

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 11, 2023 – 7:00 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

MEMBERS ABSENT: Berger

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

VISITORS: Stephen Brenner, South Russell Police Department

The Mayor called the Regular Council meeting to order and led the Pledge of Allegiance. Canton provided comments about the 911 attacks and asked for a moment of silence to honor those who perished and for the First Responders who bravely came to rescue on September 11, 2001. The Fiscal Officer read the roll. Berger was absent. **Porter made a motion to approve the Regular Council meeting minutes of August 14, 2023, seconded by Canton. Voice vote – ayes, all. Motion carried. Cavanagh made a motion to approve the minutes of the August 18, 2023, Special Council meeting, seconded by Porter. Voice vote – ayes, Cavanagh, Galicki, Porter, and Canton. Bell abstained. Motion carried.**

VISITORS: Regarding the appointment of Stephen Brenner to the position of full-time Patrol Officer, the Chief advised that Brenner was a retired police officer with 31 years of service and welcomed him to the South Russell Police Department. **Canton made a motion to appoint Stephen Brenner to full-time Patrol Officer, seconded by Galicki. Voice vote – ayes, all. Motion carried.** The Mayor administered an oath to Brenner.

MAYOR’S REPORT: The Mayor distributed his report. He addressed various upcoming meetings. The Board of Zoning Appeals (BZA) is considering an appeal for a fence on Bell Rd. The Mayor referred to his report regarding property and park information.

FISCAL OFFICER: The Fiscal Officer distributed her report. The Mayor thanked the Fiscal Officer and Police Chief for exploring the agreement with the Geauga County Automatic Data Processing (ADP) Board.

The Fiscal Officer advised that through the Association of Public Treasurers Conference she learned of a cyber security organization in the Federal Government that provides services to small governments. She will explore this further and added that she hoped the Village would choose to go with the Geauga County ADP given increased cybersecurity threats around the country.

Two members of Council expressed interest in going to the Ohio Municipal League (OML) Conference. Anyone else interested in going should contact her.

The Fiscal Officer verified Council reviewed the ballot language for the levy; there were no objections.

There is legislation for proposed changes to the Cemetery Rules and Regulations, one of which is to require a vault for cremation burials. The vaults range in price from \$200 to \$400, and she suggested having a couple on hand. By the next meeting, she and the Street Commissioner will have a standard

vault identified to present to Council to consider. Porter suggested having a double cremation on hand as well. Porter reviewed the changes to the Rules and Regulations and noted that the changes included allowing the Street Department to repair headstones as needed in both the Rarick Cemetery and the South Russell Village Cemetery. The Mayor suggested having Rob Arnold of the Evergreen Cemetery in Chagrin Falls attend the next property committee meeting.

The Fiscal Officer stated that representatives of the Cats Den Garden Club contacted her regarding purchasing a bench for the park. In 2022, Council passed a policy which includes a form to complete. However, although the policy was passed, Council did not agree on how many benches would be sold. Canton said this would be addressed at the Park Committee meeting on September 12th. Canton asked if this would be a bench at the playground, and the Fiscal Officer said the representatives did not say but asked if they could choose the location. The Street Commissioner proposed that this bench could replace an older bench. The bench has a plaque on it, so he would need to determine what would become of this plaque. The Fiscal Officer explained that the policy form asks the person donating the bench how they want to handle this situation; either by being contacted to buy another bench or if not, to place the plaque in the pavilion. Porter asked if there could be more than one plaque on a bench, and the Street Commissioner concurred. The Fiscal Officer questioned whether someone paying \$1,100 for a bench with their name on it would really want to share it. Porter asked whether in 40 years the Village will run into the situation where the donors cannot be contacted and then the regulations will have to be amended. The Fiscal Officer said this is all addressed on the new form, which is part of the policy adopted in 2022.

The Fiscal Officer was notified by the Geauga County Engineer's Office that East Washington Street is complete and she has the invoice for \$136,605.18. Once payment is received, they will then be allowed to issue the warrant to release the funds back to the Village. Because of that, it is necessary to make an advance to get the money into the fund to pay the invoice, but then the Village will be paid back.

Regarding budget worksheets, the Fiscal Officer asked the committees to review them and let her know if there are any big changes and have their summary of changes by September 25th.

The Mayor asked about the modifications that were made to the agreement with ADP. The Solicitor explained that it just had not been updated in a while. For example, the ability for the Village to terminate the agreement was not in the original contract. There were also indemnification references but no indemnification clause. The Fiscal Officer added that Porter had concerns about the Village's insurance coverage, and it was determined that there was adequate coverage in the event of an attack. Porter said it was up to \$250,000 depending on what it is and may have a \$10,000 deductible. His concern was that with the way the contract was written, the most the Village could get back from ADP was 12 months of payments, which would be about \$19,000. There was no indemnification. The Village might get this from ADP and get the insurance money but would not be able to sue ADP for the total amount. However, he thought the Village should go with something other than the malware it currently uses. He added that comparably, it is a fairly modest investment and is in favor of it.

FINANCE COMMITTEE: Galicki advised that later in the meeting he would be introducing an ordinance relative to the agreement with ADP Board.

He provided a reminder to committee members and Department Heads to begin to prepare their budgets for next year. The Budget work session will be October 2, 2023, at 5:30 p.m. in Village Hall.

Galicki made a motion to acknowledge receipt and review of the August 2023 Financials, seconded by Bell. Voice vote – ayes, all. Motion carried.

The Mayor added that Council would be fed for the Budget work session, and the Fiscal Officer said this would be at 5:00 p.m.

SOLICITOR: The Solicitor referred to the Mayor’s request for a member of Council to speak about the Police levy at the upcoming League of Women Voters event. She stated that the Ohio Auditor of State provided a statement pertaining to the prohibition of the use of public funds to support the passage of the levy. Therefore, the presentation to the League of Women Voters should be limited to information of the Police Levy with no suggestion that they support it. The Fiscal Officer clarified that they are not allowed to say, ‘please support.’ Cavanagh asked what could be provided, and the Solicitor said it can be information about what is on the levy, how much it will pull in if passed, how the levy funds will be used, and that it is a renewal levy. The Mayor said he would write a letter to the editor of the Chagrin Valley Times as well. The Solicitor indicated that the letter should not be one in support of the levy. The Mayor said it would be factual. The Solicitor referenced the Ohio Auditor of State’s publication, which also addressed the use of the title of Mayor and said she would provide this publication to the Mayor. She added that posting a statement on the website thanking the voters for their support after the levy is passed is also not allowed. The Mayor originally said he would go to the League of Women Voters event and was told that since he was on the ballot, he could not come and speak. But now that he is unopposed, he is allowed.

The Solicitor advised that the Board of Zoning Appeals is no longer dealing with the fence issue because the resident withdrew her request. Now it is before the Building Department as to whether there will be a permit issued.

Canton asked if a Council person can put up a sign thanking the voters for their support, and the Solicitor said yes if they are using their own campaign funds.

STREET COMMISSIONER: The Mayor advised that he and the Street Commissioner would be providing the Engineer’s report. He referred to a letter distributed to Council from August 17th from the Ohio Environmental Protection Agency (OEPA) written by the Chagrin River Watershed Partners (CRWP) addressing what the Engineer would be doing in response to the OEPA’s review of the Village’s 319 projects.

The Street Commissioner discussed an issue in the backyards of properties on Chillicothe Rd. that are north of the ditch the Village cleared last year. It involves properties from 5125 Chillicothe Rd. to the north 620 feet where there was a swale built 40 years ago which has filled with silt and needs to be cleaned out. The Engineer plans to have surveyors determine how much material needs to be removed, and the cost of the removal needs to be determined. The Fiscal Officer asked if this is on private property, and the Street Commissioner said yes and clarified it is between West Bel Meadow and Chillicothe Rd. and feeds into the swale that runs east and west. The backyards are flooded. Cavanagh asked if this was just on the Chillicothe Road side of the street or on Bel Meadow, and the Street Commissioner replied it was both. The Solicitor asked if the swale that had been cleaned last year was causing the issue. The Street Commissioner said no, but not cleaning it for 25 years caused the other swale to fill with silt where there is no drainage. The Solicitor asked if the Village had ever cleaned it out. The Street Commissioner said it was not as long as he has been with the Village. The Solicitor asked if there was an easement and Porter said no, but they had a point of contact and would obtain written permission from each of the homeowners. These residents would be granting the

Village access to come onto their property to clean out the swale. The Streets and Public Utilities Committees will be discussing it, and he suggested the Street Commissioner get some estimates of the cost from R&B Trenching or Mr. Excavator. The Village caused the issue by not cleaning out the drainage ditch, for which the Village has an easement. This is another aspect of stormwater management in the Village that impacts the Bel Meadows, houses on Chillicothe, and Manor Brook.

Galicki asked who originally installed the ditch the Village is considering clearing. The Solicitor did not know and asked if this would be a onetime clean out. The Street Commissioner responded that going forward, the Village will be maintaining the ditch that runs east and west of the canal. Porter added that it makes sense to also maintain what is behind the five homes. Although it is private property, it is stormwater and affects a number of neighborhoods. The Streets Committee is in favor of doing it this time, and the Public Utilities Committee may be in favor of it being done on an ongoing basis as part of stormwater mitigation in the Village. Cavanagh asked if Bel Meadow has an homeowners' association (HOA), and Porter said they did not, but clarified that it is water that comes from Bel Meadow and stays largely with the homes on Chillicothe Rd. It should go to the ditch for which the Village has an easement, and Bel Meadow is only tangentially involved. It would take a lot to affect Bel Meadow, but it could. She concluded that it would only involve permission from the residents on Chillicothe Rd. Porter said it would only be from the five homeowners because the Village would not be going on to Bel Meadow property.

The Solicitor asked how many feet the swale is from east to west. The Street Commissioner said it is just under 620 feet. Porter added that over time, the Village should explore the idea of an easement with the five homes to clean the swale every 10 to 20 years. The Street Commissioner said that the east-west ditch is inspected every five years and cleaned every 10. Porter thought Public Utilities Committee will consider the easement from the homeowners to do inspections and cleanout if needed to keep the water flowing from Bel Meadow down to Manor Brook.

Galicki asked if the north-south swale is on the Chillicothe Rd. residents' properties and Porter said it is completely on private property. Galicki asked for clarification, because the previous Street Commissioner spoke of a ditch on the back of the Bel Meadow properties that was dug by them to mitigate water accumulation. He wondered if this was the same swale. He concluded that if it is on the property of the Chillicothe Rd. residents, then perhaps not. Bell concurred that it is not on the Bel Meadow property.

Porter proposed getting a quote or two for the work. The Mayor stated that this matter would be on the agenda for the next Public Utilities Committee meeting. Porter said the meeting would take place on September 18th, and asked if this gave the Street Commissioner enough time. He first needs to get permission from all of the homeowners, but understood they were already in agreement.

The Street Commissioner reported that the curb work in Kensington Green will be completed this week and the topcoat of paving will be next week for the other two roads, Woodside and Maple Springs.

The Mayor reported that when he met with OEPA, CRWP, and the Engineer, he agreed that CRWP should take care of the report with the State.

The Street Commissioner submitted his monthly report for August. The flags on the utility poles will be removed this week. Maintenance will be performed on them so they will be ready to go back up for Veterans Day.

The Mayor asked if the Street Commissioner had met with the Cats Den Garden Club. The Street Commissioner clarified this was the daffodil people and said it was not set in stone what the program would be. The Mayor said they would not be coming until October.

STREET COMMITTEE: Bell explained that regarding the Bureau of Workers Compensation (BWC) grant ratified last month, the Fiscal Officer reported the monies were received. It is for a mud buggy and a concrete mixer. The initial price for the mud buggy was \$8,718.96 from Century Equipment in Twinsburg. The initial price of the concrete mixer was \$999.66 from Hartfield Hardware in Middlefield, OH. **Bell made a motion to approve the purchase of a mud buggy and a concrete mixer in the amount of \$29,913.78, seconded by Porter.** Cavanagh observed that the Village would get most of the money back, and the Fiscal Officer explained that \$22,000 had been received. The Village's estimated portion is close to \$7,500. **Voice vote – ayes, all. Motion carried.** The Street Commissioner explained that this is part of a \$40,000 grant for which the Village has three years to use. It is a 3 to 1 match, and the money is paid up front. Porter said that the Village would need to spend \$10,000 on something in the next three or four years, and the Street Commissioner said he would come up with something. The Mayor added that there are no strings attached for the grant. However, the Fiscal Officer advised that with the grant, it was necessary to do the report next year. If it is not filed in time, the Village must pay back the money. The Street Commissioner said that with the report, the BWC wants to see how the equipment is being used and how much. He explained the anticipated use of the equipment and Bell observed that it will minimize fatigue and the potential for injury.

Bell reported the committee met on September 1st and the minutes were distributed. During the meeting, the Street Commissioner suggested installing two of the old recently replaced traffic light poles near the park to use for draping the banners. The Village previously used the utility poles but are no longer permitted to do so. Canton said that the Safety Committee would look down upon this suggestion. Galicki explained that the proposal was extensively discussed with the Chief. The committee universally decided that for both resale value of the existing lights as well as the aesthetics of the poles being placed across the park, it was not necessarily supported. Porter offered that the Village could also purchase two poles rather than reusing the traffic light poles. The Chief advised that they are galvanized poles that would be sticking down in front of the park, which aesthetically may not look as nice as what is down there now. The Mayor observed that they would only be used two times a year. The Fiscal Officer questioned how much it would cost to install them. Galicki said that another part of the Safety Committee discussion on this matter was that the ground sign that is currently in place advertises as well as one that spans the road. Canton concurred.

Bell thanked Council for the input and said he appreciated the Street Commissioner thinking of ways to reuse existing materials.

The next Street Committee meeting will be October 6, 2023, at 7:30 a.m. in the Street Commissioner's office.

Bell made a motion to approve payment of the East Washington Street Paving project in the amount of \$136, 605.18, seconded by Porter. Voice vote – ayes, all. Motion carried.

The Mayor referenced the certificate of completion and asked if there were any issues with the demolition of the houses. The Street Commissioner said that due to difficulties with the gas company, the contractor capped off the gas, which was then inspected by the gas company. The well water will

be inspected by the contractor in the near future. The Mayor noted that the gas line and the well are sticking up, and the Street Commissioner said the gas line is there in case there is further investigation required. The Mayor was concerned that someone might inadvertently drive over one of these. Bell suggested putting caution tape up for the Farmers' Market. Galicki mentioned that he received several comments from residents about how the corner was much improved with the removal of the two structures. There was also curiosity about what may be put there.

Porter asked about running the electric line across Chillicothe Rd. over to the corner lot with the Veterans flagpole and maybe down to the cemetery. The Street Commissioner said he has a quote of \$2,700 to run a line from the Service Garage to the box installed in conjunction with the new traffic light project. The power could be run from the Service Garage to the corner lot eliminating the meter. Galicki asked if the quote was just for trenching or included the cable. The Street Commissioner explained it is directional boring of conduit. He did not have a price on the wire yet but thought the wire would be \$3,000 or more.

BUILDING COMMITTEE: Bell reported that the committee met on September 7, 2023, and the minutes were distributed. At the previous meeting, there was discussion about the Building and Zoning Inspector resigning his position to be a private contractor for the Village. The committee received a proposed contract, which was reviewed, but there are a few more questions for Mr. D'Agostino.

The committee reviewed a park rental and pavilion application and had a few suggested changes and asked about the next steps. The Solicitor suggested giving it to the Mayor and Porter suggested copying the Solicitor as well. Bell realized that Canton also wanted the Parks Committee to review it. He explained that the committee is proposing a change to the rental fee of \$25 for residents and \$100 for nonresidents. The Mayor noted that nonresidents had been renting the pavilion and sometimes they cleaned up and sometimes they did not. Other communities charge more.

Bell advised that the next committee meeting is October 5, 2023, at 8:00 a.m. in the Building Department.

The Mayor reported a problem with a resident who left a refrigerator in the road right-of-way for three weeks. He asked what could have been done in this situation. The Solicitor did not know it was in the right-of-way and said if this were the case it could be removed by the Village. She thought it was on the resident's property. The Chief explained that the garbage collectors would not take it because the freon had not been removed. The Solicitor offered that it would be considered an abandoned refrigerator and could be a criminal offense and also a property maintenance standard. It was cited by the Building Inspector. This would not be the same situation as overgrown grass that can be cut and charged to the resident. It is a nuisance that would have to be prosecuted by the Police prosecutor. The Mayor said it had been next to the mailbox in the beginning but then was moved back. Canton asked if it was still there, and the Mayor said no. Bell added that the resident was given a five-day notice. The Solicitor stated that refrigerators are supposed to be padlocked, and the Chief advised the resident shrunk wrapped it. She reiterated that her recommendation would have been to remove it immediately had she known it was in the road right-of-way.

POLICE CHIEF: The Chief submitted his month-end report. Porter noted that crime was down significantly. The Chief said it was a drop, but not that significant. Porter also observed a reduction in the vacation watches.

Bell asked for the status of the School Safety Officer (SSO). The Chief said the next step was to meet with HR to create a job description. The financials were figured out. It will then be sent to the Chagrin Falls Board of Education for approval. Once they agree, the Village will fill that position. The SSO will be for Gurney Elementary School and the Intermediate School. The Chief explained that since Gurney is in South Russell, the board's preference was to have a commissioned South Russell Police Officer in that school. The Solicitor verified this would be in addition to the School Resource Officer (SRO). The Chief explained that the SRO primarily serves in the high school and the middle school. Bell asked when the school first reached out to South Russell, and the Chief said the discussions began at the end of the last school year and then they engaged South Russell Police just before school started to assist with the financials and job description. The officer would be in the school 70% of the time and it would be a full-time position. The remainder of the time the officer would work in the Village. The Village would be reimbursed for about 70% of the cost of the officer. Cavanagh thought this was great for the kids. The Chief said the police are already at the school daily, and this was just providing data for the school to consider the position. A three-year contract is being considered by the school district, which would ensure that the Village would not be stuck with another full-time officer in the event they decided not to continue the program. The Chief explained the hours the officer would work throughout the school year and then in the summer when school was not in session. The Fiscal Officer added that if the officer is full-time, it would be necessary for the officer to work 2,080 hours per year between the school and Village.

The Chief advised that the traffic light is fully installed, and the Village is waiting for First Energy to make the connection, which could be anywhere from a few days to a few weeks. Once it is activated, the removal process will begin of the old traffic light. He will seek approval of Council for the sale of these on GovDeals at the next meeting.

SAFETY COMMITTEE: Canton advised the next meeting will be on October 5, 2023, at 9:00 a.m. at the Police Department.

The Mayor asked if it would be better to combine the legislation to revise the pavilion use and the use of the park with regard to camping. The Solicitor did not think these needed to be together. The Mayor said the camping will be discussed at the Park Committee meeting the following day. Canton verified that there was currently no camping permitted in the park, and the Mayor concurred. Porter thought scouts had previously been allowed to camp overnight, and the Fiscal Officer explained this event had been passed by motion by Council. The Mayor said that the legislation specified that no camping was permitted on Village owned property. There was discussion of possible issues arising with people camping and possibly people living in the park.

HR COMMITTEE: Cavanagh stated the next HR Committee meeting will be September 27th at 1:00 p.m. Discussions continue relative to the revisions of the Employee Handbook.

Cavanagh addressed the need to approve overtime for a Service Department employee who was required to empty trash in the park between events. Three hours of overtime was incurred. **Cavanagh made a motion that Jeff Pausch be paid overtime in the amount of three hours for cleaning out park trash as necessary on Labor Day weekend, seconded by Porter. Voice vote – ayes, all. Motion carried.** The Mayor asked why the motion was necessary and the Fiscal Officer explained it involved a proposed change to overtime in the handbook which has not been approved.

Cavanagh said she has enjoyed working with Jim Budzik of Mansour Gavin. She felt he listened to the committee's input and then went forward with it, which she liked very much.

PROPERTIES COMMITTEE: Cavanagh submitted minutes for the Properties Committee meeting. At the meeting, there was discussion about the cemeteries which included that there was no longer a Cemetery Board, that the Rules and Regulations would allow Council to decide what it wanted. This change would help the Street Commissioner to continue to keep both cemeteries looking good and be places where families want to come. Secondly, she acknowledged the Fiscal Officer's suggestion to have vaults for cremation burials.

Cavanagh complimented the Street Commissioner for the demolition of the buildings. She also addressed the cross country meet, which went well, but the parking in the Illuminating Company area was problematic. This has been addressed with Todd Thombs.

The Mayor stated that regarding the park restroom, a decision about the NatureWorks grant will be announced in October.

Cavanagh stated that the Fall Festival will occur on Sunday, September 17th. She noted that Chainsaw Shari will perform, and the Fiscal Officer verified she had spoken with the performer.

Regarding the flagpole donation, Cavanagh met with the Masons and identified where in the south end of the park they wanted the flagpole. They are amenable to the Street Commissioner's quotes for the pole, the flag, and lighting which will meet Federal standards. The flag is to honor David Toole, who was a long-time resident of Chagrin Falls. They want a plaque that is on a two-foot stand that reads, "In honor of David Roe Toole," and they also want a plaque on the back of the bench that they will provide. Cavanagh reviewed the costs, and the Street Commissioner noted it would be \$2,500 for the pole and the Ohio and U.S. flags. The Fiscal Officer asked if a list could be provided of everything the Village will be purchasing. She further inquired as to whether the Masons could provide the money to the Village before the purchases were made and wondered whether the expectation was that they would reimburse the Village. Cavanagh said they would be reimbursing the Village. The Fiscal Officer indicated if they were purchasing a bench from the Village, there is a form to complete. She proposed creating a detailed list of the expenses, getting the money, and then making the purchase. Cavanagh agreed. Porter asked for the specifics of the flagpole, and the Street Commissioner explained that it is 25 feet long and as a result the freight is \$500 of the \$2,000. Cavanagh explained that the Masons did not want a telescoping flagpole. The Fiscal Officer explained that she is asking this because the bench is \$1,100, the flagpole is \$2,500, the stake is \$419, which makes it over \$4,000. Having the list is a way the Village can ensure the Masons are getting exactly what they want and understand the dollar amount before the Village purchases it. Cavanagh agreed.

PARK COMMITTEE: Canton made a motion that Council vote and approve a donation to the park in memory of Greg Pike in the sum of \$50, seconded by Cavanagh. Voice vote – ayes, all. The Mayor verified the money goes to the park and the Fiscal Officer explained that the donations thus far have gone towards the bench for Greg Pike.

The Mayor reported that he called Game Craze about the cancellation fee and there was no budging. The Fiscal Officer said that although there is money in the budget to pay Game Craze, she asked for a motion from Council to approve it being paid since it was from last year. **Cavanagh made a motion that the Village pay Game Craze \$994 and some change that is owed them, seconded by Canton. Voice vote – ayes, all. Motion carried.** Cancellation policies were discussed.

The Fiscal Officer will be sending insurance information and the application for the permit for parking to the school for the Fall Festival. Canton verified that Chagrin Valley Fire Department would be at the Fall Festival.

The Mayor thought the Village should do an event for the eclipse in April 2024.

PUBLIC UTILITIES COMMITTEE: Porter reported that the next meeting will be on September 18, 2023, at 9:00 a.m. in Village Hall. On September 19, 2023, there will be a stormwater meeting at 7:00 p.m.

The committee has three potential solar power providers to consider for solar panels on Village buildings to someday have the Village independent of the grid. Galicki asked the Mayor to share the information he had provided to the Safety Committee about the cost of solar power on the Police Department. The Mayor said the Village received one bid for \$47,000. With 30% off, it would be in the low \$30,000. It would be 15 years before the Village would break even. Cavanagh noted that there was interest in the topic and Porter explained the committee is in the information gathering stage. They are not in a position to go out to bid because it is wildly expensive, and the payback is forever. Galicki added that there is a life expectancy for the panels as well and replacement may be required at the point of reaching the breakeven point. Porter explained he considered the cost, payback, how many buildings would be involved, and maintenance like brushing snow off of them. The committee is not about to commit the Village to anything, and only has one proposal so far.

Regarding stormwater, the committee is trying to be proactive rather than reactive. At the next meeting, the Solicitor may be able to provide an update about potential easements on properties in the Village for retention ponds and then lesser problems of water.

The Mayor addressed the stress the committee meeting schedule is placing on assembling the council packet.

ORDINANCES AND RESOLUTIONS:

Bell provided a third reading of an ordinance amending section 1440.04(h)(1) of the Codified Ordinances of the Village of South Russell and declaring an emergency. Bell made a motion to adopt, seconded by Porter. Roll call -ayes, all. Motion carried. **ORD 2023-48**

Galicki introduced an ordinance approving the Joint Agreement for Data Processing Services between the Geauga County Automatic Data Processing Board and the Village of South Russell for automatic data processing and information technology services, authorizing the Mayor to execute the Joint Agreement on behalf of the Village, and declaring an emergency. Galicki made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2023-49**

Galicki introduced a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. Galicki made a motion to waive readings, seconded by Cavanagh. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Cavanagh. Roll call – ayes, all. Motion carried. **RES 2023-50**

Cavanagh introduced an ordinance amending and restating the Rules and Regulations of the Cemeteries of the Village of South Russell and declaring an emergency. Cavanagh made a motion to

waive readings, seconded Porter. Roll call – ayes, all. Motion carried. Cavanagh made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2023-51**

Porter provided a second reading of an ordinance amending Section 220.01 of the Codified Ordinances of the Village of South Russell and declaring an emergency regarding three allowable posting methods.

Galicki introduced an ordinance amending the 2023 Annual Appropriations increasing General Fund expenses \$50,000 and declaring an emergency. Galicki made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2023-52**

Cavanaugh introduced an ordinance amending Section 642.05 of the Codified Ordinances of the Village of South Russell regarding the unauthorized use of property by including the correct cross-reference to the affirmative defenses thereto and declaring an emergency. Cavanaugh made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Cavanaugh made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2023-53**

Porter introduced an ordinance enacting new section 660.22 of the Codified Ordinances of the Village of South Russell by prohibiting camping on all property owned by the Village of South Russell and declaring an emergency. Porter made a motion to waive readings, seconded by Cavanagh. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Cavanagh. Roll call – ayes, all. Motion carried. **ORD 2023-54.**

Porter introduced an ordinance approving the contract agreement between the Village of South Russell and Chagrin River Watershed Partners for technical assistance of the Village Hall and Park Wetland Remediation at a cost not to exceed \$35,887, authorizing the Mayor to execute the contract agreement on behalf of the Village, and declaring an emergency. Porter made a motion to waive readings, seconded by Cavanagh. Galicki asked for clarification about the cost. In a previous Council meeting, there was discussion about the errors made relative to the creation of the Central Retention Basin and the impact on the wetlands next to Village Hall. He thought the Mayor stated that it was possible to swap the area for a wet area in the park as an answer to the OEPA. Now it appears it will cost the Village \$36,000 to figure out that this is the solution. What type of work will CRWP be doing for \$36,000? The Solicitor said that CRWP will look at how to do the project, select design build firms, prepare the proposals, and then monitor the remediation. It is technical assistance. Galicki thought the contract alluded to there being additional costs for some of those services. The Fiscal Officer stated that her concern is that the \$35,887 is for the technical part, but not for the actual work. None of this has been budgeted. When it was first thought that the problem could be fixed, it was believed there was American Rescue Plan Act (ARPA) money left to do it. However, because it is being done in the park, the ARPA money cannot be used. Furthermore, the Engineer indicated there was more work to be done at the Central Retention Basin which will take up the rest of the ARPA money. If the technical work is \$35,887, Council needs to keep in mind that it does not include actually doing the work and none of it is budgeted. Galicki noted that part of the agreement specifies that if costs exceed \$35,887, the Village will allocate any additional funds necessary to complete the project and enter into a written amendment to the contract agreement and that CRWP bears no cost in the project without reimbursement from the Village. Porter explained that the meat of the contract states that CRWP will facilitate communication with OEPA, and provide onsite wetland restoration construction oversight, perform obligations of the contract on a timely basis to the satisfaction of OEPA. Porter added that the whole purpose is so the Village does not have to pay back the grant money given to the Village by

OEPA. It is a cost-saving measure. Galicki advised that the same section referenced by Porter alludes to the fact that there will be costs involved for making the wetlands. Porter said this was true because it cost the Village money to do the Central Retention Basin, the Manor Brook 319 project, and the nature preserve in the park. Cavanagh verified that this was necessary because part of the Village Hall 319 grant area was destroyed during construction of the Central Retention Basin. Porter agreed and said that if OEPA is not satisfied, they can ask for the grant money. The Central Retention Basin must stay as it is in order to work as designed, so in order to satisfy OEPA, the compromise is having CRWP oversee the creation of a wetland in the park. \$35,000 is less than paying back \$186,000.

The Fiscal Officer said if Council wishes to pass this legislation, it will be necessary to amend the appropriations because they cannot enter into the agreement without having it in the budget.

Porter amended the motion to be a first reading.

Galicki introduced an ordinance advancing \$121,000 from the Income Tax Fund to the Permissive Fund, and declaring an emergency. Galicki made a motion to waive readings, seconded by Cavanagh. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Cavanagh. Roll call – ayes, all. Motion carried. **ORD 2023-55**

BILLS LIST: Galicki made a motion to ratify the bills list of August 30, 2023, in the amount of \$43,902.31, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.


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

Cavanagh reported that 38 people had responded to the 50 invited to the South Russell Village Centennial luncheon. They were mostly grandchildren of the old timers and she hoped they would tell some good stories.

EXECUTIVE SESSION: At 8:38 p.m. Canton made a motion to go into Executive Session to confer with the Solicitor concerning the dispute involving the Village that is the subject of pending or imminent litigation pursuant to Section 121.22 (G)(3) of the Ohio Revised Code and to invite the Mayor, Council, Solicitor, Fiscal Officer, and the Police Chief, seconded by Porter. Roll call – ayes, all. Motion carried.

Council reconvened at 9:18 p.m.

ADJOURNMENT: Being that there was no further business before Council, Cavanagh made a motion to adjourn at 9:18 p.m. seconded by Canton. Voice vote – ayes, all. Motion carried.


William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki