policy the Village adopted. The Mayor stated that they were moving to grant 4 hours of additional time for guys that worked 8 hours on a Sunday, which would give them time and a half. Bell corrected that it would be 8 hours of overtime. Berger said it was an additional 4 hours of payment. It is 8 hours that they worked on a Sunday, so if it is overtime, it is 12 hours. The Mayor concluded it was a total of 8 hours overtime, 4 hours for each person. Bell replied that according to what the Fiscal Officer explained, it is not the Village's policy. The Fiscal Officer added that one employee is banking all 8 hours to get 12 hours off and the other employee is going to be paid 7 hours of overtime and then bank one to comp time. However, they used 2 hours of comp time to get them to the 40. On the holiday, they are only using 8 hours of holiday, but using two hours of comp time to bring them to 10 hours for that day so they would get the 40 hours for the week. The way the policy currently reads, they would get 8 hours at straight time. Canton asked if Council could grant them the overtime. The Solicitor stated yes, but that would make it an exception to the rule. She noted that 8 hours was stated in the motion. The motion should read that it is an exception to the rule for this specific circumstance for four hours of overtime. The Fiscal Officer noted that the Juneteenth holiday is in the coming week, and this situation could happen again. Berger stated that the Fair Labor Standards Act (FLSA) is a 1938 law that has not been changed. The historical perspective of 90 years ago is very different than what employment law is today. He checked with Jim Budzik, the Village's consultant from Mansour Gavin, and asked him if there were any other municipalities that the firm represents that had a policy like the Village's. His answer was no. To Budzik's knowledge, the Village is unique. In fact, Budzik has been reviewing the Village's Employee Handbook and has marked it as an exception that needs to be changed. Berger has looked at the ordinances for the surrounding municipalities, and they all allow comp time, vacation time, and holiday time to be counted towards hours worked for computing overtime. It was Budzik's hope to provide the proposed changes to the handbook at the July HR meeting. Berger said he was one of the Council members who voted in 2021 for the policy, and he now thinks it is wrong and not consistent with the way the employees should be treated and it needs to be changed, the sooner the better. Bell said he did not disagree with Berger's points, but for this specific scenario, the Village's policy is what it is right now, and he felt that they were making a change for two people and were setting a precedent. Porter stated that Council was making an exception that had been done before, once maybe twice in the last several years. It is not unprecedented but requires a motion and is not something done lightly. At the July HR meeting, he suggested considering the policy. He explained that he was on HR when the policy was implemented and the reason for it was to encourage the use of time off rather than banking time off and at the end of a career, sending a bill to the Village for some extraordinary amount of money. He did not think this had occurred, but it could.

Galicki asked if anyone recalled what those exceptions were, because in the past six years, he could not recall any. The Fiscal Officer also did not recall. Porter said he remembered buying out once for sure. Cavanagh said this came up before in December 2021 and there was an issue in the Street Department where one of the fellows had worked overtime but was paid straight time. It was discussed by Council in a big way. She asked the Street Commissioner to address this. The Street Commissioner did not recall exactly, but believed the individual took off to assist his mother with something and used comp time. Then there was a prescheduled event that was straight time. The Mayor said it was possible then that a person would work on a Saturday at straight time, and the Street

Commissioner said correct. Cavanagh said this was unusual. Bell clarified that if the motion did not pass, the employees would be paid straight time for the parade. Cavanagh agreed. Canton said there is a letter of the law and a spirit of the law. These individuals came out on a Sunday and played an important role and he thought they should take a long look at this and grant them overtime. Bell said he did not disagree, but thought they should have probably been more forthcoming from the get-go that they would be working on a Sunday with Monday being a holiday. This is probably a scenario that will happen because of the Village's policy, and he thought it was their fault. Canton said that at the time, Council felt it was a good policy. Evidently, it is not a good policy and should be considered. Bell took exception that the two employees were not informed it would be straight time because of the holiday before participating in the parade. Canton and Bell acknowledged that they failed to do that. Cavanagh reiterated that the committee would look at it.

Because payroll was the following day, the Fiscal Officer asked for clarification because the motion was permitting 8 hours of overtime each. Berger stated it was 8 hours of time and a half each. The Mayor explained that the way this all came about was that originally in discussing the parade, it was going to be the Mayor, Cavanagh, and the Chief. They were able to secure a bicycle Officer to participate and the Service Department employees were unavailable. However, plans changed, and Jeff Pausch and Rick Pausch volunteered to work. That Friday morning, Chagrin Pet and Garden said the person who was supposed to drive the truck could not, so Rick stepped up. They started their day at 9:00 a.m. and were there until 5:00 or probably a little bit longer. It was very nice to have them. He thought they were getting time and a half for a Sunday. He never would have thought to say they would only get straight time on a Sunday.

The Mayor reiterated the motion. Roll call – ayes, Porter, Berger, Canton, Cavanagh. Nays, Galicki and Bell. Motion carried.

Cavanagh reported that after the parade, there was a dead deer on Bell Rd. near her home and the Street Commissioner who was not working that day came and picked it up within five minutes of being called. She thanked him.

The next HR Committee meeting will be on July 6th at 1:00 p.m.

The Mayor addressed a Finance Committee issue and said at the meeting on June 16th there will be a special purchase of a bench and a replacement plaque discussed. He wanted to get it finalized because the individuals involved will be at the Park Appreciation Luncheon. The Fiscal Officer advised that the people with the plaque replacement had already paid, and the plaque was ordered.

PROPERTIES COMMITTEE: Cavanagh stated that the committee met on June 1st and discussed a number of things to include the Holtz property transfer, the Mason's flagpole, and the cemetery. The Solicitor had conducted research about what the Village could do with the old cemetery. She thought that the Cemetery Board might be the easiest or most efficient way to do that and asked the Solicitor to explain. The Solicitor said it was up to Council if they want to set up a board, which the Village previously had. A committee could also be created that reports to Council, so that Council could make the rules. The Fiscal Officer explained that the Village used to have a Cemetery Board. With the creation of the new Cemetery, it was realized a board can pass an income tax levy and does not need Council's approval for anything. As a result, Council changed it from a board to a Cemetery Committee that could make recommendations to Council. Cavanagh thought a committee was a more auspicious way to go. The Solicitor asked if the committee would be part of Properties Committee, or was Cavanagh considering creating an Ad Hoc Committee. Cavanagh needed to review the material

provided by the Solicitor but added that there were good people who would want to serve on the committee. The Mayor suggested meeting with the Chagrin Falls cemetery sexton.

The Fiscal Officer asked Cavanagh if she planned to address the matter of insurance with the corner property. Cavanagh stated that the Village had 30 days of insurance coverage. After that, they must be insured. The Fiscal Officer clarified that for 30 days the buildings fell under the Village's umbrella policy for liability. When she spoke to the insurance company, she let them know that Council was considering taking down at least one building and were not sure about the other one. She assumed the Village would want some sort of coverage and added that the company did not insure abandoned buildings. If something were to happen to it as it is now, the Village would only be covered for liability. If it were to burn down, they would not clean it up or pay for rebuilding. She concluded that Council needed to decide what level of insurance was desired for the buildings. There was a question about the term "abandoned," and Galicki explained that the term applied to a building which no one occupies as a residence or uses as a place of business. Galicki understood that the Building Committee had walked through the building and had discussions. He asked whether the committee was ready to go forward with any recommendations about demolition of one or both buildings. If a decision could be made, it would help with the insurance matter. Bell asked if this pertained to Building or Property Committee, and Galicki said either. Bell had not walked through the building. The Mayor said the Village had owned the buildings for 12 days and hopefully everyone had a chance to walk through them. He thought the matter should stay with the Property Committee for a decision. He did not think a layman could determine whether there was value in the properties. The Mayor suggested talking to the Building Inspector or somebody else to look at it. The other issue in taking the buildings down is asbestos. He asked the Street Commissioner how this was handled with the former rental house, and the Street Commissioner explained the contractor took it upon himself to demolish the building. Porter commented that it had been discussed that the Village would probably tear down the two-story building, which he thought was the proper course of action given its condition. **Porter made a motion that the two-story building at the corner which the Village just bought be demolished, seconded by Cavanagh.** Cavanagh added it was not a place that she would want to fix up, to include basement and water, etc. She noted the issue with the building's proximity to the busy roads. Canton asked the Street Commissioner if the Service Department could use it. The Street Commissioner looked at it with the Building Inspector. It was determined that the interior walls could not be removed without replacing the entire roof structure due to the stick-built construction. As a result, he concluded that it was of no use to the Service Department. Porter added that the furnace would need replacing and the floors were not level. He thought a use for it should be investigated rather than deciding to tear it down. He suggested the administrative staff evaluate its potential as a combined Administration and Building Department office. Cavanagh clarified that stick built would mean putting a new roof on the building. Galicki explained that they would have to reconstruct the entire roof. He asked Cavanagh what her opinion was after looking at both buildings. Cavanagh said she would take them both down. The Chief said he went into the attic, and it was not in good shape. Porter thought they should look at the one-story building first. The Mayor summarized that there was a motion to tear down the two-story building. He suggested empowering the Street Commissioner to get bids to take down the two-story building knowing that the one-story building could be added on, but no decision would be made until July. Porter suggested getting quotes for demolishing both. Cavanagh asked if they would get quotes on roof costs for the one-story. Galicki responded that they might as well rebuild the building if this were to be considered. The Mayor clarified that the Street Commissioner would get quotes to have both buildings removed. Council members specified that separate quotes were required. Galicki clarified that the motion was to go ahead with demolition of the two-story building. The Street Commissioner suggested the quotes to be obtained would be for the two-story building and then a quote for both buildings. **Porter restated the motion to authorize the Street Commissioner to**

obtain two quotes for the demolition of both of the buildings on the corner property recently purchased and that we proceed with the demolition of the two-story building if the quote is in the Street Commissioner's opinion reasonable, seconded by Cavanagh. Regarding the one-story building, Galicki asked if there was any merit to waiting another month to think about retaining it, or was the majority of Council ready to tear it down. Berger thought that they could wait until the next meeting on July 10th for the Street Commissioner to get the quotes and to evaluate the value of the one-story building. **Voice vote – ayes, all. Motion carried.**

Berger addressed the matter of insurance for the building. He felt liability only insurance was appropriate for the building. The Solicitor wondered if there were a way to buy some time relative to the deadline. Porter offered that if the buildings were to burn down, they would not be replaced and supported liability only insurance. Berger asked if any value was going to be assigned to the one-story building on a temporary basis to insure it in the event the Village wanted to use it for administrative purposes. The Mayor suggested insuring it for \$50,000 until Labor Day. **Cavanagh made a motion to insure the one-story building for no more than \$50,000 from July 1st for two months, seconded by Canton. Voice vote – ayes, all. Motion carried.**

The Solicitor asked for an inventory of the things that are inside the building like air compressors, etc. The Chief had identified one item for GovDeals, and said the other equipment was nonfunctional but should be removed before demolition. The Chief further explained that there are compressors, suction machines, etc. situated in the crawl space. The Solicitor asked for a list.

There was discussion about making sure all utilities were shut off to the two-story house.

The Mayor stated that the Park Committee needed to address large crowds at the pavilion like the preschool graduation party. Cavanagh clarified whether the Mayor was speaking of the Fall Festival and the 100th Birthday Party. The Mayor explained that he was referring to private events and said that having a Street Department employee present to help with parking would have made it safer than the people parking near the ditch and along Bell Rd.

The Mayor addressed the alcohol policy at the pavilion. In nine years, there had been no issues. A memorial service is coming up at the end of August with 20 people and the Village's rules require the presence of a Police Officer, which the Mayor thought was overkill. Last year there was an officer working a party for eight people. He asked the Park Committee to put the policy on the agenda. Geauga Parks states that alcohol is permitted in designated areas. He thought the Village should state that alcohol is permitted in the pavilion.

PARK COMMITTEE: Cavanagh stated that the Park Committee will hold a meeting near the end of July. Assignments have been determined for the Fall Festival. Canton suggested that the meeting should take place at the pavilion.

PUBLIC UTILITIES COMMITTEE: Berger stated that the Public Utilities Committee met on June 9, 2023, and the minutes would be forthcoming. The next meeting will be July 7, 2023, at 9:00 a.m. Regarding solar panels, the cost of the panels can be reduced by 40-50% by placing them on the buildings as opposed to having a separate solar array. This would be about \$50,000 to \$60,000 in savings. An approval would be required from Council to allow the committee to get quotes for the placement of a solar array. **Berger made a motion to approve having the Engineer, Fiscal Officer, and Mayor go out to bid on a solar panel program for the Village campus to be done in 2024, seconded by Porter.** Bell asked if the committee would be moving forward with getting a quote on

the buildings and not in the retention basin area. Berger agreed. He explained that the cost of running the wire from the Central Retention Basin to a central facility was dramatic. Galicki added that in reference to the other municipalities utilizing solar panels that were mentioned by the Mayor, the panels appear to have been placed on the roofs of buildings. Porter shared that the discussion was to place an array on Village Hall, the Police Department, and the Service Department. Bell inquired whether the quotes would have estimated savings and an estimate of the government returns for the programs. Berger agreed and said there are great monies available as part of this as well as the savings. The first step would be to find out the total cost of the program and then make decisions from there. Porter said that Yellow Lite had quoted \$200,000 for the ground base array. It would be half of that for the roof panels, which would be \$100,000. The Northeast Ohio Public Energy Council (NOPEC) grant is \$15,000, and there are other grants available in the amount of \$40,000 to \$50,000. The cost to the Village would then be \$50,000 and the payback would be three years or so instead of nine. They are also virtually maintenance free. Porter concluded that perhaps the Village could free itself of the Cleveland Electric Illuminating Company (CEI). Then they would tackle the flagpole issue. Galicki cautioned that with solar, the energy generated by an entity goes into First Energy's bank, and then the entity gets credit for it. The buildings themselves will not be off the grid per se. **Voice vote – ayes, all. Motion carried.**

Berger addressed Paw Paw Lake. It is the view of the Public Utilities Committee that the Paw Paw Lake silt pond is an ongoing storm water issue which requires Village attention. **Berger made a motion to instruct the Solicitor to draft a document for the Village to acquire the Paw Paw Lake silt pond for a nominal value, seconded by Porter.** Galicki asked if there had been any vote by the residents of Paw Paw Lake indicating they would even entertain selling the piece of property to the Village. Berger said there had not been a meeting of the homeowners' association (HOA) to discuss or vote on the matter. There were residents from Paw Paw Lake at the committee meeting on June 9th who said that if the Village provided a draft document that stated what the Village was willing to do, they would take it to the HOA to get a sense of how receptive residents would be. The draft document from the Solicitor was a way to communicate to the HOA that the Village was serious and wanted to do this as well as identifying the conditions under which the Village would do it. Galicki referred to past discussions about the lack of stormwater value with the acquisition of the silt pond. The Engineer said there was no stormwater retention value with it. Galicki clarified that the benefit would be in terms of storm water mitigation. The Engineer said that it would be zero quantity mitigation. Galicki asked the Engineer what the benefit would be for the Village to take on the property. The Engineer said it would be a water quality improvement. Galicki noted that the proposal included adjacent property from which future dredging operations could deposit the spoils much like Paw Paw Lake was currently doing. The Engineer concurred. Galicki asked if the Village would forever be permitted to put spoils there or would there be the possibility in the future that the Village would have to haul the spoils away because this can be very expensive. The spoils can contain contaminants. He did not know if Paw Paw Lake had addressed this issue with the Environmental Protection Agency (EPA) in terms of how they were currently distributing the spoils. These would be future considerations for the Village.

The Engineer said these were insightful considerations that the Village should weigh carefully in deciding whether to take this on or not. He explained that dredging spoils can only be surface spread on site for so long. Each time, the level of the ground surface gets higher and higher. At some point it cannot be done because adjacent water must be able to get into the stream channel and effectively a dike will be created on both sides of the silt pond with indefinite surface spreading. He could not say how many dredgings could be surface spread before it became necessary to haul the spoils off. Porter said that the committee's idea was that the silt level in Paw Paw would be checked annually or at least

every five years and that the Village would not wait until it was sporting its own island before addressing the problem. The Engineer said this was good, but this approach just increases the frequency of dredging. The total amount of material dredged remains the same whether it is addressed every two, five, ten, or fifty years. In 100 years, the amount in cubic yards pulled out will be the same regardless of the interval.

Porter agreed and said the point he was making was that the Village would monitor it and it was part of an overall program of monitoring silt buildup in various ponds throughout the Village. Bell said it was his understanding that the Village did not know the root cause of the increased silt ratio that happened so quickly. Porter concurred. The Engineer said that it is not definitively known but was partly due to the fact that the drainage basin that feeds all of the water tributary to that one point is so large. Only one third of the water tributary to Paw Paw Lake comes from within the Village limits and everything else is from outside the Village and to the south. Any large soil disturbance in the storm water drainage basin, in the Village or out, could cause an increase in siltation rate. The erosive properties of intense rain could also have an impact in that the silt pond is the first spot that would slow the water causing the silt to deposit. The residents noticed an increase in the rate silt is being deposited, but he could not pin it on any one thing. He reiterated that it may be attributed to the more intense storms experienced in the area in the past decade and/or surface disturbances in the watershed.

Bell asked if the Solicitor were to draft a proposal, would it be for Paw Paw Lake HOA to agree to move forward, or was it something that would come back to Council for another round of approval. Porter said it is a proposal to the Paw Paw Lake board to determine whether or not they are willing to have a vote of the membership in pursuing the proposal made by the Village. The idea is that the board will decide to present it to the membership and their bylaws require a 2/3 majority to sell or dispose of the property. It would be voted on at some point this summer. If they are in favor of the transfer of property, the conditions would have to be worked out because they will want to know how often the Village will dredge and possibly identify what the Village could do on the property like build a park, for example. It is the idea of transferring property from Paw Paw to the Village. If the answer is no, then Council will have to go another route.

Galicki clarified that were the Village to acquire the property, the Village would be responsible for grass cutting, etc. unless the Village decided to allow it to return to its natural state. It was a groomed lawn before the dredging material was spread out, and the Village would need to consider this in terms of personnel and equipment to maintain it. Galicki also addressed investigating with the EPA the impact of spreading the silt. The Engineer said there is farmland upstream in the drainage basin that is tributary to the silt pond, and there could be any number of agricultural chemicals in the silt that would accumulate. Removing and surface spreading silt that is adjacent to where it was deposited naturally has not historically resulted in much EPA involvement. However, when it becomes necessary to truck it out, the recipients of the silt are very concerned with what is in it. Galicki said it is a simple proposal, but there is a lot of potential impact.

The Mayor reiterated that there is a motion to have a letter proposal drafted to approach the board of Paw Paw Lake. The Solicitor asked if it would be a letter of intent or agreement? Porter said it is a proposal. The Solicitor asked if “acquire” meant transfer of ownership as in selling the property to the Village in the name of the Village and a lot split. Porter agreed and said it should be split from the lake. The Solicitor clarified it would be a split from the rest of the 44 acres. **Roll call – ayes, Porter, Bell, Berger, Canton. Nay – Galicki. Cavanagh abstained. Motion carried.**

Berger addressed a matter in Chagrin Lakes where the owner of 1181 Sheerbrook requested to have the culvert under the driveway replaced and purchased a 10-inch pipe for that purpose. The Engineer and Street Commissioner reviewed the situation and suggested replacing it with a 24-inch pipe. Additionally, with the owner's permission, the Village would access the property to create a swale across the property at Village expense to move more stormwater that is currently collecting in the lake located at the front of the property. This would allow the water to move downstream. **Berger made a motion to approve the Village paying for the upcharge from a 10-inch to a 24-inch pipe and approving the expense of creating the swale subject to the property owner's approval of our accessing the property, which has been estimated at \$5,000 - \$6,000 for the swale work.** The Street Commissioner explained that the overflow drain from the lake to the right-of-way had failed. The proposal would eliminate that pipe, but it has not been brought up with the resident yet because he is on vacation. Cavanagh clarified that they do not know if the resident would agree to the work. The Street Commissioner said no. The Engineer clarified it is a driveway culvert, but in looking at the situation, there were a couple of simple solutions. He explained the issue with the waterflow into the lake and that once the water got to the lake, it had nowhere to go because the outlet had failed. It builds up to the front steps of the two houses associated with it. There was a 21 or 24-inch corrugated metal pipe that came from the edge of the pond to the right-of-way to a 36-inch concrete pipe owned by the Village under the road on Maple Springs. Only a nominal amount of water gets through. The Engineer said that instead of having a buried pipe that is prone to fail, perhaps the homeowner would consider a swale that drains the pond to the right-of-way and into the 36-inch culvert during a big rain event. In the meantime, one of the driveway culverts in the right-of-way is slated for replacement. It would be a shame to put in a 10-inch pipe and then pave the road and driveway only to decide the swale would have been a good idea and the 10-inch pipe needs to be a 24-inch culvert. In order to future proof the drainage pattern through the area, he advised that it would be prudent for the Village to replace it with a 24-inch culvert instead of the 10-inch culvert that the homeowner has purchased.

Galicki asked if the swale takes the homeowner's land away. The Engineer said it would not. The proposed swale would be a wide gentle contour feature of the yard. It would not be a ditch or stream channel by any means. It would be a natural surface overflow rather than a concealed pipe overflow for the pond. Galicki asked if the two houses that get water up to the front steps have basements or are slab built. The Engineer did not know but could not imagine they would have basements since they are on the edge of the pond.

The Mayor said the water comes from the Family Life Center (FLC). The Engineer said it comes from Kensington Green, passes through and across the Lantern property, through the recently replaced culvert by Sheerbrook, and into the first pond. The Engineer said that the proposed swale would cut into the yard to get the water to the right-of-way to head west towards Maple Springs. The Mayor clarified that nothing would be done east of the pond, and the Engineer said that there was no need. The Mayor asked about the height difference between the pond and the Village's concrete pipe. The Engineer responded about six feet. It would also be necessary to make an L-shaped channel for the water to ultimately run north to the 36-inch culvert. The Mayor said this would be a great deal for the homeowner. The Engineer agreed and said that it would help the three homes that abut the pond. It is a low-tech and a low-cost solution to a big problem. The Street Commissioner added that the Chagrin Lakes HOA indicated that the homeowner is on his own with this because they cannot assist with private property. The Engineer explained that the HOA manages the swimming lake but none of the others.

The Mayor asked that the motion be restated. **Berger said that the motion was to approve the Village to pay the upcharge for the difference between the 10-inch and the 24-inch pipe not to**

exceed \$1,000 and to bear the expense of approximately \$5,000 to \$6,000 for creating the swale subject to the property owner's approval, seconded by Porter. Roll call – ayes, Galicki, Porter, Berger, Canton, and Cavanagh. Bell abstained due to a business relationship with a homeowner. Motion carried.

There was continued discussion about the replacement of the 10-inch driveway culvert. The Engineer indicated the priority was to replace the driveway culvert due to upcoming paving and the swale could wait for the future. Porter added that the culvert and swale were stormwater issues. The Mayor discussed a sink hole on Maple Springs.

Berger addressed 1101 Royal Oak Dr. The Engineer explained that there is a failing pipe. Royal Oak runs east and west and water flows from the east from Maple Springs to the west, which is a cul-de-sac. There are shallow roadside swales, and as water flows through them towards the cul-de-sac, there are a couple of inlet basins. It appears to traverse across 1101 Royal Oak that has a 24-inch outlet in the ravine behind the house that picks up the roadway water, takes it along the property line, and discharges it into the ravine behind the houses. There are sink holes forming along that pipe. At some point in the past, the Village replaced the last 20 feet of that pipe with a heavy-duty pipe. This pipe is in good condition. The pipe upstream is problematic. Through discussions with the Street Commissioner, it was determined that renting or borrowing a camera would be prudent to televise the 24-inch run from the outlet, across the property line, and at least to the last inlet in line on Royal Oak to see what type of repair is needed. This should be done prior to producing an estimate or repair strategy. The camera should also be used on the 21 or 24-inch failing pipe on Sheerbrook and Maple Springs because there is some sort of drainage structure under the driveway with the sink hole next to it and the Engineer does not know what it is. Berger asked what the approximate cost of getting the camera was for the two projects, and the Street Commissioner said that the county will assist at no charge. The Engineer cautioned that there may be costs involved in repairs that are identified.

The Mayor said that NOPEC has grants, one of which is due on June 30th. He discussed putting solar panels on the back of the pavilion, and the grant is for \$10,000 to \$40,000. It is the first time NOPEC has offered this grant and it is being run through the Cleveland Foundation. Cavanagh asked who would be doing the application, and the Mayor said he would talk to CRWP to see if they can help. The Solicitor clarified that it was the Village applying for the grant and asked if the Village had the application, and the Mayor said no that he just took a look at it. The Solicitor asked if the Village was giving CRWP approval to submit the grant. The Mayor said he did not know if the grant would be ready in time. The Solicitor verified that the Village was not moving forward right now, and it is just something being discussed.

The Mayor said there was a meeting with Tom Queen from Congressman Joyce's office, and there will be another meeting on July 12th. During the meeting, Queen indicated the Village should look for something more regional. The idea of the Paw Paw Lake silt pond with the dirt coming from areas inside and outside the Village may be something to consider. They will meet on July 12th at 2:00 p.m. on Zoom. He encouraged everyone to attend the Park Appreciation Luncheon on June 16th. The CRWP leadership will be there. Mayor Tomko who is the head of CRWP will also be there. It would be good to pick their brains and get their opinion. The Mayor thought that when they heard that the Village was looking at something regional to acquire the Paw Paw silt pond and looking at something into Bainbridge, that it was right up their alley.

The Mayor had not heard back from Rich Haber, but proposed that Monday, June 19th, the Paw Paw Lake board would meet with the Village at either 7:30 a.m. or 7:00 p.m.

The Mayor said the Ohio EPA was contacted because they sent the Village letters about the Manor Brook 319 grant and the condition of the wetland next to Village Hall. The Village has to determine what it will do to remediate the loss of the wetlands. The Engineer proposed expansion of the wetlands in the park. He explained that if off-site remediation were allowed, it could be done in the park, this would be the best option. The Mayor called the Ohio EPA Friday and said the Village would be coming up with a solution. He would follow up with an email to the Engineer, Public Utilities Committee, and CRWP to say what the Village was thinking about. The Solicitor recommended against sending the email to the full committee as it is a discussion of Village business.

The Mayor addressed the newly installed 24-inch culvert at Sheerbrook with the restrictor. The Engineer said the 15-inch restrictor will cost about \$10,000. He described how it would function in that during normal circumstances, it would prevent any more water from passing through than what the 15-inch culvert currently carries. In the event of a 100-year storm, the Village will have the capacity to transmit the water across the road without it running over the top of the road. The Mayor reiterated that in normal storms, they will not be getting any more water. The Engineer said that in a 500-year storm they would not be getting more water because at that point, the water would go over the top of the road and they would get it anyhow. It is just making it a safer condition so water can pass beneath the road rather than going over the top.

ORDINANCES AND RESOLUTIONS:

Bell provided a third reading of 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. Bell made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2023-32**

Berger introduced an ordinance amending the 2023 Annual Appropriations increasing Safety Fund expenses \$7,800, General Fund expenses \$3,500, decreasing Income Tax transfers \$50,000, 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 2023-33**

Berger introduced an ordinance transferring from the Income Tax Fund to the Safety Fund \$250,000, and the General Fund \$50,000, decreasing Culvert Fund transfer \$50,000, and declaring an emergency. Introduce and consider for adoption an ordinance advancing \$50,000 from the Income Tax Fund to the Culvert Fund, 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 2023-34**

Berger introduced an ordinance advancing \$50,000 from the Income Tax Fund to the Culvert Fund, 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 2023-35**

Canton introduced an ordinance amending Section 618.01(c)(2) of the Codified Ordinances of the Village of South Russell to require dogs on leashes not more than eight feet long on property other than private property of dog owner and declaring an emergency.

BILLS LIST: Galicki made a motion to ratify the bills lists of May 30, 2023, in the amount of \$39,941.56, seconded by Bell. Roll call – ayes, Galicki, Porter, Bell, and Cavanagh. Berger and Canton abstained.

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

Porter stated that Streets Committee will be meeting at 7:30 a.m. on July 7th at the Street Commissioner's office.

Cavanagh said she inquired about a grant for the Rarick Cemetery with the Department of Commerce. The Rarick Cemetery is not eligible because it had not had a burial in the last 25 years. There was discussion about when the last burial occurred.

At 9:31 p.m., Berger made a motion to go to Executive Session to confer with the Solicitor concerning a dispute involving the Village that is the subject of pending or imminent litigation pursuant to Section 121.22 (G)(3) of the Ohio Revised Code and inviting into Executive Session the Mayor, Solicitor, Fiscal Officer, and the Police Chief, seconded by Galicki. Roll call – ayes, all. Motion carried.

Council reconvened at 10:06 p.m.

ADJOURNMENT: Being that there was no further business before Council, **Bell made a motion to adjourn at 10:06 p.m. seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki