

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, MARCH 25, 2024 – 7:00 P.M.
PRO TEM MARK PORTER PRESIDING**

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

MEMBERS ABSENT: Koons, Canton

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

VISITORS: Don Rice, GCBDD; Martha Sorohan, CVT

Pro Tem Porter called the Regular Council meeting to order and led the Pledge of Allegiance. The Fiscal Officer read the roll. The Mayor and Canton were absent. **Bell made a motion to approve the Regular Council meeting minutes of March 11, 2024, seconded by Berger.** Cavanagh stated that at about 1 hour and ten minutes on the YouTube tape, Galicki made sure that he asked if Cavanagh was making a “wild ass guess” for the bathrooms. She requested that this be included in the minutes word for word. **Bell made a motion to approve the minutes as amended, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**

VISITORS: Don Rice, Geauga County Board of Developmental Disabilities (GCBDD), distributed a flyer which described the services provided by GCBDD. He indicated there would be mailings going out which show a comparison of the numbers of individuals served and the statistics of levy dollars used for this purpose over the past 20 years. Due to the use of available Medicaid funds by the Board, there has only been a small increase in levy dollars used over the past 20 years despite the doubling of the population served. The information will also be provided on the GCBDD website. Rice reviewed community and residential support provided by the Board for about 273 adults, 200 of whom require 24/7 care because they have no family left to care for them. Rice advised that in 2026, GCBDD will need to pass a new levy with an additional 1 mil because a replacement levy would not gather enough with increasing expenses. This will be 11 years since the last levy.

Rice concluded his presentation by sharing that in 2003, there were 30 GCBDD clients working in the community. Today there are 189 due to a change in the approach in employment training.

MAYOR’S REPORT: Porter said it would be necessary to set a Public Hearing date for the proposed zoning code amendments. He suggested having it April 22nd prior to the regular Council meeting. The Solicitor explained that the changes were just about text improvements versus rezoning property. It is cleaning up finality, etc. She explained that the Planning Commission (PC) initiated the amendments which then go to Council for approval. This must be done through a Public Hearing and then Council approves, disapproves, or modifies the amendments. She reiterated that the changes were minimal but important and the changes were more housekeeping in nature. **Porter made a motion that there be a Public Hearing on the zoning amendments on April 22, 2024, commencing at 6:30 p.m. prior to the Council meeting that day, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**

FISCAL OFFICER: The Fiscal Officer distributed her report. She reported that the Building Department Administrative Assistant was out last week, and the Administrative Assistant covered the office. Everything went smoothly.

An additional piece of legislation was distributed by the Fiscal Officer to Council to hire architect Ann Dunning. This is not on the agenda as the Fiscal Officer received it at 3:30 p.m. that day.

Porter asked for clarification about a reference in the Fiscal Officer's report concerning the Village's payroll service. The Fiscal Officer explained that there had been a discussion in the Finance Committee about the cost and value of the current payroll service provider, Paychex. She felt the services provided were well worth the cost.

FINANCE COMMITTEE: Berger made a motion to acknowledge receipt and review of the March 25, 2024, Credit Card Report, seconded by Galicki. Voice vote – ayes, all. Motion carried.

Beger made a motion to approve a \$500 donation to the Chagrin Falls After Prom, seconded by Galicki. Voice vote – ayes, all. Motion carried.

The next Finance Committee meeting will be April 11th at 1:00 p.m.

SOLICITOR: The Solicitor stated that the Supreme Court of the United States agrees with the Village's social media policy. All public officials are asked to include a disclaimer on their personal social media accounts to ensure that the posts are personal. Bell clarified this pertained to an official representing him or herself on social media as a member of Council. If they are not representing themselves on social media as a member of Council, this is irrelevant. The Solicitor concurred but said if there are pictures posted of the official doing things on behalf of the Village, there is ambiguity and to keep the disclaimer is the best practice.

The Solicitor addressed questions of when to have ordinances for agreements and proposals and when to make a motion. She explained that any time the Village gets an agreement or proposal that has terms and conditions, which are often contained at the bottom of the invoice or on the next page, it generally should be approved by ordinance. It has nothing to do with the dollar amount, although certain dollar amounts require competitive bidding and have contracts. This has to do with the terms and conditions and making sure Council is approving those. This is in contrast to just getting a quote by email where it would be necessary to look at the amount of money that is being proposed and whether Council can just approve by motion. Her opinion was to always do agreements by ordinance as well as proposals. However, if a quote is received and there are no terms and conditions and only the proposal and estimate, then a motion by Council is fine unless it exceeds the authority to enter into a contract.

Cavanagh asked where they were with the marijuana update from the State. The Solicitor had not heard anything other than that the House and Senate agreed on the local revenue share that was going to be eliminated. Otherwise, she was unaware of anything that had been introduced and was moving along. Cavanagh clarified that the revenue share would have been that the municipalities got a little chunk of whatever got sold and the Solicitor concurred and added it included residents. Nothing had been passed yet, but this is what they could agree on.

Bell asked if there was an update on the property tax issue at the State level. The Solicitor had not heard of anything. There are currently other counties that are doing reappraisals now. They are staggered throughout the State and perhaps they are waiting until the end of the year.

STREET COMMISSIONER: The Street Commissioner had no report but was present to answer questions concerning pending legislation.

STREET COMMITTEE: Bell referenced questions from the previous Council meeting about quotes and contracts. He believed all the documentation had been provided to Council and will be addressed through legislation for a roof on the Service Department. The other piece of legislation concerns storm water work on Fairview. Regarding clearing of land for the salt dome, the Street Commissioner obtained a quote of \$4,500. **Bell made a motion to approve the quote from Bad Axe Tree Service for clearing the land for the new salt dome for no more than \$4,500, seconded by Porter. Voice vote – ayes, all. Motion carried.**

The next Street Committee meeting will be held Thursday, April 4th at 7:30 a.m. in the Street Commissioner's office.

BUILDING COMMITTEE: Bell reported that the committee met on March 14th and minutes were distributed. There is nothing actionable at this time. The next meeting will be April 11, 2024, at 8:00 a.m. in the Building Department.

POLICE CHIEF: The Chief advised that the new cruiser had been put into service. He also wanted to see if Council would be willing to consider adding an extra vehicle to the fleet. There is no need to purchase a new vehicle, but he proposed keeping the vehicle that was replaced by the new vehicle, which otherwise would be auctioned on GovDeals. Over the past year, there have been several incidents where police vehicles have been out for service and the department was short on cars. Furthermore, there is no administrative vehicle to use for meetings, court, etc. In researching insurance, he determined it would be about \$500 per year to maintain the insurance. Porter recommended holding off on GovDeals and having the committee discuss it. The Chief concluded that it would be helpful to have an administrative vehicle given the growth of the department. He anticipated that the committee could provide a recommendation by the second Council meeting in April.

SAFETY COMMITTEE: Galicki had nothing to report.

HR COMMITTEE: Cavanagh said the committee met before the prior meeting. The meeting on April 11th at 1:00 would need to be changed due to a conflict with the Finance Committee. The main conversation at the next meeting will be about evaluations provided by Jim Budzik and whether they go with a standard form or unique forms for each department.

PROPERTIES COMMITTEE: Cavanagh reported that the committee will meet on April 2nd at 4:00 p.m. and will discuss options for the park restroom. Porter addressed the pending legislation to hire Ann Dunning, which is not to exceed \$6,000, for a bathroom facility built by the Service Department employees based on the drawings. Cavanagh said that nothing would be taken off the table and they would just see what Dunning came up with.

Galicki noted that Cavanagh said that Council has been discussing the restroom for two years. Actually, the discussion preceded Cavanagh being on Council. Cindy Nairn was a proponent of

having a restroom in the park and there had been a lot of discussion at that time about services, flushing toilets, etc. At the time of the discussion, Council was leaning towards the prefab construction. Council was taken aback by the inflationary prices, and to Bell's credit, a grant was sought, but it fell through. What Council had not considered was paying the money and putting in the prefab model. It would be possible to have the restroom in place right now, but instead the discussion keeps going back and forth to consider water, sewer, etc. The other consideration Galicki offered for the committee to consider is that in the event the restroom has water and flushing toilets, it would mean going from a four-season restroom to a three season, or the necessity to invest in heating for the restroom. The prefab model has a lot of utility and may not be a Cadillac but is in wide use throughout the park system. He hoped the committee would include this in their discussions. The Village does not have a good history on meeting its estimates and he is afraid they will chase what can be done for \$80,000 and may not be very happy with it. Then there is the possibility of cost overruns and more costs. Is it more beneficial to consider that the cost of the prefab model is known, and it can be installed before the Fall Festival.

Berger asked the Street Commissioner if the BlueStreak Project Management group was asked to pursue the restroom project, and the Street Commissioner said no. However, he looked into potential grants and there are a bunch for parks, trails, parking lots, and structures through Parks and Recreation. He thought this project would fit. Berger explained that BlueStreak is the contractor that came in to bid the salt dome project and are pursuing a State grant program for the salt dome. The Street Commissioner clarified that they are not allowed to apply, but out of the kindness of their heart, they assisted him with filling out the paperwork. The Street Commissioner did not see why the Village could not submit another request for the restroom and thought he could have it done by the deadline on April 8th. Porter thought it was worth applying, but questioned whether Council should wait on the availability of a grant again for the restroom. It seemed like the last time around answered that question. Cavanagh added that it was a rhetorical question and we do not know the answer. Galicki said that to Porter's point, Council waited, and nothing happened, which delayed any activity and prices increased. Everything has increased in price, and he reiterated that Council had not considered approving the additional costs and going forward with it. Legislation is being presented to reroof the Service Department, but is there a more pressing need for the restroom or the roof? Part of the roof was replaced two or so years ago and at the time there was discussion about replacing the whole roof, but the committee was adamantly informed that this was not needed, only the specific portion. Now they are back to replacing the entire roof. The other unknown is how the roof plays into the solar project if there is to be an array on the roof. Is the roof more pressing than the need for the restroom? Unless there are a lot of leaks, it seems like the greater good for the public is the restroom and perhaps some of the funds made available by delaying the roof replacement could be applied to the increased cost of the prefab restroom.

Berger said that the prefab model went from \$86,000 to \$112,000 as of January. There are three to four options for the restroom. The purpose of the ordinance before Council is to hire the architect to come up with a design with a budget of \$80,000. Cavanagh added that it would be this and a really great top of the line one. The Solicitor thought there might be a third proposal. Berger continued that the prefab model could be purchased today without an architect. In reality, the three choices before Council are the \$80,000 plus the \$6,000 for the architect, \$112,000 for the prefab model, and then whatever the top of the line will be. Cavanagh said that they are primarily talking about the bottom of the line and the top of the line. Galicki asked if the design would be earmarked to \$80,000 total costs. He did not know whether the architect would be in a position to know labor and material costs for the project. Or is this a matter of designing an \$80,000 structure that will

have a lot more costs associated with it, and it may ultimately exceed \$112,000? This is an unknown. Porter said that nearly 20 years ago when the Village purchased the Muggleton property, discussions started about restrooms. It is time to move along with it and the last time Ann Dunning did a project for the Village, she was right on the numbers. He reiterated that it was time to get going on the project whether it means ordering the \$112,000 one or moving forward with Ann Dunning's design and eventually getting bids to build it. Porter noted that to Galicki's point, with water and flushing toilets, it would be a three-season facility rather than four. On the other hand, how often do you see people in the park in the dead of winter? Galicki and Cavanagh offered that dog walkers and cross-country skiers use the park over winter. Porter thought hiring Ann Dunning was a good start.

PARKS COMMITTEE: Cavanagh said the committee would be meeting on April 23, 2024, at 6:30 p.m. in Village Hall.

PUBLIC UTILITIES COMMITTEE: Berger advised that the next Public Utilities meeting will be April 5, 2024, at 9:00 a.m. Berger stated that two weeks ago, he talked to Council about the Manor Brook HOA reserve study. Subsequently, the Fiscal Officer obtained the Russell Township Replacement Reserve report which was recently done. He found it to be very thorough and thought such a study would be beneficial for the Village. He was uncertain which committee would handle this project. The cost of the study for Russell Township was close to \$9,000. It requires input from all of Council in terms of putting it together and determining what the master plan should look like. Porter clarified that the study was conducted by a contractor. The Fiscal Officer verified the study is conducted by professionals who analyze everything and know the longevity and history of the buildings, etc. Every two or three years, they review the plan, and it is used for budgeting and planning purposes. For example, had the Village known that the salt dome was at the end of its useful life, perhaps they would not have put a new roof on it several years ago. Porter thought there should be a recommendation from the Properties Committee as to whether a consultant should be engaged for this purpose rather than forming an ad hoc committee. He thought for \$8,000 to \$9,000, the project would be worth exploring.

In answer to Galicki's question about solar panels, Porter advised that the Service Department roof is not aligned the correct way for solar panels. Only the Police Department and possibly Village Hall are properly aligned for maximum sun exposure. The committee might recommend Yellow Light for the proposal of \$23,000 for solar panels but no battery storage on the Police Department roof. Porter advised that he spoke to a resident who had solar panels installed and had nothing but good things to say and is selling power back and receiving a monthly check.

ORDINANCES AND RESOLUTIONS:

Galicki made a motion to untable the ordinance amending the Annual Appropriations for Manor Brook expenses, seconded by Porter. Voice vote – ayes, Bell, Cavanagh, Galicki, Porter. Berger abstained. Motion carried.

Galicki provided a third reading on an ordinance amending the 2024 Annual Appropriations increasing Manor Brook expenses \$66,940.84 and declaring an emergency. Galicki made a motion to adopt, seconded by Bell. Roll call – ayes, Bell, Cavanagh, Galicki, Porter. Berger abstained. Motion carried. **ORD 2024-24**

Cavanagh introduced an ordinance approving the renewal of the Workers' Compensation Service Agency Agreement between the Village of South Russell and Sedgwick Claims Management Services, Inc. in the amount of \$440 for the services for the annual contract period beginning July 1, 2024 for the Ohio Workers' Compensation Group Rating Program and policy year for group rating enrollment for January 1, 2025 to December 1, 2025, authorizing the Mayor and Fiscal Officer to execute the agreement on behalf of 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. Berger questioned the effective dates, and there was discussion of the expiration date. The Solicitor stated that it should be amended to December 31, 2025. Cavanagh amended the motion to be December 31, 2025, seconded by Berger. Cavanagh asked for clarification, and the Fiscal Officer explained that the \$440 is just to be part of the group. The Village becomes part of a larger group to get better Worker's Compensation rates. There was further discussion of the rationale for providing Village employees with an incentive to have yearly physicals. Roll call – ayes, all. Motion carried. **ORD 2024-25**

Bell introduced an ordinance approving the proposal and acceptance agreement between the Village of South Russell and Hershberger Roofing & Siding LLC in an amount not to exceed \$27,120 for the re-roofing of the Village Service Department Garage, authorizing the Mayor and Fiscal Officer to execute the agreement on behalf of the Village, and declaring an emergency. Bell made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Bell made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2024-26**

Bell introduced an ordinance approving the excavation proposal and estimate agreement between the Village of South Russell and Watts Excavating LLC in an amount not to exceed \$10,000 for excavation work for storm water drainage improvement at the property located at 114 Fairview Road, authorizing the Mayor and Fiscal Officer to execute the agreement on behalf of the Village, and declaring an emergency. Bell made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Bell made a motion to adopt, seconded by Porter. Ayes, all. Motion carried. **ORD 2024-27**

Porter made a motion to withdraw the ordinance approving the customer engagement agreement between the Village of South Russell and IMC Solar, LLC in an amount not to exceed \$15,000, authorizing the Mayor and Fiscal Officer to execute the agreement on behalf of the Village and declaring an emergency, seconded by Berger. Voice vote – ayes, all. Motion carried. Porter noted that IMC did an awful lot of work and came away empty handed.

Berger introduced an ordinance approving the Village of South Russell to apply for funds to the Ohio Senate Capital Budget and One-time Strategic Community Investment Fund for a new salt storage building, authorizing the Street Commissioner to execute and/or submit the application on behalf of the Village, and declaring an emergency. Berger made a motion to waive readings. Porter suggested amending the legislation to include the park restroom, although it would be two applications but one ordinance. The Solicitor recommended doing two separate ordinances and proposed one could be retroactive. However, the application for the park restroom has not been completed. The salt dome grant application is attached to the legislation. Additionally, according to the Street Commissioner, the Engineer has to execute and submit the application. It would not be permissible to do both in one piece of legislation. Porter suggesting adding verbiage of Council to approve such application prior to submission to the Ohio Senate. The Solicitor advised this would require a special meeting and the deadline for the application is April 8th. Porter explained that

Council does not have an application in front of them to approve for submission. He concluded that a Special Council meeting would be held later in the week to submit both of the applications. The Street Commissioner said he would explore whether a municipality can apply for two in the same year. Porter reiterated the plan to authorize the submission of two separate pieces of legislation, which would require a special meeting. The Street Commissioner asked if Council could provide a dollar amount for the application and suggested a split of 75/25 with the Village paying the 25%. Porter suggested asking for \$125,000 for the restroom. Berger stated that with the amendment to authorize both the Street Commissioner and the Engineer to execute and/or submit the application on behalf of the Village, 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 2024-28**

Porter proposed holding a Special Council meeting Thursday, March 28, 2024, at 7:30 a.m.

Cavanagh introduced an ordinance approving the professional services of Ann M. Dunning, A.I.A., Inc. in an amount not to exceed \$6,000 for design proposals to construct and/or install the Village Park Bathroom, authorizing the Mayor and Fiscal Officer to execute the agreement on behalf of the Village, and declaring an emergency. Cavanagh made a motion to waive readings, seconded by Porter. Roll call – ayes, Bell, Berger, Cavanagh, and Porter. Nay – Galicki. Galicki asked the Solicitor if Dunning had already done the work, but the Solicitor did not know. He explained that it was stated at the last Council meeting that she had already done the work. Cavanagh said that they had gone through this. The Solicitor reiterated that she did not know. Galicki asked if anyone knew this. Cavanagh reiterated that they went through this at the last meeting and Galicki went at her and this was where the “wild ass guess” came up. She stated that they were not “wild ass guessing” but trying to decide what they wanted for this bathroom that Galicki said Cindy Nairn had brought up previously. Perhaps it had been a five-year conversation. They are trying to get it done. Galicki asked Cavanagh to clarify whether the work was done by this individual without Council approval of a contract. This is what he was trying to establish. Galicki further explained that Cavanagh made a statement at the last Council meeting that the work was already done, which added confusion to the question. If it was a matter of the work already having been done and now, we are trying to compensate the individual, on what authority was the work done? Cavanagh responded that this was not what they were trying to do at all. Galicki asked again whether the work had been done by Ann Dunning. Cavanagh said they had spoken to her. Galicki asked yes or no, had the work been done? Porter clarified the question to ask was whether Dunning had drawn any drawings for the Village. Cavanagh said Dunning did a preliminary drawing, but they had not engaged to pay her. She was on our board, and Cavanagh said Dunning did this as ‘I don’t know what you want to call it’. Porter verified it was a sketch, not architectural drawings, which are more complicated. Cavanagh said she did not know where Galicki was going with this, and it does not matter whether he wants to make her look foolish like she is doing something on the side. What she is trying to do is to get the bathroom done as inexpensively as possible and to get it done. The Mayor has had a conversation with Ann Dunning, period. Galicki said that nobody is trying to make anyone look any way except to encourage transparency. If there were discussions with Ann Dunning, Cavanagh, the Mayor, etc., it should not be something that is done in the dark of night but a conversation that is had with Council, especially given the Solicitor’s guidance about entering contracts. No work should be done without a contract. Maybe this is parsing words with sketch and drawings, but if there was complete transparency from the beginning, he would not be asking these questions. His point is about transparency in government and not behind the scenes dealings or special interests. Cavanagh responded that she is not a dark of night, behind the scenes girl.

The Solicitor suggested adding the second reading of this legislation to the Special Council meeting agenda.

Council discussed staffing of the Special Council meeting in the absence of the Fiscal Officer. The Fiscal Officer would ask the Administrative Assistant to attend on her behalf.

BILLS LIST:

Berger made a motion to ratify the bills list of March 14, 2024, in the amount of \$74,974.34, seconded by Galicki. Voice vote – ayes, all. Motion carried.

Galicki made a motion to ratify the bills list of December 30, 2023, in the amount of \$12,773.03, seconded by Bell. Voice vote – ayes, Bell, Cavanagh, Galicki, Porter. Berger abstained. Motion carried.

Galicki made a motion to ratify the bills list of February 15, 2024, in the amount of \$135,200.35, seconded by Bell. Voice vote – ayes, Bell, Cavanagh, Galicki, Porter. Berger abstained. Motion carried.

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

Cavanagh said that she disputed her property taxes and they split the difference from what she asked for and what it went up. She was pleasantly surprised.

Galicki referenced pending litigation and asked if there was an update that might require Executive Session. The Solicitor said no. Porter advised that there would be one April 8th for an update.

ADJOURNMENT: Being that there was no further business before Council Bell made a motion to adjourn at 8:13 p.m. seconded by Berger. Voice vote – ayes, all. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki