

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, JULY 10, 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:** Phil and Emily Austin, Leaview Ln.; John Buda, Leaview Ln.; Myia Sterling, Woodland Ct.; Brian Doering, Maple Leaf; Janet Boehler, Daisy Ln.; Dan Leffler, Attorney; Paul Brandt, Hemlock; Katherine and James Brandt, Russell Rd.; Lynn Miller, Suffolk Ln.; Andrea Kimball, Snowdrop Ct.; James Kimball; Rudy and Gayle Drewniak, Bainbridge Rd.; Sharon Stern, Hamlet Hills Dr.; Eric Kimball; Asher Kimball; Katie Kimball-Osborn; Susan Vadino, Bromton Dr.; Tim Humer, Lakeview Ln.; Fred and Vilija Hopkins, Lakeview Ln.; Emelie Gottsegen, Ridgecrest Dr.; Bill Kilroy, Miles Rd.; Pat and John Leech, Cedar Rd.; Bob Royer, Manor Brook; Anastasia Nichols, CVT; Mark Derry, Lakeview Ln.; Daniel Beavers, Lakeview Ln.; Brittany Barill, Lakeview Ln.; Steve Schmidtke, Leaview Ln.; Mary Leibold, Lakeview Ln.; Allison Likar, Lakeview Ln.; Susann Strauss, Lakeview Ln.; Todd Kruse, Ridgecrest Dr.; Ben Kimball, Hook Hollow Rd.; Richard Nearman, Lakeview Ln.

The Mayor called the Regular Council meeting to order and led the Pledge of Allegiance. The Fiscal Officer read the roll.

Berger presented the proposed 2024 Tax Budget, which included estimated revenues for the General Fund of \$1,349,073 with estimated expenses of \$1,484,310; Safety Fund Revenues of \$1,748,476 and expenses of \$1,753,710; Operating Fund revenues of \$471,946 and expenses of \$473,485; Road and Bridge Fund revenues of \$242,090 and expenses of \$236,000; Special Revenue Fund revenues of \$2,977,434 and expenses of \$3,099,004; Capital Project Fund revenues of \$450,000 and expenses of \$452,760; and Fiduciary Fund revenues of \$120,000 and expenses of \$120,000.

**Porter made a motion to approve the Regular Council meeting minutes of June 12, 2023, seconded by Canton. Voice vote – ayes, all. Motion carried. Canton made a motion to approve the minutes of the June 16, 2023, Special Council meeting, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**

**VISITORS:** Attorney Dan Leffler stated he was present on behalf of Eric Kimball. Kimball was a Sergeant with the South Russell Village Police Department until his resignation on January 28<sup>th</sup>. Leffler referenced a rumor that the reason for Kimball's resignation was that Kimball was terminated or about to be terminated and accused of theft of time. He first wanted to clear the air about Kimball's resignation, and secondly wanted to state that the responses received from the Village after the resignation had been troubling. He distributed a set of documents to elected officials.

Kimball was approved to attend the Police Executive Leadership College (PELC) and was sent on behalf of the department. There were three sessions. The first week of the session was from January 16<sup>th</sup> to January 28<sup>th</sup> in Columbus. Kimball was sent to PELC in lieu of his normal 80-hour work week

as scheduled at the department. It was his understanding that he was going to be paid 80 hours like he normally would. On January 15<sup>th</sup>, he drove to Columbus and attended the training during that week. Kimball drove back from Columbus on January 20<sup>th</sup> and arrived at approximately 2:50 p.m. As noted by the course documents that Leffler provided, it is an intense training that includes after hours meetings and homework to prepare for the next day. By Leffler's calculation of the actual hours that Kimball would have worked from January 9<sup>th</sup> to January 14<sup>th</sup>, and the hours put in at the training as outlined by the training material, he would have worked over 85 hours during the two-week period. Leffler reiterated that Kimball was told and instructed that his time at the training was in lieu of his normal work schedule and that he expected to be compensated as if he had worked his regular schedule. At some point, the Chief indicated or told Kimball that he was going to be charged with stealing two hours of time because on his timesheet for January 20<sup>th</sup>, Kimball put down that it was 5:00 p.m. when he arrived home and not 3:00 p.m. The Chief accused him of trying to steal the two hours despite the fact that he had worked over 80 hours in that two-week period, and in his tabulation close to 85 hours during that time. Even without the two-hour discrepancy, Kimball would have been over 80 hours in that period. When asked about it, Kimball acknowledged the error and said he would correct it. However, any error would have been to the benefit of the Village and not Kimball. During the meeting on January 20<sup>th</sup> at about 10:30 a.m., Kimball was told to report to the Chief's office. He was told by the Chief that he was going to be terminated and could potentially be charged with a crime. The Chief indicated that the information had been given to the Mayor and Council, and that they had been apprised and agreed with his assessment. In an attempt to save his reputation, rather than deal with the false allegations, Kimball resigned.

For anyone who knows Kimball or his wife as Leffler does, they know the accusation would have been laughable. Kimball had over 20 years in public service and served honorably for four years in the military and was months away from retirement. If Kimball had been given a fair due process hearing, Leffler was confident he would have been exonerated. Leffler continued to say that the damage did not stop there. Leffler submitted a records request on February 22<sup>nd</sup> seeking any evidence of an investigation into Kimball's alleged charges. If an investigation had been done on a 20-year police officer, Leffler would expect that there would be interview notes, supervisor notes as to what actions were taken, any witness statements that were taken if they had called the PELC leaders to find out how many hours Kimball actually worked, and any other documents or records substantiating the allegations. In short, none of the information was available. On January 23<sup>rd</sup>, the Law Director called him directly and said there was no investigation, and therefore Leffler's public records request did not have any responsive documents. Leffler reiterated that he had requested all the records relevant to the investigation. The Law Director indicated there was no investigation and just one piece of paper, the timesheet.

Several weeks later, he obtained a copy of Kimball's personnel file which contained an email from the Chief that stated, 'after concluding his investigation.' If there had been an investigation, there were no records provided for it, or there was no investigation as indicated by the Law Director. They both cannot be true, and something is wrong. The Chief indicated in his email that after the investigation, there were a number of group three offenses. In the Chief's conversation with Kimball, he indicated that he had already apprised the Mayor and Council of the allegations. That took place at 10:30 a.m. The first email by the Chief to the Mayor and Council was at 11:09 a.m., almost 40 minutes after the meeting with Kimball and after Kimball resigned. The email also indicated that the records would have been responsive to Leffler's request because his request was specifically for any texts, emails, or any other documents that said, 'investigation relative to Kimball.' The Chief's email had the word "Kimball" at the top of it and would have shown up in the public records request. Those documents were not provided to Leffler as part of his request.

Also troubling was that when Kimball submitted his resignation, there was a typed document. In the typed document he indicated that he was resigning in good standing, and he physically signed the document. Leffler was able to find a resignation letter that was sent to the Mantua Police Department that did not include the part that he was resigning in good standing, and it did not have Kimball's signed document on it. Clearly the document had been forged or altered and sent out despite the fact that it was not the original resignation that Kimball had submitted. When a request was made for that document, it was indicated that the Village did not have Kimball's original resignation letter. Leffler wanted to know whether there was an investigation, and if there was not an investigation, who was telling the truth. He also wanted to know where the original letter was and why a forged or altered document was sent out to the Mantua Police Department.

Finally, Leffler wanted Kimball's reputation to be cleared and that he be given back his good standing with the Village and some type of an apology from the Village for putting him and his family through this, really under false pretenses.

The Mayor stated that because Leffler said some things that counter what the Village believes, Council will go into an Executive Session at the end of the meeting. He further stated that Council seldom takes any action after the Executive Sessions, but the Solicitor will be in contact with Leffler sometime this week.

Phil Austin, Leaview Ln.; Myia Sterling, Woodland Ct.; Brittany Beavers, Lakeview Ln.; Steve Schmidtke, Lakeview Ln.; Sharon Sternen, Hamlet Hills Dr.; Emily Austin, Leaview Ln.; Paul Brandt, Hemlock Rd.; and Asher Kimball, Lakeview Ln.; spoke to Kimball's character and expressed dismay about the situation. Tim Hummer, Lakeview Ln., expressed concern from the perspective of having been involved with terminations in senior executive leadership positions for large corporations. He hoped that the Village would take a long hard look and ensure that the appropriate steps and investigation were taken. If a mistake was made, which he believed to be the case, then he wanted the Village to do the right thing and take care of Kimball and his family. He was disappointed in the way an employee issue was handled in a Village this small.

Kelly Kimball stated that she had appeared before Council on March 13<sup>th</sup> at which time she said she would be back with questions. She thought it would be better for someone with more clout to present the questions. Additionally, she said that all of the people present were very concerned about the Mayor, Council, Solicitor, and the incongruities that were happening to include when, on January 5<sup>th</sup>, the Chief told Kimball he was nothing more than a glorified patrolman and when his executive privileges were removed on January 1<sup>st</sup> and no reason or explanation was given by Lt. Pocek. There were too many manipulative, pre-existing things that happened prior to January 28<sup>th</sup>. The Chief and Lieutenant called Kimball in at 10:00 a.m. on Saturday after he had worked all night, and the Mayor and HR were out of town. They sat him down like they were giving him the axe when he had not slept at all. There were too many things that happened that no one had done anything about. The Solicitor told their lawyer that there was no investigation and no records. Kimball continued to state that a bomb email was put in Kimball's file, and she questioned what a prospective employer would think. Not only did the Village screw their family with taking away their health care two days later, it left them with COBRA costing \$2,000 per month. How many things could the Village do to their family in this amount of time. It needs to be made right. They have lived in the Village for 23 years. Two days before, the Chief had notarized something for Kimball and was very complimentary to him. Kimball said it was despicable and she is ashamed to live in the Village right now. The fact that no one is doing anything about the situation is the biggest shame.

The Mayor said that the next meeting will be Monday, August 14<sup>th</sup> at 7:00 p.m. If something were to come up, they would be notified. The Mayor called a two-minute break.

**MAYOR'S REPORT:** The Mayor stated that based on what was just heard, there is a difference of opinion with what was stated tonight and what officials believe to be the facts of the situation. Council will go into Executive Session at the end of the meeting and hopefully not take any action coming out. Instead, they will discuss what has occurred this evening.

On July 20<sup>th</sup> from 9:00 to noon, Bruce Hennessey, who runs Hennessey Communications and was part of the leadership program that he and the Fiscal Officer attended, is offering three hours of free tutoring education. Cavanagh asked what the content of the training was, and the Mayor replied it was about crises communications like East Palestine and stuff like that.

The Mayor reminded Council that there would be a jazz concert at the park next Tuesday night at 6:00 p.m. instead of 7:00 p.m.

There were four pavilion rentals that he approved, and Council needed to approve his approval. Two involved alcohol, one on August 6<sup>th</sup> involved alcohol and over 50 people, and another involved a food truck. No concerns were raised by Council.

The Mayor addressed a letter that was distributed to Council. He explained that the Northeast Ohio Public Energy Council (NOPEC) foundation was offering grants and Chagrin River Watershed Partners (CRWP) asked the Mayor to write a letter in support. It needed to be approved by Council.

There will be a meeting on Wednesday, July 12, 2023, with CRWP to discuss what can be done with the general water situation. In discussing the Paw Paw Lake situation, they realized a lot of the water and debris starts at the intersection of Stafford and Haskins. They were going to have a meeting to see if they could get something going in this part of the county. Cavanagh clarified that it was going to be a Zoom meeting. The Mayor concurred. The Solicitor asked why it would not be in person, and the Mayor said he did not know who all had been invited. She advised that they would not want a majority of Council or committee to be present because it is not allowed. The Mayor said they would have one person attend, and since Cavanagh spoke up first, he would get her the connection information.

**Porter made a motion to ratify the letter sent by the Mayor to the NOPEC Foundation Board, seconded by Berger. Voice vote – ayes, all. Motion carried.**

**FISCAL OFFICER:** The Fiscal Officer distributed her report. Porter noted that the Village was still ahead on Income Tax. The Fiscal Officer agreed and said she had increased it on the Tax Budget for this year and would continue to cautiously watch it to see how it progressed throughout the year. Berger asked if there was an explanation for the significant increase, and the Fiscal Officer explained that the last two months were estimates. This month was the actual plus the adjustments from the two months. Berger asked if the timing of the estimates is the same from year to year, and the Fiscal Officer explained that April is always an estimate, and it varies as to whether May and June are estimated or actual. She further stated that there can also be a situation where one or two taxpayers pay in a different month which can shift the amount. Berger noted that June of 2022 was \$206,000 and June of 2023 was \$360,000 which is a significant difference. Porter offered that there could also be late payments.

**FINANCE COMMITTEE: Berger made a motion to adopt the 2024 Tax Budget as presented and Council had received, seconded by Galicki. Voice vote – ayes, all. Motion carried.**

**Berger made a motion to approve the purchase of a bench in honor of Greg Pike that is to be made with donations made in memory of Greg at the existing rates, seconded by Galicki. Voice vote – ayes, all. Motion carried.**

**Berger made a motion to amend the Village policies for the park bench and tree costs to raise those rates to \$1,100 for a bench and \$700 for a tree, seconded by Galicki. Voice vote – ayes, all. Motion carried.**

The next Finance Committee meeting will be Friday, July 14<sup>th</sup> at 9:00 a.m.

**SOLICITOR:** The Solicitor advised that the Governor signed the State Budget Bill into legislation on July 3<sup>rd</sup> in which there were a couple of things for municipalities to be aware of. It used to be that ordinances and resolutions were published in a newspaper of general circulation. There are now three ways to publish them to include a newspaper, an official public notice website, or on the website of the Village. The Village's Codified Ordinances were recently amended just to do publication in a newspaper. Her recommendation would be to align with the new law and at least include all three options and/or pick one. She can draft this legislation for the next meeting. Although she thought this was an oversight by the legislature, in municipalities or villages that have an administrator, the competitive bidding threshold went up \$25,000. Now everything at \$75,000 or more is competitively bid, but not for the Village. It would only be for those villages with an administrator. She reiterated that she thought it was an oversight and they would have to wait to see what the legislature would do. Porter asked if "administrator" was defined, and the Solicitor said yes and explained that it is in the Ohio Revised Code. The Mayor asked if it affected townships, and the Solicitor said that Counties and Townships are included in the raising of the threshold.

Galicki stated that in reviewing the Solicitor's charges from the last month, he noticed a charge of \$630 for her services with respect to liquor licenses. He asked why the Village would be engaged in investigating a liquor license for a private concern. The Solicitor said it should have reflected legal research regarding liquor license. The question was about what the Village's role is with respect to someone who is seeking a liquor license. There is one called TREX, which has to do with a transfer based on economic development. If there are no liquor licenses in the Village because of the quotas or they are all sold, a business can approach the Village and ask that this be part of an economic development project. This was something the Mayor had asked her about regarding a business in the Village.

**ENGINEER:** The Engineer advised that the 2023 Road Program is underway. Specialized Construction began and completed the asphalt paving recycling on Maple Springs on Saturday and are slated to move to Woodside in the very near future. The Engineer explained that about an inch of #57 limestone was spread over the top of the pavement before recycling in response to an analysis of the pavement which revealed a lack of large aggregate. Ultimately, it bolsters the performance of recycling. It was done with Maple Springs and will also be done on Woodside.

The Engineer and Streets Commissioner will be attending a preconstruction meeting on Tuesday, July 11<sup>th</sup> at the Geauga County Engineer's Office for the Washington Street paving project. The Village has agreed to pay for its share of the project locally. Porter asked if Chagrin Valley Paving was doing the project, but the Engineer said he did not know who the contractor was. Cavanagh asked about lane closures during the paving, and the Engineer said it was likely and explained the paving process.

Canton asked about the official number of ponds in South Russell. The Engineer advised he had quantified them all. The Engineer explained that the threshold he used in identifying the ponds was

that surface water must drain into it and it must have a channel through which it drains. Decorative water features were not included. Canton asked if they receive silt, and the Engineer explained that they likely do but not from surface water. Canton asked if the Engineer was going to make or had made a study of the ponds that includes condition and a grading for silt content. The Engineer replied that he was working on it. The Public Utilities Committee analyzed the list and provided several metrics for the Engineer to apply. If depth of a pond could be determined, then surface area and drainage area would be determined for it as well.

Regarding the Chillicothe Culvert Project, the Engineer advised the culverts were installed but they have yet to install the inlet control structure on the new culvert across from Sheerbrook. This was the final item that needed to be addressed to complete the contract portion of the work. Porter verified it was completed by the deadline, and the Fiscal Officer said that she, CT Consultants, the Engineer, and the Mayor were a fine-tuned instrument getting everything done in time. The Engineer offered kudos to the Village. Porter explained his point was to acknowledge the effort to get the paperwork completed so that the Village did not lose the grant money.

The Mayor questioned how far the paving would go on East Washington St. The Engineer thought it was to St. Joan of Arc Church but was unsure about some markings on the plan indicating the stopping point was the Cleveland Clinic. He would get the information at the preconstruction meeting the following day.

**STREET COMMISSIONER:** The Street Commissioner distributed his monthly report. The Chillicothe roadwork will begin July 24<sup>th</sup> with drainage issues and paving will start on August 4<sup>th</sup> with a completion date of October 15<sup>th</sup>.

Berger asked if the driveway culverts were finished. The Street Commissioner said one more came up off of Countryside Dr. Berger asked how many were done this year, and the Street Commissioner answered 38. The Street Commissioner said there were six on Chillicothe Rd., six on Woodside Dr., 13 on Maple Springs Dr., and 12 additional replacements across the Village. Berger asked if this was more than what is typically done in a year and the Street Commissioner concurred.

The Mayor relayed a compliment from a resident about the Service Department's handling of a fallen tree.

**STREET COMMITTEE:** Bell reported that the committee met Friday, July 7<sup>th</sup> and the minutes would be forthcoming. Bell addressed the completion of 38 culverts and verified three were done per day. The Street Commissioner advised it was between one and three that were done per day depending on a variety of factors. Related to that, Bell thought an amendment to the budget might be necessary due to increased fuel usage.

Last year, the Village applied Reclamite to the roads it paved the previous year. The funds came from the base bid. This year, the base bid dollars will be used repairing the driveway aprons from the culvert repairs. The Street Department will get quotes for Reclamite for the roads paved last year to see if funds will remain for it or whether the budget will need to be amended.

Regarding the proposed drainage mitigations suggested for the home on Sheerbrook at the June 12<sup>th</sup> Council meeting, the homeowner declined the Village's offer, so the matter is closed.

The next committee meeting is August 4, 2023, at 7:30 a.m. in the Street Commissioner's office.

Porter added that regarding the culverts that were replaced this year, they are not the end of the culvert replacements that need to be done next year and in years after. Porter further advised that next year when the Road Program roads are announced, those residents will have the opportunity to repair their culverts. It is ongoing as part of the stormwater program. The Street Commissioner concurred. Porter concluded that it serves both the purpose of stormwater and the road situation. The Street Commissioner said the next two big ones will be Leaview and Lakeview. He will not know how many culverts need to be replaced until he walks it.

**Bell made a motion authorizing the Mayor to sign the acknowledgement of Sponsor Partnership Responsibilities for the NOACA 2024-2027 Transportation Improvement Program (TIP) Funding Award & Agreement for the Bell Road East project, seconded by Porter. Voice vote – ayes, all. Motion carried.**

The Mayor said that the Street Commissioner got out ahead of the culvert replacement last year. If the Village is considering Countryside Dr., Hazelwood Dr., and Lake Louise, those are tremendous numbers. He asked if a decision could be made this fall to get word to the residents about getting their culvert pipes replaced. Getting out ahead gives the residents time to get ready. If they know a year in advance, it might mean there will not be so many. The Engineer offered to get the Pavement Condition Index (PCI) schedule done early. Porter was concerned about making an implied promise that a street would be paved without knowing for sure. He did not think there would be much difference with telling the residents in February.

**BUILDING COMMITTEE:** Bell said the Building Committee met Thursday, July 6<sup>th</sup>. The minutes will be forthcoming. Bell thanked Canton for working with the residents on Laurelbrook.

Bell advised that there had been past discussions about raising the reinspection fees. He would be presenting legislation raising the fee from \$25 to \$75 which is in line with other area communities. He hoped it would provide more of a deterrent from contractors either not being prepared or not showing up for the inspections.

Berger commented that he liked the new format of the Building Department report.

**POLICE CHIEF:** The Chief distributed his month-end report.

Berger noted that vacation watches were down almost 50%. The Chief acknowledged this and said things had slowed down for some reason.

**SAFETY COMMITTEE:** Canton stated that the Safety Committee met on July 6<sup>th</sup> and the minutes were distributed. The next meeting will be August 3<sup>rd</sup> at 9:00 a.m. at the Police Department.

Canton addressed the proposed crosswalk project for 2024. The committee discussed from which budget the funds should come, the Police Department or Streets Department. Canton spoke to both Department Heads and determined it might be best if this were discussed with the Fiscal Officer. The Chief asked what the approximate cost was, and the Engineer thought it was about \$16,000 for construction plus engineering costs. The Fiscal Officer advised that since the project is for next year, it will be discussed in the fall during the budget work session. She asked if there were any grant funds being considered for it. Porter said that the crosswalks needed to be further discussed between the Safety and Streets Committees. A comparison of usage and cost should be conducted.

Canton met with Chagrin Valley Fire Department (CVFD) Chief Zupan about the status of the Fire Department construction. CVFD has been working with the State of Ohio for the last three months to

satisfy Americans with Disability Act (ADA) compliance. The supply chain has also been a challenge, but Chief Zupan believed construction would be underway by August.

**HR COMMITTEE:** Cavanagh explained that the HR Committee meeting had been cancelled. Berger suggested meeting as soon as possible next week.

The Chief addressed the resignation of one of the full-time police officers who would be going to another agency. He requested authorization to advertise for full-time and part-time officers.

**Cavanagh said that sadly she made a motion to acknowledge the resignation of Patrol Officer Michael Harding effective July 13, 2023, seconded by Berger. Voice vote – ayes, all. Motion carried.**

**Cavanagh made a motion to give the Chief permission to seek full-time and part-time officers as he sees fit, seconded by Berger. Voice vote – ayes, all. Motion carried.**

**PROPERTIES COMMITTEE:** Cavanagh reported that the Properties Committee met July 6<sup>th</sup> and discussed a large number of issues. Three bids were acquired for the demolition of the corner house and garage. The Street Commissioner wanted to use Buckeye Excavating because they would provide their own water and fill dirt, and everything was included. **Cavanagh made a motion to accept the bid from Buckeye Excavating on Frost Rd. in Mantua for a total of \$24,900 to raze both buildings that had just been acquired at 306 and Bell Rd, seconded by Canton.** Porter noted that the Buckeye quote excluded the disposal of hazardous materials. The Street Commissioner said there was a question about lead or asbestos. A gentleman was supposed to stop by to see about asbestos. Lead pipes and paint, etc. can go into the landfill. Porter thought asbestos required special handling, and the Street Commissioner concurred. The Street Commissioner would follow up with the inspector. Porter was concerned about the expense for hazardous waste removal because it was explicitly excluded in the quote. The quote from Ziegler included it. Porter asked the Street Commissioner to provide an update about the hazardous material determination when it was available.

The Street Commissioner explored the possibility that there was a septic tank on the property, but found the county had no record of one.

Bell noted that the Buckeye quote excluded well abandonment. The Street Commissioner wanted to save the well. There was discussion of testing the water and then running a line from this well to the Village campus buildings as a potable water source.

The Solicitor suggested making the motion contingent on the asbestos abatement decision and asked if Council would be willing to go forward with the demolition with Buckeye if in fact there were a need to abate the asbestos, or figure out a way to dispose of the hazardous material. The Mayor suggested not passing the motion until the cost of the abatement was determined. Porter felt it would then be August or September before it was done. **He proposed modifying the motion to include language such as pending receipt by the Mayor and Street Commissioner positive assurances as to disposal of any hazardous material that might be in either of those two buildings.** The Solicitor questioned the potential of additional costs that were not included in the Buckeye quote. Porter said that the idea was to get somebody who was confident, professional, and licensed to advise the Village about the two buildings. Galicki offered that there were potentially three sources of asbestos which were insulation or lagging on the furnace area of the basement of the old building, acoustic ceiling tile, and floor tiles from the 1950's. These three areas should be checked. Porter reiterated that his amendment to the motion was to receive positive assurance. If the Village did not get positive assurance, then it could

not proceed. If it were determined that abatement was required, the Village would have to reconsider. Porter said that in reality, a quote should be obtained from Buckeye as to how much it will cost.

The Solicitor asked if an inventory had been conducted of the contents of the building. Anything inside the building is Village property and there is a rule that requires the Village to dispose of it in the correct way by either selling it or disposing of it if it is not needed. If there were items the Village was considering giving away, this must be considered. Cavanagh asked if the Village was capable of doing the inventory, and the Solicitor said yes. The Chief explained that there were compressors and dehydrators attached to the plumbing. There was also a piece of equipment in a box from the 1970's. The Police Department took possession of it and a preliminary online search determined the value might be \$700. He did not know the condition of the other equipment attached to the plumbing. The Solicitor said that the point was that if the building was to be demolished, there must be an inventory prior to it occurring. Cavanagh asked if it was necessary to attach value to things like doors or kitchen cabinets. The Solicitor said Council could, but it could be nominal. Porter asked if the Chief could do the inventory like he did with the rental house. The Mayor asked if they could just declare everything of no value. The Solicitor reiterated that an inventory should be conducted. Council must decide whether it is obsolete or not needed for the Village's purpose before it is sold or disposed through Gov Deals, etc. The Street Commissioner asked if the windows needed to have an assigned value, and the Solicitor explained that normally no, but since there had been interest expressed in donating them, then yes. Bell asked if landscaping was included, and the Solicitor said yes, to include plants and rocks, etc.

Berger suggested deferring the vote on the motion on accepting the bid until the August meeting to allow for the inventory process and evaluation of hazardous materials. Porter did not think it was necessary to overcomplicate it. Council needed the assurance from Buckeye or an asbestos person which should give enough time to do the inventory. The Fiscal Officer expressed confusion, stating that if a list were to be done which must be approved by Council that something has no value, would this mean that if they go in and there are doors that are determined to possibly have value, that all the doors should be removed before demolition? Galicki used the example of the former rental property and said no value was placed on any door, window, etc. Movable items left behind were inventoried but not light fixtures, cabinets, etc. Council ascribed no value to them and they were destroyed during demolition. The Solicitor stated that this was still part of the inventory because "0" was put down. Galicki suggested ascribing "0" value and following the same guidelines used for the other structure. It is not necessary to complicate the issue when common sense and reasonableness can be the guide.

Porter summarized that the Street Commissioner will find someone to do the asbestos assessment and the Chief will take the inventory. If they receive good news about the hazmat, the Mayor and Street Commissioner can be ready to proceed with demolition. The Solicitor said she noticed in the Buckeye quote that they are excluding any permits. It is necessary to get a building permit to demolish the buildings. The Street Commissioner thought the contractor just had to register with the Village. The Solicitor spoke to the Building Inspector and verified that no zoning permit was required, but a building permit was. This adds to the cost. Berger asked if the Village could get its own building permit and the Fiscal Officer suggested asking for the fee to be waived. The Solicitor concurred.

The amended motion was seconded by Porter. **The Mayor and Porter reiterated that the motion was that the Village will hire Buckeye excavating as long as the Mayor and Street Commissioner receive positive assurance as to hazardous materials that may or may not be in the building and the cost of removal if any. The Mayor added that the Village would waive the fee for Buckeye Excavating. Voice vote – ayes, all. Motion carried.**

Cavanagh thought that the Village could ask Habitat for Humanities if they wanted the doors and windows, but the Solicitor mentioned something to her about disposal. She verified that the discussion pertained to disposal, and the Solicitor concurred. Cavanagh explained that once she does the inventory with the Street Commissioner and the Chief, then they can sail. The Solicitor stated that at this point it will come back to Council to make the motion or resolution that it has no value, and then disposal can occur.

Cavanagh reported that according to the Fiscal Officer, the Village has liability insurance for the buildings. The Street Commissioner advised that the crabapple tree in the back of the property will be saved, but everything else will go.

Regarding the Eagle Scout project, the bulk of the project at Rarick Cemetery is complete.

Cavanagh also had a discussion with the Solicitor about the formation of a Cemetery Board or Committee for the purpose of having the legal capability to work on the gravestones. The Solicitor said the Village could set up its own rules and regulations, but Cavanagh did not want to create another Cemetery Board. She would prefer to determine with the Solicitor what would give the Street Commissioner the ability to fix and correct in-house the gravestones when the Village cannot find a living heir who has not or is incapable of taking care of the antecedents' grave place. The Solicitor verified this was just for Rarick Cemetery, and Cavanagh concurred. Porter suggested declaring a nuisance. The Solicitor questioned whether Porter was saying that the Village was maintaining a nuisance with the gravestones. Porter said that the graves are privately owned. The Solicitor said they are deeded property and is an interest into the property. She did not think it was fee simple title. Porter stated it would be something akin to a tenant and the tenant has created a nuisance which empowers the Village to correct the nuisance. The Solicitor replied that the Village does not necessarily know the successor owners. Porter stated that it is the tenant, although there may be nothing left of the tenant, but the nuisance continues. If the Village declares a nuisance, it can empower the Street Commissioner to fix the nuisance. Cavanagh advised that the first stone next to the entrance steps is broken and would be a nuisance if an older person tripped on it. Porter reiterated that once the nuisance is declared, it can be fixed, and the Village has done this before. Berger asked if it would be necessary to declare a nuisance for each individual plot. Porter said there is now a list posted, and Cavanagh explained that the Eagle Scout created a kiosk that described the history of the property and has a listing of the people buried there. Porter advised that these people would be listed by name and the Village would declare a nuisance over the whole of it. When everything is fixed, then the Village can conclude that the nuisance was abated until 50 years down the road when the Village will need to do it again. The Solicitor proposed instead to create a new rule for Rarick Cemetery that if there are gravestones in disrepair, the Street Commission can fix them at a certain expense. The Mayor proposed having a cemetery meeting. Canton asked if there was any evidence of descendants who go to the cemetery and maintain the graves or send flowers. Cavanagh knows of one set of descendants, and they are fine with the Village taking over. Porter said something should be done before winter. If the Village declares a nuisance, it can fix the problem. The Solicitor said she would need to look into Porter's proposal. Porter reiterated that each tenant could be served easily. The Solicitor said this is actually very difficult. Porter disagreed and said you go to the grave and you put it on the stone. The Solicitor did not know that this would work, but it could be considered. The Solicitor asked if there was opposition to creating new rules for Rarick Cemetery or including Rarick in the rules the Village already has, but specifically stating what applies to Rarick. Cavanagh wanted to keep it as simple as possible and as respectful as possible.

The Mayor proposed that the Cemetery matter be dealt with at the August Properties Committee meeting. Porter reiterated that it should be done in the most efficient way possible.

Cavanagh reported that she and the Masons scheduled a walk-through for the placement of the flag, walk, and bench. She added that they have a solar light that will keep it well illuminated.

Cavanagh explained that she attempted to identify people who have lived in the Village a long time, who were “lifers”, or were people who served to invite to the 100<sup>th</sup> Birthday Party. Cake has been ordered for Sunday, July 23<sup>rd</sup> at 6:00 p.m. The Mayor is making arrangements for the ice cream. She is in the process of getting old-fashioned pictures blown up into posters. The Mayor said that Don Himes, the astronomer, will bring his telescope. There will be no bike ride. It will only be cake, ice cream, and an astronomer. They wanted to do 100 Chinese lanterns, but could not due to the power lines. The Mayor requested that any employee who wished to work that day should let him know.

**PARK COMMITTEE:** Cavanagh advised the Park Committee will be meeting next week on July 17<sup>th</sup> at 7:00 p.m. at the pavilion.

**PUBLIC UTILITIES COMMITTEE:** Berger made a motion to approve payment application #2 - Final with SRV share of \$80,583.28 and OPWC share of \$40,322 to Grade Line, Inc. for the Chillicothe Culvert Project, seconded by Porter. Voice vote – ayes, all. Motion carried.

Berger asked for clarification of the motion to approve funding for replacement of the Sheerbrook landscaping. The Mayor stated that it was to replace bushes from the culvert replacement project. Berger asked if a cost had been determined, and the Street Commission explained he was waiting for a response from the neighborhood’s landscaper. He said it would not exceed \$500. **Berger made a motion to approve funding for Sheerbrook replacement landscaping not to exceed \$500, seconded by Porter. Voice vote – ayes, all. Motion carried.**

The Public Utilities Committee met on July 7, 2023, and the minutes are forthcoming. According to the Master Stormwater Study of 2004, the Village is getting to the end of the list and the committee is transitioning into maintenance items. The Village ponds are part of this. The next Public Utilities Committee meeting will be on August 4, 2023, at 9:00 a.m.

Porter said that regarding the ponds, as part of long-term planning, the Village may want to consider easements to access the properties of each of the pond owners so that it runs with the land and for the purpose of ascertaining the depth of each pond on an ongoing basis. As the Engineer noted, there are 43 ponds. It would start with the larger ponds that are detention/retention ponds for storm water and work down from there. Ultimately, the Village would have permission to go onto a private landowner’s property and take soundings of the pond for the purpose of determining silt and potentially the cost of dredging if need be and possibly a Village wide Erosion Special Improvement District (ESID) for that purpose. This is the goal of the committee, and he did not know how successful they would be.

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

Canton provided a second reading of 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.

Berger introduced an ordinance amending Ordinance No. 2023-06 only certifying advance of \$50,000 from the Income Tax Fund to the Culvert Fund instead of the transfer of \$50,000 to the Culvert Fund and declaring an emergency. Berger made a motion to waive readings, seconded by Porter. Roll call –

ayes, all. Motion carried. Berger made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2023-36**

Berger introduced an ordinance transferring \$500,000 from the Income Tax Fund to the Safety Fund \$300,000, General Fund \$100,000, Street Fund \$100,000 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 2023-37**

Bell introduced an ordinance amending section 1440.04(h)(1) of the Codified Ordinances of the Village of South Russell and declaring an emergency.

**BILLS LIST: Berger made a motion to ratify the bills lists of June 15, 2023, in the amount of \$244,418.62, the bills list of June 16, 2023, in the amount of \$1,000, and the bills list of June 29, 2023, in the amount of \$43,228.52, seconded by Galicki. Voice vote – ayes, all. Motion carried.**

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

Bell complimented Cavanagh for the article in the Chagrin Valley Times about the centennial.

Canton congratulated Cavanagh for her article. Canton thanked the 32 visitors for coming to the meeting. He said they were impressive and came to support their neighbor. The individual and his wife are doubly blessed because their son stood up and vouched for his father. Canton thought this was admirable.

Porter addressed amending the food ordinance to include Trash Day. He asked the Solicitor to amend the ordinance for the next Council meeting.

At 8:50 p.m., Canton made a motion to enter into Executive Session with the Solicitor regarding pending or imminent litigation involving the Village pursuant to pursuant to Section 121.22 (G)(3) of the Ohio Revised Code and inviting into Executive Session the Mayor, Fiscal Officer, Police Chief, Lieutenant, and Solicitor, Seconded by Porter. Roll call – ayes, all. Motion carried.

Council reconvened at 9:23 p.m.

**ADJOURNMENT:** Being that there was no further business before Council, **Porter made a motion to adjourn at 9:23 p.m. seconded by Canton. Voice vote – ayes, all. Motion carried.**



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki