

RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, AUGUST 14, 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: Chuck Walder, Geauga County Auditor; Frank Antenucci, Geauga County Admin.

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

Canton made a motion to approve the Regular Council meeting minutes of July 10, 2023, seconded by Bell. Voice vote – ayes, all. Motion carried. Cavanagh made a motion to approve the minutes of the July 24, 2023, Special Council meeting, seconded by Canton. Voice vote – ayes, all. Motion carried.

VISITORS: Frank Antenucci, Geauga County Automatic Data Processing (ADP), conveyed that during the recent special election, 28 of the 88 counties in Ohio and their boards of elections experienced hacking attempts. Having the infrastructure and partnerships that Geauga County has, ADP deals with this on a regular basis. It is becoming much more prevalent, and they are seeing Chinese and Iranian actors most recently. ADP has powerful tools. With communication, education, and collaboration of the local governments to create better buying power, ADP is able to address the necessary security of the participating communities. Being government, the goal is not to make money, but to pass the power along and work with local governments.

Chuck Walder, Geauga County Auditor, said that in the last 18 months, the county had invested a little more than \$1.2 million in cyber protection. It is being done in multiple layers ranging from workstations to firewall access. They have been successful in holding back the offenders and anticipate that the game will be ever changing necessitating the need to add to the investment. The advantage to coming under ADP is that the community would fall under the umbrella which is less expensive than doing it individually. Quotes were provided to the Village, one of which is to get the hardware and licenses necessary to convert to ADP. The other quote is the anticipated yearly cost to maintain those systems. He explained that a restriction of ADP is that it is a one size fits all plan with no a la carte menu option. They have vetted the products offered through Homeland Security and the Secretary of State and cannot provide infinite flexibility. They cannot investigate chip sets on every brand of PC, for example. The risk is that the threats are embedded in chip sets coming from overseas. As an example, Walder explained how low-end Chinese cameras automatically move data to a Chinese server and is then parsed.

Bell asked where the server is housed. Antenucci said the county has on premises host servers in Geauga County as well as off premises hosted cloud-based servers in other locations. Walder explained that the county had a high quantity of servers in the past until a year and a half ago when he decided to move from that environment to a cloud-based service that was secure and protected. Antenucci addressed a variety of backups used by ADP around the United States. For example,

Russell Township's data is backed up four different ways in seven locations. Bell asked if it would be shared, and Walder concurred. Bell asked about hardware, storage, and software patching. Antenucci said that ADP would help with hardware. In terms of software, patching is done weekly and immediately when necessary. Three or four people manage the patching. Walder explained that the patching is done automatically on every PC on the network and also looks for nefarious behaving entities. As with the recent Water Department issue, the endpoint protection is what stopped the server from going everywhere else. It isolated it and locked the server out from all other environments. Antenucci added that at the time of the attack, the Water Department was illegally managing their own network and did not have their server patched. This made it an easy target. Uptime and downtime were discussed in relation to the type of system the Village would have. Cavanagh asked if the ADP system would have prevented the embezzlement that occurred prior to Walder taking over as County Auditor, and Walder said the embezzlement was not a technology breach but rather a lack of proper procedures and policies in place. Antenucci added that the Water Department breach, however, would not have happened if they had been under the county network.

Berger asked which other municipalities were served by ADP. Walder replied that it includes Bainbridge, Auburn, Russell, Chester, Hambden, Burton Village, and a number of districts like Geauga Soil and Water, Veterans, Geauga Trumbull Solid Waste, Board of Elections, and the Title Bureau. He concluded that it is agencies and other municipalities.

The Mayor asked if Cyber Ohio was something ADP dealt with, and Walder said he was invited to this as well. Government in general is becoming aware of the risks and different government entities like the Auditor of State, Treasurer, Governor, etc. are pushing out technology. They are not IT experts, but the better they raise awareness of cyber risks, the better they are as consumers and government officials. ADP's job is to make the system user friendly but secure. Berger noted that the Police Department was not included in the ADP quote. The Chief explained that the Police Department operates under the Chagrin Valley Dispatch (CVD)/Valley Enforcement Group (VEG) IT services due to running different software and networks. Walder said this is typical and Police Departments are more advanced technologically than most other entities. They would have less benefit from the ADP system, but as long as the networks are kept separate, both systems can be utilized by the Village.

The Mayor asked if Council needed more time to decide. The Solicitor indicated she had questions with the contract. She advised that Council could vote to approve going with ADP pending a contract that is acceptable to both parties. Porter wanted to hear from the Solicitor before formally voting on anything. Galicki asked Berger as the Chair of Finance whether there was any compelling reason why the Village could not go forward at least to say that upon the approval of the Solicitor's review of the contract, that the Village will enter the agreement. Berger said it is up to Council as to their comfort level or need to take more time. The Mayor said to wait. Galicki requested a vote. **Berger made a motion that pending the approval of the joint agreement for data processing services that the Village accept the quotation as presented by the Geauga County Automatic Data Processing Board, seconded by Galicki.** Porter did not see any reason to hurry this because Council had only received the proposal last week. Galicki indicated that the Village had had the information for quite a while and discussed it in the Finance Committee with representatives from the county. He did not think there was any effort to railroad the matter and questioned how much deliberation was required before going forward. The Solicitor just saw the contract last week. Porter said that likewise the rest of Council had recently received it even though the Finance Committee may have had it longer. Galicki indicated that the purpose of having the ADP representatives present was for Council to address questions and concerns. He asked if there were any questions or concerns of Council that would preclude them from moving forward. Canton suggested determining if Council believed the

service was worthwhile. Berger said he raised the question about the Village's need in light of the fact that the individual computers are not on a network. Through discussions with Walder and Antenucci, it became clear that a more robust security program for IT will be needed. It is not a question of if the Village will spend money on this project, but rather with whom the Village will spend it and how it will get the biggest bang for the buck for security. For the protection of the Building Department, Street Department, and Administrative offices, this would be a dramatic change. Porter asked about hardware changes under ADP, and Berger explained that it is required because the hardware used by the Village is not approved under the ADP system. There would be \$19,500 worth of hardware requirements and an ongoing annual expense to be part of the system in the amount of \$14,000. Cavanagh offered that no one else will do it without making money besides the county. The Mayor stated that the issue faced by Council is that the Solicitor saw the contract last week along with four of the six members of Council. He thought it was rushing to vote and Porter agreed. **Roll call – ayes, Galicki and Berger. Nays, Canton, Cavanagh, Porter, and Bell. Motion defeated.**

The Mayor indicated the next Council meeting would be September 11th. He thought they would see it would not be an issue just getting it done.

Walder explained that the need for the agreement was due to a provision in the Ohio Revised Code (ORC), 307.846, that allows the county to extend county services but not county entities. The statute specifies that it must be through a standardized price list and under agreement.

The Fiscal Officer verified that in previous discussions it was revealed that if the Village entered into the agreement and were not satisfied, it could get out of the agreement. Walder agreed. He explained that the design of the system is intended to have clear break points, which had not been the case previously. The Village could become independent at little to no cost.

The Mayor said that the Fiscal Officer and Police Chief deserve public recognition for what they have done to bring the Village to this point. It is unbelievable what they have done behind the scenes, and they have kept the Village out of trouble.

FORFEITURE HEARING: The Solicitor noted that the property owner was not present to discuss the matter. Porter summarized that the property owner put up \$1,000 and the contractor did not do the job. The property owner paid the contractor \$95,000 and the contractor skipped out on the job because the Building Inspector determined that the work was lousy and was beyond the scope of the permit. The property owner is asking that the money be sent to her rather than the contractor. Porter said that based on the letter provided by the homeowner, he thought she should get the \$1,000 rather than forfeit it to the Village. Bell indicated that in the notes from the Building Department, the 30-day and 10-day notices were sent, and no response was received from the contractor. The Solicitor asked how many inspections were done and if efforts were being made to correct the work. Porter referenced the property owner's letter that stated the contractor was fired. He presumed she would be hiring someone else, and the work would need to be inspected, which may mean double inspections. Porter did not think the additional inspection fees would be waived since the originals were not in depth. The Solicitor said Council could refund the whole amount, none of the amount, or refund a portion and keep a portion for administrative costs. The Mayor asked if Council wanted to put the matter off for a month. Canton thought the homeowner should get the full amount. Bell agreed. **Bell made a motion to refund the construction deposit for 1101 Bell Rd. in the amount of \$1,000, seconded by Canton. Voice vote – ayes, all. Motion carried.**

MAYOR'S REPORT: The Mayor addressed correspondence pertaining to the approval to designate Scott Hildenbrand to serve as a representative with the One Ohio Foundation for the county.

Cavanagh made a motion to designate Scott Hildenbrand to serve as the representative, seconded by Canton. Porter clarified that Hildenbrand was representing the Village and the Mayor said it was for the incorporated parts of the Village. Porter verified it was not just for the Village but everyone. **Voice vote – ayes, all. Motion carried.** The Mayor said this was different from the National Opioid Settlement.

The Mayor said that five Eagle Scout plaques would be ordered because somehow they had forgotten to order them. They will date back to Charlie Cimperman's project and the bat houses.

There was a meeting with Chagrin River Watershed Partners (CRWP) in relation to the previous meeting with Dave Joyce's office about getting something going with Bainbridge, Chagrin Falls, and Russell. It was also discussed in the Public Utilities Committee because of the flooding and sewer issues. It is an ongoing discussion.

There was a discussion by the Mayor and Engineer about Pond 4 in Country Estates and its elevation. The Mayor said the issue that Country Estates and The Preserve of Chagrin have is that the water is supposed to flow north into Modroo Park in Russell Township, but due to the elevation of the pond, it will be difficult to keep the water going. The Mayor had walked the area with Carmella Shale from the Geauga Soil and Water Conservation District.

In September, Council will need to discuss Wreaths Across America and how it wishes to handle the program if at all. He will get it in the newsletter.

The Mayor addressed the MS4 report, the Whitetail Homeowner's Association (HOA) meeting, Judy Harvey's Butterfly Garden, an upcoming Northeast Ohio Area Coordinating Agency (NOACA) meeting, shutting down the South Russell Village Park for cross country meets, and publicity through the Geauga Township Association at the Geauga County Fair. He also addressed a request for sidewalks in the business area on East Washington Street. He discussed upcoming meetings by the Northeast Ohio City Council Association on leadership and the Governor pertaining to solar energy as well as public health funding in Ohio. Open burning will be addressed in the newsletter as well as property maintenance.

FISCAL OFFICER: The Fiscal Officer distributed her report. The Mayor asked about the State Auditor's concern with the Village purchasing food. The Fiscal Officer reminded Council that the Village was dinged on a past audit for purchasing food with taxpayers' money. It must ensure there is a proper public purpose for the expense. Council then extended the list of approved events through legislation. However, the State Auditor noted that the Village is doing more and more events with food and is questioning the proper public purpose. The Mayor asked if the Village could continue to do it. Cavanagh asked how proper public purpose is defined. The Solicitor advised that it is defined in the legislation. Cavanagh said that there will be proper public purpose on September 14th because she has already sent out invitations to old people and they are expecting to be fed. The Solicitor asked if this was the proposed luncheon and Cavanagh said yes. The Solicitor said there is a catch all for all other Village sponsored activities, but there is usually a motion whereby Council finds that it has a public purpose for that specific event for the expenditure of food and drinks. The Mayor did not think a motion was made for the 100th Birthday event. The Solicitor said there was a list of events. The Fiscal Officer said that Council has approved the Veterans event and Park Appreciation event by motion, though they are not listed in the legislation. The Village is increasing the number of food-

related events. The State Auditor asked if it was necessary to involve food or could the event be done without spending taxpayers' money in this manner. Cavanagh surmised there were other places that abuse this. The Solicitor concurred and the Fiscal Officer reiterated that the Village was previously dinged on it during a State Audit.

The Fiscal Officer reminded Council that the Ohio Municipal League Conference is October 18 – 20 and there are two Council members who expressed interest in attending. Registration has opened if anyone else wants to attend.

The Fiscal Officer addressed amendment and transfer legislation that Council will be considering. Additionally, she directed their attention to a third bills list.

Porter noted that the income tax receipts are tracking. The Fiscal Officer said that it was down \$40,000 for this month. It fluctuates. Currently, it is \$115,000 over last year. Porter said that as of the end of July, this was the most money the Village had on hand since 2019. The Fiscal Officer clarified that was in Income Tax money. Porter added that he would imagine that property taxes would be as much or historical. The Fiscal Officer explained that property taxes are steady and are flat. They are received in July. After this point in the year, the Village does not typically receive anything else besides Income Tax money. This is where the cash balances start decreasing.

FINANCE COMMITTEE: Berger noted that the minutes regarding the ADP presentation were distributed. The committee will meet on Friday, August 18th at 9:00 a.m.

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

Berger made a motion to acknowledge receipt and review of the July 2023 Financials in Council packets, seconded by Galicki. Voice vote – ayes, all. Motion carried.

SOLICITOR: The Solicitor referenced the discussion at the July 10, 2023, Council meeting regarding the State Budget bill, House Bill 33, which passed in July. At that meeting, municipalities were inadvertently left out of the \$75,000 threshold bidding increase. They will change this when they come back into session in September. Currently, the Village's bidding threshold is \$50,000. She further advised that counties, townships, villages with administrators, regional sewer districts, etc. have a \$75,000 bidding threshold. Additionally, each year after, the threshold goes up another 3%.

Bell asked for an update to the presentation by former Sgt. Kimball's attorney at the last meeting. The Solicitor had not heard anything back from the email she sent to the attorney.

ENGINEER: The Engineer addressed the MS4 status update and explained that every year the Village is required through the Ohio Environmental Protection Agency (OEPA) to submit an annual MS4 Storm Water Report. The report has historically been handled by CT Consultants. Due to staff changes, the deadlines for both the 2022 and 2023 reports were missed. As a result, the Engineer is shifting the responsibility of submitting the report and gathering the information to CRWP pending Council's approval. They do this annual reporting for other municipal agencies and the Engineer asked Kim Brewster Shefelton, CRWP, to include this provision in their Scope of Services Agreement which is up for renewal in a couple of months. Galicki asked if there were financial penalties as a result of the late reports, and the Engineer said not yet. He is pushing with his staff to get the report submitted and approved. It will be within the next couple of weeks. It was due in March, but an

extension was filed until the end of July. Galicki verified they accepted the 2022 report, and the Engineer concurred and felt confident they would accept the 2023 report once submitted. Porter asked when Council would know if CRWP has agreed to take over the reporting, and the Engineer said they have tentatively agreed to do it. However, Council must solicit CRWP to do it. His recommendation was for CT Consultants to step back as the lead point of contact with the OEPA for the annual MS4 Report and have CRWP step forward. This can be addressed when CRWP provides their annual contract.

Canton asked if there were trees to plant with the Manor Brook project. The Engineer said the Village has trees to plant, but it is not part of the Manor Brook project. Canton asked if this would be done in the fall and whether the Engineer knew how many and what kind of trees would be planted. The Mayor said this had all been determined. Canton suggested that the people whose backyards face Chillicothe Road be told when the trees will be planted out of courtesy. Porter said this had come up at the Streets Committee and Planning Commission meetings. The Engineer thought there would be a total of 15 trees, and Porter said there was a recommendation of the type of tree, and the Village will buy and plant them in the fall. The Engineer reminded Council that the reason they were waiting to plant the trees was that they could not be incorporated into the Manor Brook 319 grant project. The trees were an ineligible item, and it was decided it would be cleaner to wait until work was done with the project. Canton said the people who live there are concerned about where the trees will be planted, which is why he was addressing it. With notification, perhaps they could be part of deciding where the trees would be planted. The Mayor suggested Canton stop and see the residents, and noted that things had changed for the better and he did not know there was a need for the trees although the Village committed to purchasing them. Porter suggested putting pictures of the planted trees in the newsletter.

The Engineer said the last remaining work item for the Chillicothe Rd. Culvert Replacement Project was completed by Grade Line this past week which was the inlet control structure on the culvert that crosses Chillicothe at the Sheerbrook intersection. Galicki clarified this was the restrictor plate. The Engineer is working on close-out documents with Grade Line. The awarded amount for the project was almost \$148,000 and it is currently at \$141,600, which is about \$6,000 under the awarded contract amount even with the additional piping at Bell Rd. and Chillicothe Rd. intersection and the inlet control structure. The Engineer was pleased with the work done by Grade Line.

Regarding the Traffic Signal Project, the Engineer said that Perram Electric anticipated having the project completed by the end of September. The official completion date for funding is December 31st. The awarded contract value was \$238,000. The only additional cost of \$1,800 was for the gas main conflict which involved upsizing the foundation and ordering a longer mast arm. He did not anticipate any other out of scope work items on the project and thought they would be close to the awarded contract value.

The Engineer received updates from Specialized Construction on the Road Program. The recycling operation is complete on Woodside and Maple Springs and has been curing for weeks. This week, a proof roll will be conducted to look for deflection or base failure. He thought there would be \$37,000 left in the Road Program contract, which he and the Street Commissioner proposed using on concrete curb and gutter work in Kensington Green, inlet basins that need adjustment, and bigger mill and fill areas on Countryside, Lakeview, and the Kensington outbound lane. He did not have prices from Specialized on the extra work items but thought they would be able to complete everything that was on the Village's wish list with the anticipated surplus.

The Mayor asked the Engineer to address the new wetlands and the \$26,000. The Engineer reviewed the damage to a section of the pilot 319 grant program during the construction of the Central Retention Basin. The Village agreed to restore the area to preconstruction condition, but it was ultimately determined that it would be difficult to do this given the grade differential which allows the Central Retention Basin to work properly. What is being considered is mitigating the square footage that was disturbed to an area behind the pavilion in the park which currently cannot be mowed and is wet. It is already a wetland area, and the Village will just designate it as such, treat it for invasives, and let it do its natural thing. A minimal cost will be associated with it since it requires no heavy excavation or plantings. Porter asked if this would be put in writing by the EPA and the Engineer advised the Village would have a formal amended contract. The Mayor, Engineer, CRWP, and OEPA met during the previous week, and they were very amenable to the solution.

In their review of the 319 grant projects, the OEPA determined different performance metrics than the Engineer's. His were more quantitative like determining how much storm water could be captured, slowed, and released slowly. In his estimation, the project is doing a fantastic job. He has seen no ill effects downstream as a result of the project. It has, in fact, helped buffer the flows downstream through Fox Run. However, the EPA looks at qualitative things like habitat, species diversity, etc. The two ditches that empty into the restored stream are causing erosion and the EPA suggested the Village install more armoring and create more habitat in the two streams. The Engineer was hesitant to agree to this because it would cost more money and go beyond the scope of the initial project that they approved. At last week's meeting, they advised that there is still some 319 grant money available at an 80-20 match and the EPA has not closed out this project. The Village could capitalize on the \$25,000 available in EPA grant money to complete the work, which the Engineer thought was a good deal for everyone. There would not be much cost associated with it. Cavanagh asked how the erosion control would be done. The Engineer said it would be completed in accordance with the EPA's wishes and would mirror what is in the main Manor Brook stream channel. The Solicitor asked if this would be another grant for which the Village would be applying, and the Engineer said no. He will create an adjusted scope document for the Manor Brook 319 project and say that the Village is adding this work and getting more grant money for it.

The Chief addressed the Traffic Signal Project and indicated that he received an update that Perram Electric will be done with the structure by next week. The remainder will involve scheduling the vendor to program hardware and software and then arranging with First Energy to make the connection. When they are done energizing the new light, they will dismantle the old one and store it on Village property to assess and potentially put it on GovDeals for sale.

STREET COMMISSIONER: The Street Commissioner submitted his month-end report. In his attempt to reduce the Village's electric meter costs, he had a conversation with Perram Electric about running a line through the pipe they installed under Chillicothe Rd. to supply power to the corner lot. He consulted the Building Inspector about the possibility of using a large enough wire to go across the road for now but ultimately have enough capacity to take it down to the Cemetery. The Building Inspector thought this was possible with #6 wire, but it would probably be about \$2,000 for the wire. He wanted to look into it more and added that the Street Committee was in favor of it. The Street Commissioner explained how the lines would be run with the assistance of a directional boring company. The meter that powers the light for the corner flagpole and the holiday lighting is \$98 per month and between \$2 and \$7 in electricity which is not economical. That meter would be eliminated. Ultimately, a connection could be made to the Cemetery, potentially getting rid of another meter. The Street Commissioner added, however, that the Cemetery would involve larger wire. He needed to do

further exploration. The Chief asked where they would be pulling the power from, and the Street Commissioner explained it would be from the service garage building.

STREET COMMITTEE: Bell advised that there had been discussion about an Ohio Bureau of Workers Compensation (BWC) grant that the Street Commissioner researched. The grant would give the Village a 3-to-1 match for some equipment that would make the job safer for employees. The Street Commissioner applied for the grant and the Village was approved for the 3-to-1 match for a mud buggy and a concrete mixer. The Village's portion will be \$9,718.62 and the BWC would be paying \$19,433.27. To move forward, Council would have to approve applying for the BWC grant and would have to approve the purchase of the equipment specifying the respective financial obligations. Porter asked if this was a reimbursement grant, and the Fiscal Officer relayed that according to the Street Commissioner, the Village will get the money ahead of time. Given this, the Village could wait to purchase the equipment since there is enough money in the Special Equipment Fund to make the purchase without having to amend the appropriations. Council would need to ratify the application and agree to the purchases. Galicki clarified that the Village still needed to apply for the grant, or did he hear the grant was already approved? Bell verified that Galicki heard both. The Fiscal Officer said that the grant was applied for so Council would be ratifying the approval. The Solicitor asked if there was a grant agreement that was provided when they awarded the grant. The Street Commissioner did not see one. The Solicitor said that normally there is, and this would be a three-step process because it would also be necessary to approve the grant agreement. Galicki asked if the motion was premature, and Porter advised that it was necessary to ratify the BWC application and the Village and BWC financial portions because it is how the financing will work. The buggy and cement mixer will be used for the cemetery and a variety of other places so that the employees can pour the cement instead of having to scoop out cement with shovels. The Street Commissioner said it will also be used at the park. The Fiscal Officer said that to the Solicitor's point, she needs to see the agreement because typically, grant money is not given for free. It is necessary to determine what obligation is tied to the money. Examples of such requirements include the current issues with the headwater project as well as when CVD responded with its large mobile command vehicle to help after the Florida storms. This was required as a result of accepting grant funds for the vehicle. Bell proposed ratifying the application only to allow the Solicitor to review the grant agreement. Then at the September 11th meeting, they can move forward for the funds.

Bell made a motion to apply for the Bureau of Worker's Comp grant for a cement mixer and a mud buggy. The Solicitor advised it was to ratify the application, and **Bell amended the motion to Council ratifying the grant application that was made to the Bureau of Workers Comp, seconded by Porter. Voice vote – ayes, all. Motion carried.**

Bell addressed previous discussions about stream cleaning/trenching that was done on Woodside Dr. which has caused some storm water issues in that area. The Street Commissioner obtained a quote from R&B Trenching for \$7,000. The project would take four days to complete, and five residents have signed waivers to enable the work to be done. There is money in the budget for it. The Engineer clarified that it involves cleaning out a drainage channel that is shared by many properties. Galicki asked if it required competitive bidding, and the Engineer said no. Porter verified the Solicitor prepared the waivers and that they were acceptable. **Bell made a motion to approve stream cleaning/trenching of Woodside Rd. at a cost not to exceed \$7,000 by R&B Trenching, seconded by Porter. Voice vote – ayes, all. Motion carried.**

The next Streets Committee meeting will be September 1, 2023, at 7:30 a.m. in the Street Commissioner's office.

BUILDING COMMITTEE: Bell reported that the committee met on August 3rd and the minutes were distributed. The Building & Zoning Inspector asked for a different pay structure. There was some confusion in that he was not completely sure he was actually an employee of the Village. Bell confirmed this for him. He is asking for \$60 per inspection instead of \$40 per hour, which he feels is more in line with the market rate which is \$75 to \$100 per inspection. The Building & Zoning Inspector wants to move forward which would entail providing a proposal through his LLC and resigning his position with the Village since there is no way the Village could pay an employee \$60 per inspection. Bell thought he was looking for a similar structure as the current Building Inspector. Bell relayed that the Mayor thought the Building & Zoning Inspector could serve more as a backup to the building inspections as opposed to just zoning. The Mayor thought it was better for the Village to let the Building Department Administrative Assistant and the Building Inspector handle the zoning and have the Building & Zoning Inspector come in as a backup. Next week, the Building Inspector will be gone, and the Building & Zoning Inspector will be needed for inspections. Galicki asked if the Building & Zoning Inspector was recommending the new rate for zoning inspections and/or building inspections. Bell had asked him this but had not received a response although he insinuated it was for building inspections. Galicki did not view that it would be a good deal for the Village for zoning inspections, and Bell concurred. The Mayor cautioned that the issue the Village has is that the Building & Zoning Inspector will be needed next week. He thought next Monday morning, a Council meeting should be held unless Council was ready to move forward. Galicki questioned why this would be necessary since the Building & Zoning Inspector was supposed to be the backup for the Building Inspector anyway. He does not need increased compensation to fulfil a role for which he was hired. Bell concurred. Galicki added that there is no need to rush to say that now he needs more money because of this. Bell said the only exception would be if there were an emergency and he decided between now and Monday that he was going to resign his position. Galicki said he is entitled to do this, but it may have an impact with being hired as a contractor. Bell concurred. Galicki reiterated that currently as a Village employee, the Village has no obligation to increase his pay for filling in for a job that is already in his job description. Bell said this is 100% correct. Porter questioned whether being the backup for the Building Inspector is in the job description of the Building & Zoning Inspector, and Bell verified it was.

The Mayor said the situation Council is facing is that the Building & Zoning Inspector will not do this for \$40 an hour next week. Bell asked if he was resigning before next week. Cavanagh asked if he said he would not do it. The Mayor said correct. The Solicitor verified that the Building & Zoning Inspector said this, and the Mayor said yes. Porter asked if there were inspections scheduled for next week, and the Mayor said yes. Porter asked if they could be pushed off and Galicki suggested deferring them to the following week. The Mayor stated that the Building Inspector asked the Building & Zoning Inspector to do inspections next week. Galicki said that perhaps the Building & Zoning Inspector gets discharged. Bell said that he did not recall in the meeting where Canton was also present that there was any threat of quitting. Canton concurred. Galicki said he did not like the inference of a threat to the Village by saying he would not do it because he wanted more money. Canton said he did not make it. Galicki referred to what the Mayor had just said, and Canton clarified that it was not said in the meeting. Bell reiterated that there was no such inference in the Building Committee meeting. Bell understood the request of being paid closer to the market rate but noted that it will be a process. Right now, he is a Village employee and what he is asking for cannot be done. Porter asked if he had done any building inspections for the Village, and the Fiscal Officer thought he had last year. However, there was no report specific to what inspections he did. Porter asked why there was a change, and Bell said that was a great question. The Mayor said the change is that he wants more money for doing an inspection.

Berger summarized that the Village hired Inspection Solutions to handle the building inspections. The Building Inspector is free to subcontract and hire anyone he wants to do the work in his absence as long as they are qualified. Berger thought it was incumbent upon the Building Inspector to find coverage for the inspections that were scheduled in his absence. The contract to do so would be between Inspection Solutions and that individual or company. Galicki said that would be the case if the Building & Zoning Inspector said he would not do it for \$40 and does not want to be an employee of the Village. Berger said that ultimately, the Building Inspector has the responsibility to see that the inspections are done next week. Bell said that during July's meeting, the option of the Building Inspector hiring the Building & Zoning Inspector as an employee was discussed but the Building Inspector had no interest in hiring employees. Berger pointed out that he could subcontract to another company like the Building & Zoning Inspector's LLC. From a Village perspective, it is the Building Inspector's responsibility to address the inspections in his absence, which is in the contract. Galicki advised that in the past, Inspection Solutions had arranged with the county to cover inspections as well and did so quid pro quo for the county. Bell thought the Building & Zoning Inspector was reasonable and would conduct the inspections for \$40 per hour and could still move forward with the contract proposal of \$60 per inspection through his LLC rather than as an employee. Galicki concurred and said they all had the impression until the Mayor indicated that the Building & Zoning Inspector would not do it.

POLICE CHIEF: The Chief submitted his month-end report. Today was the deadline to submit applications for the full and part-time positions open with the Police Department which were advertised in the Plain Dealer and the News Herald. Interviews with the HR and Safety Committees will be scheduled soon. Porter asked how many applications he received, and the Chief said seven. The Solicitor asked if this was high or low and the Fiscal Officer added that the Village used to get 100 applications.

Regarding the new Police cruiser, the window to order a new police cruiser will open in October but will only be open for a short time. It is necessary to have a purchase order ready at that time or the order will not be accepted. He clarified that this is for next year's cruiser. It is necessary to amend the budget to have the money for the cruiser this year, although the Village will not be paying for it until next year when it is available. Ford is basing its order fulfillment on previous ordering history, but they are not guaranteeing anything. The Safety Committee had discussed looking at other makes of vehicles but decided to stick with what the Village has had. Berger asked if the vehicle is a hybrid and the Chief said yes.

The Mayor acknowledged the Police Association Car Show.

SAFETY COMMITTEE: Canton reported that the minutes of the July 7th and August 3rd Safety Committee meetings were distributed to Council. The next meeting will be on September 7th at 9:00 a.m. at the Police Department. He congratulated the Chief on a successful Police Association Car Show.

Canton made a motion to approve construction progress payment application #1 with the South Russell Village share of \$44,068 and OPWC share of \$44,068 to Perram Electric, Inc. for the SR 306 and Bell St. Traffic Signal Project, seconded by Galicki. Voice vote – ayes, all. Motion carried.

HR COMMITTEE: Cavanagh reported that July and August committee meeting minutes were distributed. There was a lengthy meeting on August 3rd with Jim Budzik of Mansour Gavin discussing the fine points of the Employee Handbook to determine changes. The Chief and Street Commissioner attended to provide input for their departments. The process is not finished. She said Budzik looks like a very intelligent good listener who gets to the heart of what the Village needs specifically. She hoped everyone would read the minutes and thanked the Fiscal Officer for her help with them.

Cavanagh made a motion to approve overtime for Thad Blair for a total of five hours and Rick Pausch for two hours, seconded by Berger. Berger explained that the reason for the motion is because the Village will be changing the overtime policy. This overtime for the Streets Department employees is being calculated according to the proposed revised policy although the new handbook has not been adopted. **Voice vote – ayes, all. Motion carried.**

PROPERTIES COMMITTEE: Cavanagh reported that the asbestos inspection for 1208 Bell Rd. was conducted and cost \$3,000. The Street Commissioner said there is asbestos in both structures. The asbestos level was 70 and the county's level was 50. Remediation is necessary. He found a company, Environmental Protection Systems (EPS), to take care of it for \$2,500. It is not necessary to mitigate down to zero, just below 70, and the company would focus on removing enough to get to that point. The Solicitor asked if there would be an inspection after the remediation to verify that levels were reduced, and the Street Commissioner said no. There was further discussion between the Street Commissioner and Solicitor about a 10-day required notice to the EPA for inspection of the property before demolition and ensuring that enough time was provided to permit inspection after remediation. The Solicitor suggested that since the Village was going through the process to inspect for asbestos and remediate it, she saw no harm in giving the EPA time to inspect. She wanted to make sure that there was time for the EPA to check that the remediation was successful. Porter explained that the company that does the asbestos remediation provides a certificate that they have remediated in the identified areas which goes to the EPA and then the EPA has 10 days to come look at it. The Solicitor asked if the remediation company has an agreement that the Village needs to sign that describes what they do and the process. The Street Commissioner had not received anything from the company but thought they might be working through HZW Environmental Consultants, which did the inspection. The Solicitor thought the Village would want the assurances. Porter suggested that Council would approve the contract not to exceed \$2,500 pending receipt of confirmation that the remediation company is providing Ohio EPA or the county 10 days to reinspect to ensure removal.

The Solicitor asked if the contract was through HZW which then contracts with the remediation company (EPS), and the Street Commissioner concurred. She questioned if that meant the Village was actually not a party to the contract. The Street Commissioner said he had not seen one. Porter asked whether HZW would be billing the Village \$2,500, and the Street Commissioner explained the Village had not set up an account with the other company. He said he would call tomorrow. Porter suggested holding off until it was clearer what would be done. The Street Commissioner asked if he could move forward with remediation and Porter said yes, but not demolition. The Solicitor wanted to make sure the Village was not a party to the contract for remediation with EPS. She questioned whether the Village was signing on with and directly paying EPS or paying HZW an additional \$2,500 to take care of the remediation through EPS. The Street Commissioner did not know but would inquire. There was discussion about the ability of a Department Head to spend \$3,000 or less without Council approval if it is in the budget. Porter concluded that since there is money in the Street Commissioner's budget, they can go ahead and do the remediation. The Solicitor reiterated that the Village would want something that said exactly how that follow through would be with the EPA, that in fact the Village did remediate and was certain it had been abated. The Solicitor advised that the scope of services with

HZW was just for inspection and not remediation. Her concern was that this would be an addition to the scope that they would want added to either the current contract or the Village might want a separate contract with EPS. The Street Commissioner said he would check to see if there was additional paperwork with EPS and would get a W9. Porter verified this would be the business with which the Village would be contracting. The Solicitor and Fiscal Officer thought this was the case. The Solicitor recommended that the Village be provided in writing that EPS is following through, giving the required EPA notice and asbestos is being remediated. This would be the Village's green light to demolish the buildings. Cavanagh asked if it would be necessary to have a special meeting in order to get this done before the next meeting. The Solicitor said there had been issues with the contract the Village had with the inspection service, and the special meeting was more for the approval because of the amount of money. It could be done pending an appropriate contract with the remediation company which would allow the Village to go forward with remediation. She reiterated that the Village needed something in writing identifying the scope. The Street Commissioner would forward the company's required paperwork.

Porter made a motion that the Street Commissioner, Solicitor, Mayor, and Fiscal Officer be authorized to contract with EPS for the purposes of asbestos remediation on the recently bought properties on the corner of Chillicothe Rd. and Bell Rd. in an amount not to exceed \$2,500 pending approval by the Solicitor of the written instrument indicating the scope of work and the assurances and certificates that will be provided, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.

Cavanagh made a motion to approve a History of South Russell luncheon on Thursday, September 14th at 11:30 a.m. at Augie's Pizza, \$1,000 maximum of 50 R.S.V.P.s. Canton seconded. Galicki noted that earlier in the meeting, Cavanagh said that invitations had already been sent and asked who was being invited. Cavanagh said this is an adjunct to what did not occur on July 23rd mostly because of weather. The senior citizens do not like to go out and go home at dark. Additionally, there were horrible downpours. She talked to everyone she could that she remembered having some kind of link to South Russell and they seemed more amenable to a daytime affair. It is being held in regard to the centennial and she has a list of folks from the olden days. Galicki asked for a definition of olden days and expressed concern about only select people being invited and not others. The Mayor said it was in the newsletter that everyone is invited. Galicki clarified that every resident was invited. Cavanagh said, however, that it would not exceed 50. Galicki asked to whom they were R.S.V.P.'ing, and Cavanagh said it was to her. The Mayor said it was in the newsletter. The Fiscal Officer said the newsletter had not gone to the printer yet since the event had not been approved. Cavanagh said she included people she knows who were here in the 1950's and 1960's and still remember the Village as a very rural place with few subdivisions because they experienced some things that are history. Galicki explained that he wanted to avoid causing some people to feel like they were slighted by not receiving an invitation who may be in that same age cohort as the people already invited from her list. It is important to be able to justify that it was open to all hands instead of saying we have identified 20 friends and that is who we have invited. Cavanagh reiterated that it will be in the newsletter and the event has a budget. Her assignment to the attendees is to tell her what some large memory of their years in South Russell was. Porter verified it was on a first come first served basis, and Cavanagh thought it was. Galicki asked how the people who had already been invited were notified. Cavanagh sent them invitations. Galicki concluded that these people know before the other people who read the newsletter. Cavanagh stated she is not trying to slight anyone, and Galicki pointed out that 50 people have already received invitations in the mail, while others must get it through the forthcoming newsletter. He wanted it to be fair. Cavanagh responded there does not seem to be a rush to participate. Cavanagh commented on the response to her history gathering efforts and

artifacts that had been provided but for which there is no room. Porter discussed the potential of increasing the approved number and venue of the event. **Voice vote – ayes, all. Motion carried.**

Cavanagh read a resolution from the Ohio House of Representative commemorating the Centennial of the Village of South Russell as well as one from the Village of Woodmere. Cavanagh expressed how she has enjoyed her work with the centennial.

PARK COMMITTEE: Cavanagh made a motion to approve the Flower Entertainment agreement for the Fall Festival in the amount of \$3,800, seconded by Canton. They are taking the place of Game Craze. Voice vote – ayes, all. Motion carried. Cavanagh explained that the Village had a contract with Game Craze last year but due to high winds, they could not set up the bounce houses and climbing wall. In June, the Village received a bill for \$994 for changing the date of the Fall Festival. Canton asked the Solicitor if this was a valid charge according to the contract, and the Solicitor thought it was due to a cancellation clause. Canton advised that the Village cancelled the first date, but Game Craze cancelled putting up the attractions during the rescheduled date due to wind. He wondered why the Village should have to pay for these. Galicki verified they received their original payment, and the Fiscal Officer explained that they did in advance of the event. Although it was really a postponement, the company considered it a cancellation but did not send a bill until June that coincided with an inquiry by the Park Committee regarding arrangements for the 2023 Fall Festival. They were told the Village still owed \$900+. The company maintained they were not notified until 10:30 a.m. on that Saturday before the event even though the Village cancelled it on Friday. As a result, it fell into the category of the 24-hour notice. They wanted their money and the Park Committee decided instead to eliminate the rock wall climbing and get bounce houses from Flower Entertainment. The Solicitor suggested the Village could try to negotiate, but Canton advised Game Craze would not budge. The Fiscal Officer concurred. The Mayor suggested holding this off for another month. The Solicitor offered to call to negotiate a lower price but said that the contract provided for it. The Fiscal Officer clarified that it was the Park Committee who had been in contact with Game Craze previously, and she did not know what those conversations were. Canton explained that when the Park Committee member contacted Game Craze to plan for this year, she was told that the Village had a balance owed. Canton suggested the Solicitor call the company, and the Mayor said no, that he would call them.

Cavanagh made a motion to close the park for the Chagrin Falls Middle School Cross Country meets from 3:00 to 6:00 p.m. on August 29th, September 26th, October 5th, and October 10th, seconded by Canton. The Fiscal Officer asked if the park were closed, would the parents who wish to attend the meet still be able to park there. The Street Commissioner said the playground will remain open. The Mayor said they want to keep the people off the trails. The Fiscal Officer questioned whether it was a matter of closing the park or closing the trails. The Mayor said close the trails. Canton said that a year ago, he happened to go past the park and saw the Kenston cross-country team. He introduced himself to the coach, welcomed him, and asked if he happened to have contacted the Village Hall out of courtesy to ask permission, which would be granted for them to have their practice. The coach said no. Canton suggested that he should do it in the future, and he agreed. Canton asked if the teams that use the park for practice call ahead or just show up. The Fiscal Officer pointed out that it is a public park. Canton thought it would be a courtesy and the proper thing to do. Porter questioned whether there was adequate parking available, and Galicki asked if the event involved multiple schools. From his experience, parking for some of the cross-country events can be considerable with multiple schools. Porter concurred. Cavanagh pointed out that these are weekday events but did not know if they involved multiple schools. The Street Commissioner advised that there are two to three schools, and they will be using buses. They estimate 50 Middle School students. Bell asked which

side of the park would be used to convene, and the Street Commissioner said they would place their flags and mark where they want everybody to go so that it is equal distance. The Chief noted that this would be 50 participants, but what about spectators and parking? The Mayor said they would be parked in the high-tension lot. The Solicitor clarified that Council was addressing reserving the trails and not the whole park, which was the original motion. **Cavanagh amended the motion to close the park trails for the Middle School cross country meets from 3:00 – 6:00 p.m. on August 29th, September 26th, October 5th, and October 10th. Voice vote – ayes, all. Motion carried.**

Cavanagh stated that the next meeting will be September 12th at 7:00 p.m. at the pavilion.

PUBLIC UTILITIES COMMITTEE: Berger said the next committee meeting has been moved to September 18th at 9:00 a.m. Additionally, there will be a Special Council meeting for the community to discuss storm water on September 19th. The Engineer advised that he would be unavailable for the meeting and the Mayor said there would not be much at all.

Berger stated that in the committee meeting, the recent significant rain fall of July 25th was discussed. The committee concurred that all the work that has been done to address storm water did its job. There were still issues which were noted in the minutes.

The committee wanted to request that the Solicitor begin considering easement agreements for the 41 ponds in South Russell. He equated a proposed pond program with the road program in that it would address ponds that need attention and how the Village can assist with that. In order to have access to assess them, the Village needs easement agreements with the owners of the ponds.

Berger also discussed flooding that occurred next to the property located at 500 Manor Brook which is adjacent to the power lines. There was an issue with the recent storm where a significant amount of water overflowed the stormwater drainage ditch and ended up on the property. The committee suggests coming up with an easement agreement with the Homeowners' Association (HOA) for the property under the power lines as well as with the homeowner to decide responsibility of each part of the system and what the Village will do to maintain it. The Solicitor is being asked for assistance on this.

Porter asked that by the next Public Utilities Committee meeting that the Solicitor enlighten the committee as to the best method to approach the property owners for each of the 41 ponds and silt ponds for access for stormwater monitoring purposes. They would start with the first 10 on the list since they are the largest and work their way down. Annually, the Village would monitor the depth of the ponds and then per the Engineer's recommendation, notify the owners when the ponds need to be dredged. In advance of the notice, potential Village assistance would be discussed. Cavanagh asked whether the Village would only need permission and not necessarily an easement because the pond owners would be receiving a service. Porter explained the Village would want an easement that runs with the land and is in the county records. The Solicitor asked if the Village would be offering a nominal consideration for the easement and Porter suggested a onetime payment of \$10 and the results of the inspection.

Berger addressed flooding in the commercial district off of East Washington. There will probably be discussions with the businesses, Chagrin Falls, and potentially Moreland Hills. If the Village provides additional drainage in the area, it will mean more water is being sent down the hill to Chagrin Falls and into the river to Moreland Hills and they should be part of the solution. The committee is looking at this as a Phase II or Phase III of storm water management.

The committee also discussed the potential to reroof the service building as part of the solar panel project. The Street Commissioner said the roof would need to be replaced first before the installation of the panels but did not have an estimated cost yet. Berger concluded that with the proposed solar panel project, the Village should update any of the involved roofs before installing the panels.

Porter referenced the flooding with the East Washington Street businesses and said this would not be done next year but rather in the next ten years. He acknowledged the flooding was unprecedented but could happen again. This plan reflects the Village's change from reacting to being proactive by replacing the storm sewer system on East Washington. In the meantime, the Engineer can perhaps be going out and getting grants.

The Mayor reported that Bellwood cleaned their silt pond and did what Paw Paw Lake did with piling the dredging material on the side. He also advised that the Village heard from Paw Paw Lake last Tuesday and they would love to negotiate.

ORDINANCES AND RESOLUTIONS:

Canton provided a third 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. Canton made a motion to adopt, seconded by Galicki. Roll call – ayes, all. Motion carried. **ORD 2023-39**

Bell provided a second reading of an ordinance amending Section 1440.04(h)(1) of the Codified Ordinances of the Village of South Russell and declaring an emergency.

Berger introduced an ordinance amending Section 220.01 of the Codified Ordinances of the Village of South Russell and declaring an emergency.

Berger introduced an ordinance to approve current replacement pages to the South Russell Codified Ordinances 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 2023-40**

Berger introduced an ordinance approving the Cost-Share Agreement with the Chagrin River Watershed Partners regarding the Hyfi Water Level Sensor Network, authorizing the Mayor to execute the Cost-Share Agreement on behalf of the Village, 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 2023-41**

Cavanagh introduced a resolution authorizing the discard or salvage of personal property not needed by the Village and declaring an emergency. Cavanagh made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Cavanagh made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **RES 2023-42**

Cavanagh introduced a resolution authorizing the sale of personal property not needed by the Village and declaring an emergency. Cavanagh made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Cavanagh made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **RES 2023-43**

Berger introduced an ordinance amending the 2023 Annual Appropriations increasing Safety expenses \$50,000 and Income Tax Transfer expenses \$46,450 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. **ORD 2023-44**

Berger introduced an ordinance transferring from the Income Tax Fund \$46,450 to the Culvert Fund and declaring an emergency. Berger made a motion to waive readings, seconded by Galicki. Roll call – ayes, all. Berger made a motion to adopt, seconded by Galicki. Roll call – ayes, all. Motion carried. **ORD 2023-45**

BILLS LIST: Berger made a motion to ratify the bills lists of 7/14/2023 in the amount of \$150,623.41, 7/31/23 in the amount of \$34,516.99, and 8/14/2023 in the amount of \$94,191.53, seconded by Galicki. Voice vote – ayes, all. Motion carried.

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

Cavanagh thanked everyone who helped her with the July 23rd Centennial event.

Berger advised he would be absent for the Regular Council meeting on September 11, 2023. Cavanagh made a motion to approve Berger's absence on September 11th cruising in some sunny climate, seconded by Porter. Voice vote – ayes, all. Motion carried.

ADJOURNMENT: Being that there was no further business before Council, Porter made a motion to adjourn at 9:40 p.m. seconded by Bell. Voice vote – ayes, all. Motion carried.


William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki