

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, JANUARY 22, 2024 – 7:00 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

MEMBERS ABSENT: Bell

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

The Mayor called the Regular Council meeting to order and led the Pledge of Allegiance. The Fiscal Officer read the roll. Bell was absent. **Cavanagh made a motion to approve the Regular Council meeting minutes of January 8, 2024, seconded by Canton. Voice vote – ayes, Canton, Cavanagh, Galicki, and Porter. Berger abstained. Motion carried. Canton made a motion to approve the minutes of the January 9, 2024, Special Council meeting, seconded by Porter. Voice vote – ayes, Canton, Cavanagh, Galicki, and Porter. Berger abstained. Motion carried.**

MAYOR'S REPORT: The Mayor advised that the sidewalks, paths, and crosswalks survey was placed on social media by a resident and 250 responses were received. The Village will look at the results. He asked Council to review the newsletter of the Village of Plain City and tasked the HR Committee with exploring the effectiveness of the South Russell newsletter. The Mayor distributed and reviewed his report which addressed a variety of matters. Included were meetings he would be attending, information about organizations that represent regionalism, Manor Brook landscaping issues to be discussed at the Whitetail Master Association meeting, and a luncheon he has proposed to discuss the revised Employee Handbook to Village staff. The Mayor discussed his 2024 calendar, committee assignments and meeting schedules, and his goals for the committees.

In discussing committee assignments, Galicki noted that the proposal showed he was still assigned to the HR Committee, which the Solicitor had recommended against. The Mayor said he would take a look and come back to it. Porter asked what would be done in the meantime. The Mayor continued with the committee meeting scheduling, but it was determined this was premature given that the assignments had just been provided with the Mayor's report. With the adjustments that needed to be made, the Mayor said he would slide it off. **Porter made a motion to continue the committee assignments until such time as the Mayor proposes committee assignments for 2024, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**

The Mayor said the Village received a compliment from a resident about the history of the Village. He congratulated Cavanagh.

FISCAL OFFICER: The Fiscal Officer finished the year-end balances to file with the county. The appropriations cannot be amended until the County Budget Commission approves the year-end balances. They will be meeting February 5th. She explained the finance legislation appearing on the agenda. The legislation consisted of an advance to move the advance money back from the Culvert Fund to the Income Tax Fund and a transfer. The first set of appropriation amendments are items that are an emergency right now. At the next meeting, the Appropriation Amendments that Council desired from the Budget Work Session will be addressed.

Porter asked if balances were relatively healthy at the end of 2023, and the Fiscal Officer said they were \$2.8 million. The Village was down \$230,00 from the beginning of the year, but the year-end balances were strong.

The National Opioid Board was discussed but the Fiscal Officer had not received an update about any plans the board representing Geauga County has made. The Mayor said he would call County Commissioner Jim Dvorak for information.

FINANCE COMMITTEE: Berger asked for clarification about the motion required for the Gallagher Business Associate agreement, and the Solicitor explained that it pertained to protection of health information. She added that on review, it was necessary to address indemnification language in the original agreement, which had been removed. **Berger made a motion to approve the Gallagher Business Associate Agreement for health insurance, seconded by Galicki.** Discussion ensued about the problem with agreements that include an indemnification clause. The Solicitor stated that the legislative authority cannot indemnify without actually setting aside the appropriate money. The Ohio Attorney General has directed not to indemnify. However, it is permissible to hold someone harmless. She added that Gallagher is going to indemnify and hold the Village harmless. **Voice vote – ayes, all. Motion carried.**

On Wednesday, January 19th, the committee along with the Chief, Mayor, and Fiscal Officer had a meeting with Automatic Data Processing (ADP) personnel to include Geauga County Auditor Chuck Walder and Frank Antenucci. Issues were clarified in the meeting resulting in attaining a comfort level with a commitment to have ADP as the Village's technology/cyber security provider. This would apply to Administration, Finance, Building, and Streets Department. The Police Department would remain under a separate group. He reminded Council that going forward with ADP will mean buying new equipment recommended by ADP. Berger asked about an updated quote, and the Chief said he had not received one, but was looking for a 'not to exceed' amount. The previous quote was under \$40,000, which would include everything and represented the first-year costs. Porter asked how much more it would be, and the Chief suggested not to exceed \$45,000. The Fiscal Officer did not think it would be that much because the ADP costs were set, and it would really just be the equipment. The quotes provided by ADP are only good for 30 days, so it will be necessary to re-quote the equipment. \$40,000 was budgeted for the first year, and the second and third years would be about \$14,000 in recurring costs for ADP services. Berger advised that in the original quote, equipment was \$16,472.15. This would be the only part of the charge he would anticipate changing. He thought a \$45,000 not to exceed number would be more than adequate to cover the costs of the startup. Galicki shared that at the meeting, the Village was told by ADP the hardware costs were not anticipated to increase appreciably. **Berger made a motion to reapprove our relationship with ADP and have them as our cybersecurity and authorizing the Mayor, Fiscal Officer, and the Chief to enter into any agreements necessary for the purchase of hardware as provided by ADP and their first-year services not to exceed \$45,000, seconded by Galicki.** The Mayor asked the Fiscal Officer and Chief if they were comfortable, and both concurred. **Voice vote – ayes, all. Motion carried.** Berger expressed appreciation to Walder and Antenucci for their efforts in answering questions and rebuilding the frayed relationship.

On Friday, January 19th, a joint meeting of Finance and Streets Committees was held to discuss the salt dome. Berger reported that the Engineer and Street Commissioner were also present, and requirements and needs were discussed relative to snow and salt. The Engineer was asked to obtain additional information and better numbers to determine whether the salt dome will be a fixed or tented structure and the recommended size. The numbers are to be provided by the next Council meeting for

discussion. Once approved, the project can be put out for bid. The hope is that the salt dome will be built before the end of 2024.

The next Finance Committee meeting is scheduled for February 16, 2024, at 9:00 a.m.

Cavanagh said that the HR Committee discussed the use of private cell phones by employees to access Village email and the possible need for employees to obtain antivirus software for their phones. She noted that in the Fiscal Officer's report, it indicated that anti-virus software would not be needed to access Microsoft documents. The Chief explained that as long as the employees have multifactor authentication on their phones, it would be possible to access the Microsoft accounts. This would be secure through ADP. Berger suggested that for private email, antivirus software was advisable.

SOLICITOR: The Solicitor reported she is still tracking the legislation, House Bill 101, that increases the threshold for competitive bidding for Villages. It passed both the House and Senate, and is awaiting the Governor's signature. She assumed it would be signed any day.

The Solicitor reiterated that at a Council or committee meeting, individuals participating in the meeting need to be physically present and cannot be on Zoom or the phone. Cavanagh asked if this was State law, and the Solicitor said it was.

STREET COMMITTEE: Porter stated that the Street Committee met with the Finance Committee and discussed the salt dome. The next Street Committee meeting will be February 2, 2024, in the Street Commissioner's office at 7:30 a.m.

BUILDING COMMITTEE: Canton said the minutes of the January 11th committee meeting were distributed. The next meeting will be at 8:00 a.m. on February 14th in the Building Department office.

POLICE CHIEF: The Chief was seeking approval to move forward with the dehumidifier system for the Police Department garage. This was discussed with the Properties Committee. Quotes were obtained, the lowest of which was \$5,700. Additionally, through the annual inspection by Auburn Heating and Plumbing, plumbing repairs, installation of a new bathroom fan, and installation of a dedicated circuit for the truck were identified as issues. The total quote was \$3,559. If the Service Department were to do the electrical circuit, the quote would be reduced by \$1,448.

Canton said he understood there were monies budgeted for one of the two crosswalks. The Fiscal Officer would have to check this. Canton reported that the committee enthusiastically would like to see both crosswalks and thought it would be a total of \$32,000 to \$35,000. The Chief explained that engineering costs were not included. It was \$16,000 per crosswalk, which would be \$32,000 for parts and installation. The engineering costs, according to the Engineer, should not exceed \$50,000 total. Canton said that the Safety Committee would like to see both crosswalks built. Cavanagh asked if they would be like the ones in Chagrin Falls, and wondered how they would be managed. The Chief advised that it is the law to yield to pedestrians in a crosswalk. With the proposed crosswalk equipment, a pedestrian will push a button and an emergency amber light will flash to alert motorists. Canton reiterated that it would be necessary to educate the public, especially the children, that just because they push the button does not mean the cars will stop. Cavanagh said this was her worry and there needed to be an educational piece. Porter spoke of crosswalk technology that activates lights without the pushing of a button. The Chief concluded that any effort the Village makes will hopefully be an improvement over nothing at all. Cavanagh suggested that the Chief implement an educational component with the school. Porter was concerned that the crosswalk could give a false impression of safety and felt it would be worthwhile to also consider options to capture motorists' attention. The

Chief added that signage might also be helpful for the pedestrian to cross with due care. The Mayor noted that there would be electricity, and wondered if there should be cameras. The Chief advised that there would not be electricity because the lights would be solar powered.

Berger stated that although he wholeheartedly endorsed the idea of the crosswalks, from a finance perspective, Council cannot amend the budget until the balances are certified by the county. He further advised that he was confident the Village did not have \$50,000 in the budget for these items at the moment. While Council might want to approve it, it cannot technically do it. Council should wait and do it as part of amending the budget with all the other items in February. Galicki concurred. The Mayor suggested asking the Engineer to develop ideas.

HR COMMITTEE: Cavanagh stated that the HR Committee met on January 16th. Private cell phones were discussed. The committee will also address updating job descriptions. The purpose of the luncheon is to discuss the changes that were made to the Employee Handbook and employees can ask questions. **Cavanagh made a motion to approve the food for the January 30, 2024, Employee Handbook Review Luncheon for all employees except the Police Department and food for the Police Department quarterly meeting which they do regularly at which Employee Handbook questions will be discussed, seconded by Berger.** Galicki wanted to be sure this fell into the Village's guidelines. The Solicitor stated that a public purpose was required to have food at any of these meetings, according to the Village's legislation. If Council can identify a public purpose, then she felt they could move forward with it. Cavanagh said the purpose was to get everybody who works together at once to discuss this. Galicki said it was not necessary to have food. Porter said the public purpose was that there were updates to the Employee Handbook, and it was more efficient to do it all at one time with food provided because it is at lunch. The Solicitor reiterated that the public purpose should be included in the motion. **Berger amended the motion that for the public purpose of discussing changes, additions, etc. to the Employee Handbook, we propose to have a luncheon meeting at which point those handbook changes will be discussed, Porter seconded. Voice vote – ayes, all. Motion carried.**

The Fiscal Officer asked if the HR Committee will be attending the luncheon to answer questions, and Cavanagh stated yes. At the HR Committee meeting, Berger said it was discussed that the committee would take questions, but not necessarily have answers depending on whether or not they felt comfortable in answering them, or that they would get answers and respond quickly. He did not think they were setting up the committee as being the experts on the handbook. If they can answer questions, they will. Otherwise, Jim Budzik will be contacted regarding legal questions, and then the committee will get back to the employees. He did not think it was necessary to have Budzik there. The Solicitor advised that this would be a Special HR Committee meeting for the purpose of presenting the Employee Handbook.

Berger asked the Chief to inform the committee of the date of the quarterly Police Department meeting so that at least one member of the HR Committee can be present to answer questions. The Chief said he took a poll of the whole Police Department, and no one has any questions.

Cavanagh made a motion to approve the 2024 Veterans Day event with food to be provided, seconded by Berger. Voice vote – ayes, Berger, Canton, Cavanagh, Porter. Galicki abstained because as a member of Council and a veteran, he did not want to approve a free meal for himself. The Solicitor questioned whether this event was already approved, and it was clarified that it had been switched to a breakfast for this year.

Berger advised that the HR Committee discussed hiring a grant writer and suggested this task be moved to the Finance Committee since the grant writer's primary job is to find funding for projects and it is more of a Finance issue than an HR issue. Galicki said he supported this, and Porter concurred. The Mayor said that there will be a Special Finance Committee meeting January 30, 2024, at 1:00 p.m. to meet with Steve Balaban. Cavanagh said she would also be attending. Berger reiterated that Finance should address the matter since it pertains to funding, and the Fiscal Officer added that the grant writer would not be an employee. Berger concurred that it was not an employee issue.

There was discussion about the implication of having multiple Council members at committee meetings, and the Fiscal Officer explained that although four members would be a Council meeting, Council members may attend a committee meeting where their job is not to talk but to listen as a member of the public.

PROPERTIES COMMITTEE: Cavanagh reported that the Properties Committee met January 10th. In light of the increased cost of the proposed park restroom, there was a discussion by the Street Commissioner and Building Inspector about the Service Department doing a lot of the building as well as digging a well and attaching the building to the sewer line. This would be building a real bathroom for less money than the \$111,000 for the proposed restroom. They are still investigating this. She thought it sounded great. Berger said there was a member of the Architectural Review Board who was willing to do the architectural work. Cavanagh added that it was not gratis, but close to gratis. Berger said that cost needed to be determined, but noted it was less than the going rate to do the design work so overall, there may be a cheaper option. Galicki said that if it was attached to the sewer system, it would probably be a three-season restroom instead of a four-season restroom like the pit-type restroom.

Cavanagh advised that the Street Commissioner is working on a stairway railing for Rarick Cemetery.

She further stated that the Mayor is pushing the U.S.A. quincentennial, hoping that she will handle it.

Cavanagh also addressed the work of Chagrin River Watershed Partners (CRWP) with the Central Retention Basin and an area in the park.

The Mayor told Cavanagh that the Village has about \$16,000 from Northeast Ohio Public Energy Council (NOPEC), \$6,000 of which must be spent this year. It can be used for a variety of Village purposes. The Fiscal Officer distributed this information to Council.

PARKS COMMITTEE: Canton had nothing to report.

PUBLIC UTILITIES COMMITTEE: Porter reported that the committee met on Friday, January 19th with Daniel Wise and discussed the possibility of the solar project. Daniel provided the committee with a conceptual document. He has been asked to provide more information to the committee.

Regarding the Village water supply, the Street Commissioner will be testing the well at the newly acquired corner property. It might be a potential water source to replace the current Village campus well. Porter gave kudos to the Fiscal Officer and Administrative Assistant for providing historical Council minutes which led to the conclusion 40 years ago that the Village water was high in sodium. It was 300 parts per million and the Environmental Protection Agency limit at the time was 250 parts

per million. Galicki reminded the committee that the Geauga County Health Department would provide this service to the Village, but Porter indicated Ayers Well Drilling would do it for free.

The next meeting will be February 2, 2024, at 9:00 a.m. in Village Hall.

Berger raised the issue of the Hyfi Sensor water monitoring services, for which a \$1,700 annual fee was due. Berger said a motion was required to approve the ongoing monitoring services and clarified that the Hyfi Sensor was located on the culvert running under Bell Rd. from Fox Run to Sugar Bush. Galicki asked what data was provided with the service, and Berger explained it pertained to levels of water. Galicki asked who was provided with the information, and Berger responded that the committee had discussed having a CRWP representative explain the data and its relevance to the Village. This would occur at a Public Utilities Committee meeting. Galicki was aware that there were other such devices on bridges over waterways that could swell, and wondered what the takeaway was from this device for the Village. Berger hoped it would serve to prove that everything the Village had done upstream was actually slowing the flow down and ultimately helping Sugar Bush and properties to the west. The committee acknowledged the need to understand the data, but felt it was still good to have the sensor. **Berger made a motion to approve ongoing Hyfi Sensor monitoring, seconded by Porter. Voice vote – ayes, all. Motion carried.**

The Mayor said that on February 23, 2024, at 9:00 a.m. the annual MS4 meeting will be held. It will be run by CRWP. At that time, he would inquire about the Hyfi Sensor. The sensor is also through the regional sewer district.

The Mayor advised that the Street Department staff will view the Stormwater Pollution Prevention Training video on January 30th. Additionally, a walk-through will be scheduled where someone from CRWP will conduct the MCM6 Good Housekeeping walk-through.

ORDINANCES AND RESOLUTIONS:

Canton introduced an ordinance adopting a moratorium on the reviewing, issuing, and processing of any permits relating to retail dispensaries, cultivators, or processors of adult use cannabis within the Village of South Russell for a period of 12 months, and declaring an emergency. Canton made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2024-05**

Canton introduced an ordinance approving the service agreement with Gallagher Architects, Inc. for building plans examination services, authorizing the Mayor to execute the agreement on behalf of the Village of South Russell, and declaring an emergency. Canton made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2024-06**

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 Berger. Roll call – ayes, all. Motion carried. Cavanagh made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **RES 2024-07**

Berger introduced an ordinance transferring \$156.02 from the Income Tax Fund to the Culvert Fund and declaring an emergency. Berger made a motion to waive readings, seconded by Galicki. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Galicki. Roll call – ayes, all. Motion carried. **ORD 2024-08**

Berger introduced an ordinance returning the advance of \$156.02 from the Culvert Fund to the Income Tax Fund. Berger made a motion to waive readings, seconded by Galicki. Roll call – ayes, all. Motion carried. Berger made a motion to adopt, seconded by Galicki. Roll call – ayes, all. Motion carried. **ORD 2024-09**

Berger introduced an ordinance amending the Annual appropriations as follows: General Fund increase expenses \$25,000, Building Fund decrease Salaries & Benefits \$7,462 and increase Other \$7,462, ARPA Fund increase expenses \$22,542.09, Income Tax Fund increase transfers \$156.02, and Manor Brook Fund increase expenses \$58,728.44 and declaring an emergency.

BILLS LIST: Galicki made a motion to ratify the bills lists of December 30, 2023, in the amount of \$12,773.03, seconded by Porter. Due to a lack of a quorum, Galicki withdrew the motion.

Galicki made a motion to ratify the bills list of January 15, 2024, in the amount of \$58,901.98, seconded by Berger. Voice vote – ayes, all. Motion carried.

Porter made a motion to change the May 27, 2024, Council meeting from 7:00 p.m. on that date to May 28, 2024, at 7:00 p.m. in Village Hall, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.

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

ADJOURNMENT: Being that there was no further business before Council Porter made a motion to adjourn at 8:11 p.m. seconded by Cavanagh. Voice vote – ayes, all. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Gattelli