

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, MAY 13, 2024 – 7:00 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Bell, Berger, Cavanagh (7:15 p.m.), Galicki, Porter

MEMBERS ABSENT: Canton

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

VISITORS: Valarie Mariola, 15911 Hemlock Rd.; Paula and Jeff Suzelis, 114 Fairview Rd.; Bill Stone, 137 Fairview Rd., Jamie Deioma, 113 Fairview Rd.; Tanner Payne, 128 Fairview Rd.

The Mayor called the Regular Council meeting to order and led the Pledge of Allegiance. The Mayor asked for a moment of silence for Euclid Police Officer Jacob Derbin who was killed in the line of duty Saturday night. The Fiscal Officer read the roll and the Mayor stated that Cavanagh would be late. Canton was absent. Regarding the minutes of the April 22, 2024, Regular Council meeting, Galicki requested correction of the spelling of the last name of the Chagrin Valley Fire Department Harvest for Hunger representative, Jake Fried, in the attached Mayor's report. **Bell made a motion to approve the minutes of the April 22, 2024, Regular Council meeting, seconded by Porter. Voice vote – ayes, all. Motion carried.**

VISITORS: The Mayor provided a visual presentation relating to the excavation work and catch basin installed between Fairview Rd. and Mapleridge Rd. He asked the Engineer to elaborate on the project. The Engineer stated that a while ago, residents on the east side of Fairview were experiencing backyard flooding from water coming from streets farther to the east. The water was piling up against the back of a couple of houses, so the Village used storm water funds to install a rear and side yard inlet basin to intercept the water and get it across the road through a pipe. During this construction, issues on the west side of Fairview Rd. between Fairview and Hemlock were brought to light. All the regional water that flows through that watershed ultimately ends up going through the twin culverts under the road. The Engineer determined that the culverts are undersized, which was communicated to the Geauga County Engineer's Office. Their response was that the culverts meet their design criteria, and the Village would have to show how they are undersized. There are two mismatched culverts that run under Hemlock which together do not add up to what the capacity needs to be. The plan would be to replace the two mismatched culverts with a single larger culvert that meets the Village's storm water capacity needs so that once the water gets to Hemlock, it will not build up and overtop the road as it has in the past. Once this is accomplished, then they can work their way upstream to the east to include ditch clean out that needs to occur to ensure unimpeded drainage. The Engineer is pursuing help in funding the Hemlock culvert since it is a big-ticket item.

Valarie Mariola, Hemlock Rd., asked what the time frame is for funding the larger culvert, and the Engineer said it would be a 2025 project. Mariola asked if this meant there would be no more water being diverted into Fairview and Hazelwood, specifically, the underground culverts that were done at the corner of Mapleridge and Hazelwood. She clarified that there were culverts put in here that diverted water down Hazelwood. The Engineer said that the water goes down Hazelwood whether

the culverts are there or not. The Village would not be doing any more culvert work through that area until there was a good outlet.

Jamie Deioma, 113 Fairview Rd., expressed concern that the Village installed drains at 600 Hemlock but will not be cleaning the ditch into which the water funnels until 2025. She wondered what they would do with all the extra water running through there. The Engineer explained that the Village did not bring in water from other areas to flow through this area. Instead, the water is being intercepted before it can cause a problem by piling up against the back of somebody's house. Deioma countered that with the installation of the pipes, the water will get into the pipes more quickly and funnel into the ditch, which increases waterflow during the storms. She referenced photographs of what the area looked like after 20 minutes of a hard storm and asked how she could prevent this from coming into her house. Deioma asked that the Village consider cleaning the ditch while waiting to get larger culverts downstream. The Engineer said it would be possible, but it would be seizing up water that cannot get out. Mariola said that the water would then just collect and sit in her yard or potentially get into her basement while waiting for the larger culverts.

The Mayor clarified that the Engineer's advice is not to make any changes at this time to cause a problem to the road. The Engineer stated that his recommendation would be to not make any changes that cause more issues downstream. Galicki asked what the downside and/or benefit would be to cleaning out or enlarging the ditch. The Engineer responded that it would breach Hemlock Rd. Galicki asked what happens after the water goes over Hemlock, and the Engineer said there is a well-defined water course and ravine on the other side of the road, as there is on the South Russell side. The problem is that it cannot get under the road quickly enough. Porter asked what the cost would be for the proposed 24" pipe. The Engineer's preliminary estimate is a couple hundred thousand dollars. Porter reviewed what such a project would entail but concluded that 113 Fairview would benefit if the Village did it earlier rather than later. The Engineer concurred. Berger asked what the impact would be for 600 Hemlock. The Engineer said it would be positive and reviewed the water issues on this property. The Street Commissioner estimated he had about \$50,000 in the budget between storm water and storm sewers.

Bell asked Deioma how close the water was to her house in the picture she shared. Deioma thought it was less than 30-40 feet. The Engineer referred to the ditch in question in the picture and said it was full of vegetation and was pretty choked. Porter said that the Public Utilities Committee would consider this at the next meeting. Berger acknowledged that consideration would be given to moving the project along more quickly but cautioned that he would not want to transfer the problem from one person to another. He wanted to see the whole problem fixed, but this would require money from the State of Ohio.

Galicki asked about the history of the ditch, and wondered if it was installed when the neighborhood was developed and was perhaps something the Village used to maintain. The Engineer speculated that when the neighborhood was developed, there was probably a creek that flowed through this area, which was altered to accommodate development. The Engineer discussed what the ditch restoration project should include.

The Mayor said he would attend the upcoming Russell Township Trustee's meeting. The Engineer suggested he obtain a letter of support from them to go after the funding. The Mayor concluded that the Public Utilities Committee would be meeting Thursday, June 13th at 9:00 a.m. and asked the Engineer and Street Commissioner to attend. Porter said that no promises were being made, but the Village would do what it can. The Mayor added that they will go looking for money. Deioma

reiterated how this problem weighed on her and emphasized how awful the situation is. The Mayor said this is the best the Village can do for now and hopefully would have better answers in a month.

William Stone, 137 Fairview Rd., said that he had one of the lowest properties and has a buried pipe that was installed by the Village in the 1970's. However, no easement was ever granted. Stone advised that he and his neighbor get a wall a water down Hazelwood. There is a pond across the street from his home that overflows across the road. He frequently gets about two inches of water in his garage. Stone is considering putting an addition on his home and matters are complicated with not knowing the plans the Village has to address this problem. He wanted Council to be aware that there were a couple more houses with problems.

The Mayor said that everything CT Consultants have done in the Village has worked properly. He was unsure why the last street in the west end of South Russell had been neglected and in need of attention. The Engineer explained that the Village did not know the residents were having serious problems. Galicki said that it first came to Council's attention when the Suzelis' came forward with the problem. Jeff Suzelis said he came to Council 30 years ago and was told it was natural waterflow and his responsibility. The Engineer said this is true. Suzelis continued that it is not natural waterflow because there are pipes that the Village put underneath roads on Mapleridge that go right into his backyard. The ditch is a natural waterflow, and Suzelis reviewed his recollection of the maintenance of the ditch by former neighbors. The Mayor noted the increase in the severity of the storms. Suzelis discussed the pipes he had installed in his backyard to help with drainage.

Cavanagh asked Stone if his problems increased when the additional houses were built at the end of Hazelwood. Stone said he had problems prior to this, but they had increased since.

Tanner Payne, Fairview Rd., wondered whether the proposed project would include the north end of the street where the water is coming between the homes. The Engineer said that it had not yet been discussed. The 2025 project is increasing the size of the culvert that goes under Hemlock and working east. Payne asked for an evaluation of the water flow around his home from properties on Mapleridge. He suspected that this was part of the water that would ultimately be flowing into the Hemlock project.

Stone asked if there was some way to involve the pump station, which floods monthly. The Mayor said this is a county facility that has flooded historically and added that they have not done anything with the flooding. Mariola explained that when there is a storm, it pumps water to the treatment plant. This means the facility is treating extra water instead of the storm water going where it is supposed to go and not into their sanitary lines. They have tried continuously with smoke testing, etc. to divert storm water so it does not end up in the sanitary sewers but have had little luck resolving the problem.

A resident asked if the new pipe under Hemlock would accept more of the water coming from the culvert in Hazelwood and Hemlock. The Engineer said yes.

There was a question about the amount of water running off the street due to the way the street is sloped. It runs down the resident's driveway right next to her house. She asked if anything would be done to catch the water at the street. The Engineer concurred and explained that it would involve reworking the ditch along the side of the road. This is all work that can be done in the right-of-way and the Village is on top of it. He further explained that this is a difficult spot, the water that hits the road and hits the driveway will continue, but the goal is to stop all of the ditch water that is overflowing and going down the driveway. The resident was uncertain which ditch was involved.

The Engineer explained it was the ditch on the north side of the road that is catching the water from the road. The resident asked when this work would start, and the Engineer said this summer.

There was discussion of the increased height of the roads over time due to repaving, and a question was asked about whether the Village should consider milling down the roads. Another resident asked for the Village to consider reshaping a portion of the road to direct water away from her driveway and ditch. The Engineer said the Village will consider all options. However, he cautioned that he wanted to avoid solutions that would create other problems.

Jeff Suzelis proposed the Village consider an open drain at his property where he currently has an open French drain. He was concerned that if he were to increase the size of his driveway, with the current situation the water would come down the side of his house and down his driveway and onto his neighbor's property. The Engineer reiterated that all options would be considered, but he did not want to do something that would make the problem different or worse.

MAYOR'S REPORT: The Mayor said he would distribute his report to Council via email. He addressed the date of the next Council meeting. The Fiscal Officer explained that the date had been changed to accommodate the Memorial Day holiday, but now there were two members who would not be attending, which affects the ability to waive readings on legislation. The Mayor proposed that Tuesday, May 28th would remain the meeting date. All agreed.

The Mayor reported on the Records Commission Meeting held earlier in the evening. The Fiscal Officer explained that the commission discussed reducing the cost of copies made for public records requests from \$.10 to \$.05 per page for requests over 25 pages. **Cavanagh made a motion to charge \$.05 for public records requests, seconded by Porter. Voice vote – ayes, all. Motion carried.** The Mayor reported that a second topic discussed pertained to providing flash drives for public records requests because it is inadvisable to have the requestor provide it. **Cavanagh made a motion to charge for flash drives at the going rate, seconded by Berger. Voice vote – ayes, all. Motion carried.**

The Mayor stated that a motion would be needed to approve a luncheon for the Village's First Responders at Augie's Pizza on May 24th.

FISCAL OFFICER: The Fiscal Officer distributed her report. At the last meeting, Council passed a motion that the Village would try to maintain \$1 million in Huntington Bank and anything over that would be transferred to STAR Ohio to try to get more interest. Earlier in the day, the Fiscal Officer made the first transfer of \$400,000. She will watch the balances and try to predict budgetary needs for the month to keep the money in STAR Ohio as long as possible while making sure there is money in Huntington to pay the bills.

The Fiscal Officer advised that an email was forwarded to her from YellowLite stating that they are looking for payment before they meet with anyone to discuss the project. She had not received a W-9 from them or an invoice. The Mayor said he had an invoice. Porter explained that the Mayor signed the contract for the YellowLite Solar project, and he informed YellowLite that the Village would want to meet with them sooner rather than later given the anticipated completion date of August. He was unaware of what the Fiscal Officer had received. The Chief explained that it was an email with a request for payment that he forwarded to the Fiscal Officer. The Mayor thought he had the invoice but forgot to bring it. The Fiscal Officer verified that the company wants payment before meeting with the Village. The Mayor clarified it was not the total amount, but about \$3,000. Porter suggested that the Mayor, Chief, YellowLite, and one member of the Public Utilities

Committee meet to get the process going so that they can take advantage of the sunnier summer months.

FINANCE COMMITTEE: Berger reported that the Finance Committee will meet on June 13th at 10:00 a.m.

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

SOLICITOR: The Solicitor referred to the May 13, 2024, Public Hearing for the seven Zoning Code amendment ordinances. An affirmative vote means that Council would be approving the recommendation of the Planning Commission.

ENGINEER: The Engineer reported that there is a preconstruction meeting scheduled for Thursday, May 16th at 9:00 a.m. in Village Hall for the 2024 Road Program.

The Mayor asked whether the Police Department needed a new roof in preparation for the installation of the solar panels. The Engineer could ask the CT structural engineer to take a look. The structural engineer had also provided recommendations for addressing issues with the brick dividers between the Service Department doors and repointing of the front steps of Village Hall. The Building Inspector could also evaluate the Police Department roof issue, which was the Mayor's preference.

STREET COMMISSIONER: The Street Commissioner submitted his monthly report for April. He thanked everyone who helped on Trash Day.

Regarding the paving of Southwyck Dr., the Street Commissioner distributed 22 letters to residents, and heard back from 15 who wish to replace their culvert pipes.

Porter asked about the status of the backyard project on Chillicothe Rd. The Street Commissioner said it was still too wet. He will be meeting with the contractor the following day.

STREET COMMITTEE: Bell reported that at the last committee meeting, the salt structure was discussed. He and the Mayor met with Blue Streak to discuss competitive bidding. Utilizing two parts of the Ohio Revised Code (ORC), Blue Streak has been able to bypass the competitive bidding process through participation in cooperative purchasing construction. He shared the statutes, ORC 9.48(b) and 2744.01(f), with the Solicitor. The Solicitor reviewed the two sections and stated that both were included in the Ohio Attorney General (OAG) opinion which stated that they are construction or construction services, and the joint purchasing program cannot be used. In the event the Village was altering or renovating the original salt dome, the joint purchasing program could be used. Likewise, if the Village had a prefab salt dome that was going to be delivered and installed, the joint purchasing program could be used. Area municipalities with charters may have provisions that allow the municipality to determine when it will competitively bid over the \$75,000. It is very different from what the Village has. There are two applicable OAG opinions, one from 2019 and once from March of 2024. As a result of the Ohio legislature not fixing the issue in the last five years, the OAG directed the resulting opinion at the Ohio Legislature stating that since they did not fix the issue, it was being reiterated that construction or construction services were outside the joint purchasing program. Thus, the Village must competitively bid if it is over \$75,000. What she saw from Blue Streak included construction, construction documents, construction costs, civil and structural services, etc. It is not just materials or supplies. This is her opinion based on persuasive

authority and it is up to Council. Porter stated that if the Village will have a \$700,000 project, it would be foolish not to bid it out.

Bell reported that the timeline provided by Blue Streak was four to six weeks for design, two to four weeks for permitting, and construction 14 to 16 weeks. They were anticipating the announcement about the State Senate Grant Funding in early June.

Regarding the salt dome, the committee recommends going out to bid for design with the specs provided by the Engineer. It would be a design and build bid for the structure. The Engineer explained that CT Consultants would produce a tight set of specifications that identifies what the Village wants but does not have granular detail. The contractor would then put together their timetable, materials list, workforce requirements, etc. He felt this approach would get the Village a salt storage building more expediently than if CT designed it and bid it out. Bell added that another reason to use the design build bid process is that it would give the Village a better idea of the actual costs. Porter stated that the design would be the double wing version. Bell concurred. It was determined that it would be a 1,500-ton capacity structure.

The Mayor concluded that the current salt dome would be needed for another year. The Engineer agreed. The Street Commissioner said that if this is the case, he wanted to hire a piler for the remainder of the salt due to be delivered. The estimated cost is \$13 per ton, so it would be \$5,200 for 400 more tons. Porter asked why it was being done now, and the Street Commissioner explained that the Village has up to Thanksgiving to complete the order. Otherwise, the Village would have to buy out of the contract and there is \$18,000 worth of salt to get. He explained that he would rather receive it sooner rather than later because the salt is stored outside by the supplier and degrades. This matter will be discussed at the next committee meeting.

Bell and Porter discussed rescheduling the next committee meeting from June 7, 2024, to June 14, 2024, at 7:30 a.m.

Cavanagh made a motion to allow the Engineer to prepare specifications and bid out those specifications to any interested party to receive bids on those specifications with their own design and follow up proposal for a build, seconded by Porter. Voice vote – ayes, all. Motion carried.

Regarding 133 Southwyck Dr., the Engineer and Street Commissioner discovered that the water flooding this property is coming from South Russell Park. The remedy was quoted by Watts Excavating at \$9,000. The Street Commissioner advised that three contractors quoted the job, but two were incomplete quotes. There is an obstruction that runs through the CEI right-of-way, under the driveway through a pipe, and then into the backyard of 133 Southwyck. There is another pipe there that takes it further down the stream, but the water cannot get there before it breeches the edge and flows into 131 Southwyck. This resident has also complained about the water. The Engineer clarified that the Village has a driveway through the First Energy property, and the culvert also belongs to the Village. The water from the park is being directed through this culvert. Porter inquired about the balance in the storm water budget and the Fiscal Officer indicated this is the Street Commissioner's budget and there are a lot of projects dipping into that line item that are not finalized. She has no numbers, purchase orders, or details for what is actually being done and what is just being discussed. The Fiscal Officer noted that the legislation for this agreement has a not to exceed amount but offered that Council may want to consider an "up to" amount as well given the past experience with this contractor with unexpected additional expenses. Porter did not think this was necessary.

Bell reported that on Thursday, May 16, 2024, at 7:30 a.m., there will be a Special Streets Committee meeting to discuss the capital budget.

Regarding the Senior Trash pick-up, Bell reported that 94 seniors were served, which was about the average.

Lastly, Bell shared that the Street Commissioner is eligible for retirement July 1st and is looking to do so. His plan is to help the Village find someone and transition this individual. The Street Commissioner added that he does not have a date right now.

Bell made a motion to ratify the approval of Russell Township help with trash day for workers and equipment, seconded by Porter. Voice vote – ayes, all. Motion carried.

BUILDING COMMITTEE: Regarding the park pavilion, Bell reported that the committee discussed at length the topic of alcohol and events. The Safety Committee has also discussed it and have a recommendation.

Other items discussed by the committee included that the Building Department is receiving a lot of zoning complaints about overgrown yards, and the Building Inspector is handling these. City Force, the software used by the Building Department, was purchased by a company called iWork and the transition team will be meeting with the Building Department Administrative Assistant. In the meantime, discussion about accepting credit cards has been paused. The next meeting is scheduled for June 13th at 8:00 a.m.

POLICE CHIEF: The Chief submitted a month-end report. He reminded Council of the upcoming community events. Cops and Kids Fishing is June 2nd, Senior presentation will be June 18th, and the Bike Rodeo will be June 30th. The Third Grade Seatbelt program will be Wednesday, May 15th at Gurney School.

The Mayor and Chief discussed the Valley Enforcement Group (VEG) Drone Team involvement in the investigation of the death of the Euclid police officer.

The Street Commissioner advised that he and Safety had been working on a guardrail for Bell Rd. at the Newbury line. He obtained a quote from Lake Erie Construction Company to install a guardrail for \$9,840. There have been six poles replaced in this location in the last six years. The Chief advised that the frequency of the accidents had increased and he is concerned about a serious injury. He referenced the success of the guardrail installed on Daisy Lane, which had eliminated accidents. Additionally, the pole that has been destroyed in the accidents is two feet from a high-pressure gas vein, which would result in a bigger disaster. He felt this would be money well spent. The source of the funds in the budget was discussed. **Porter made a motion that the quote from Lake Erie Construction in the amount of \$9,840 be accepted by the Village and authorize the Mayor, Fiscal Officer, and Street Commissioner to sign all necessary documents for the purposes of erecting a guardrail in the vicinity of Ashleigh for the purposes of safety and prevention of accidents, seconded by Galicki. Voice vote – ayes, all. Motion carried.**

SAFETY COMMITTEE: Galicki advised that the committee met on May 9th. Discussion continued about crosswalks at the park and at Gurney School. It was revealed that the school may not necessarily endorse a crosswalk. The committee recommends that if there is money available in the budget, that the Village go forward with one crosswalk at the park. The estimate was \$32,000. The Fiscal Officer advised this would involve amending the budget. The Mayor suggested a motion

to allow the Engineer to design the crosswalk, but the Engineer explained there would be very little engineering necessary and that the Village can put the crosswalk in and it would have self-contained flashing light units. **Galicki made a motion to amend the budget to support a construction project for a crosswalk at the park not to exceed \$33,000, subject to availability of funds, seconded by Cavanagh.** Porter asked if the remaining American Rescue Plan Act (ARPA) money could be used, and the Fiscal Officer said no because it was not storm water related, and the funds had been earmarked for work with the Central Retention Basin. Berger asked if the money would be from the Street Department budget. Galicki had no objections with it coming from Safety, and the Fiscal Officer said that regardless, it will be coming from Income Tax into whatever expense fund chosen. Berger concluded that it would come out of the Safety budget. **Voice vote – ayes, all. Motion carried.**

Galicki noted that the Mayor distributed a flyer for a First Responder event on May 22nd at Triangle Park in Chagrin Falls, and the Safety Committee would appreciate attendance to show support for the Village's Police Department. Regarding the proposed South Russell First Responder luncheon, Galicki advised that the Mayor clarified it would just be for the Police Department only. **Galicki made a motion for Council to support a luncheon for the South Russell Police Department officers at Augie's on Friday, May 24th at noon. The Mayor added that it would include Council members and be up to \$400, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**

The committee also discussed the issue of alcohol being permitted at the Village park. Currently, the park rules prohibit alcohol unless an event is approved by Council. Ohio law prohibits alcohol at public parks, but Geauga County permits it in county parks. However, the surrounding counties do not. Municipalities have the option to decide. While researching this matter, it was discovered that if the Village were to permit alcohol carte blanche in the parks, the Village would not be covered by insurance should anything happen. Ultimately, the committee's recommendation is that the Village as a policy, prohibit the use of alcoholic beverages under any circumstances whether Council approves of the event or not. Should there be citizens that want to risk using alcohol, they do so at their own risk. Having a rule of strict prohibition will help the Village avoid the insurance coverage problem.

Berger thought it was a conflict to say that alcohol was prohibited but that those who choose to imbibe do so at their own risk. The Solicitor concurred. If the Village is going to say no alcohol, it should be no alcohol period. Galicki explained that the committee's proposal was no alcohol as a policy. The Chief did not want to be in the position of being the alcohol police at the park. The Chief said it is a small percentage of people renting the pavilion who indicate alcohol will be consumed. If it is completely prohibited, he did not think there would be backlash from the community. He thought prohibiting alcohol would address the insurance issue as well as the necessity of finding an officer to be present at events with alcohol.

Bell stated that the Building Committee also discussed this issue relative to the Pavilion Reservation form. The committee came to the same conclusion that due to the liability; it is best for the Village to prohibit it. It is already not permitted in the rest of the park and is only allowed with a permit during a party at the pavilion. Not much is changing other than saying they cannot have it at the pavilion anymore.

Berger offered that a law that is unenforced is worse than having no law at all. If the Village is going to say no alcohol, then it needs to be enforced. The Chief advised that if a complaint is

received, it will be investigated, and appropriate action will be taken. Galicki appreciated Berger's perspective and clarified that it was not the committee's intention to not enforce the policy. The focus was to prohibit the use of alcohol in the parks. Bell offered that there was another provision with the Village's insurance that said the off-duty officers hired to be present at events with alcohol would not be covered.

The Solicitor advised that it would be necessary to change both the pavilion agreement and Codified Ordinances. Until the changes go into effect, the current law applies and anyone wishing to have alcohol must have a police officer for a minimum of two hours. The Fiscal Officer raised the issue of individuals who had already reserved the pavilion and indicated they would be having alcohol. The Solicitor did not think the Village could retroactively apply the new rules depending on when they were to go into effect. The Fiscal Officer said there was an upcoming event on July 13th with over 50 people, bounce houses, alcohol, and food trucks. Galicki suggested framing the legislation to say that as of August 1st, alcohol would no longer be permitted. The Solicitor said that having an effective date is permissible. The Mayor proposed just denying requests that involve alcohol. Porter suggested pushing the effective date to the winter. Galicki asked about the liability issue with insurance in the meantime. Porter noted that in 10 years, there had been no problems. The Fiscal Officer interjected that the Village had not always allowed alcohol. Porter reasoned that by making the effective date later, it would allow time to make the public aware of the change. The Mayor proposed notifying the July 13th party that their event would be cancelled due to the alcohol, and then decline any future events with alcohol. The Solicitor and Council did not see this as an option since the event had already been approved. Berger suggested making the effective date January 1, 2025, and Porter added that a notice could be provided through the newsletter. The Solicitor offered that on the use agreement, there is a provision that the Village could ask for a certificate of insurance liability where the Village is added as an additional insured. This could be added protection until the January 1st effective date. Porter responded that the applicant would then have to go out and get an insurance policy. He added that if something were to have happened at an event last year, there would still be liability for the Village. By changing the ordinance tonight, it did not affect what happened in the past.

Galicki posed the question of whether January 1st was the right date, or should it be earlier. Berger thought January 1st provided six months of notice. Cavanagh agreed. The Mayor asked if the posted rules in the park said no alcohol. The Fiscal Officer said originally the rules said no alcohol, but over the years someone asked to have alcohol, and exceptions were made. She does not recall if the park rules were officially changed.

Berger stated that two times recently, he saw individuals at lunch time sitting in their vehicles consuming alcoholic beverages on the East Washington side of the park. This is another issue that should not be occurring.

Galicki asked the Solicitor to prepare legislation for the next Council meeting relative to the changes to the Codified Ordinances. Bell said that the form would also be changed to reflect January 1st as the effective date. The Solicitor asked Bell if there was any further discussion about changing the fees for the pavilion rental. Bell said the committee discussed charging \$25 for residents and \$100 for non-residents. The Solicitor inquired about other types of applicants, and Bell acknowledged that the committee had not worked those issues out yet. The Solicitor asked if the committee wanted to address the changes with the fees and alcohol policy in the same legislation and added that the pavilion rental form could not be changed until the ordinance had been approved. Bell said the matter would be discussed by the committee. Galicki voiced his

support of having applicants assume liability if they wish to have alcohol at the pavilion prior to the official policy change. The Solicitor stated that this is already an option and is at the discretion of the Mayor.

The Mayor said that there will be a large event on May 25th in the park and asked the Building Committee to consider raising the fee to \$50 for large groups to cover the cost of Service Department staff coming in to empty trash. The Street Commissioner advised that the trash would need to be emptied several times in the coming weekend due to multiple events planned for the pavilion.

Galicki made a motion to accept a \$1,000 donation from Vivian Miller to the South Russell Police Department, seconded by Berger. The Chief explained the donation was made in connection with the department's house watch program. **Voice vote – ayes, all. Motion carried.**

Cavanagh thanked officers Malik Meziane and Andrew McKillen for their assistance.

HR COMMITTEE: Cavanagh explained that the committee went through a lot of things during the last meeting. She advised that Berger developed six policies having to do with the Village gift policy, employee reviews, and travel. She thanked Berger for his efforts. Berger added that the HR Committee will consider the policies at the next meeting and then provide them to Council for review. Regarding the travel policy, Cavanagh explained that the committee discussed who gets to attend conventions and how this will be decided.

The next committee meeting will be June 13th at 11:00 a.m.

PROPERTIES COMMITTEE: Cavanagh reported that the committee went over a number of things. Regarding the status of the Rarick Cemetery rail, the Street Commissioner said the contractor is working on it.

The committee also discussed the Village Master Plan, which will take some time to review and determine what needs to be tweaked and/or change.

PARKS COMMITTEE: The burn at the park continues to be discussed. Davey Tree charges \$11,000 to do a controlled burn and Cavanagh is waiting to hear back from Paul Pira, Geauga Parks, to see what their policy is and how much they would charge.

There are currently three Eagle Scout projects. The Mayor suggested one of the candidates add bat houses at the park. Cavanagh also advised that Mrs. Harvey had some work done with the Butterfly Garden in the South Russell Village Park. She is considering establishing a fund to pay for professional maintenance of the garden. The Mayor added that the rain garden is okay, but needs changes made and work done to it. He will be consulting with the Chagrin River Watershed Partners (CRWP) about this. Cavanagh reported that the committee discussed the issue of liability with the hayrides at the Fall Festival. She said there will be something concrete before the Fall Festival relative to safety and protecting the tractor drivers.

Regarding the park restroom, Cavanagh reported that Park Committee members do not want fancy, flushing toilets, nor do they want sewer. They want to keep it to what was approved by the Planning Commission. It was clarified that this was a vault style restroom. Cavanagh further reported that the Street Commissioner suggested that a hydrant be installed to water all the plants, and she felt this would be money well spent.

The Properties Committee will meet at 1:00 p.m. on June 13th.

Cavanagh was looking forward to the release of the Brown's schedule so that the committee can choose a date for the Fall Festival.

Galicki asked for clarification about the installation of a hydrant and wondered if this involved sinking a well. The Street Commissioner replied that it would be the same as with the cemetery and would be non-potable water.

The Mayor addressed the placement of flags on the graves of veterans.

PUBLIC UTILITIES COMMITTEE: Berger said the next committee meeting will be June 13th at 9:00 a.m.

ORDINANCES AND RESOLUTIONS:

Berger introduced an ordinance amending the 2024 Annual Appropriations, increasing Bell Road East Reserve Fund expenses \$162,000, increasing Income Tax Fund Transfers \$327,000, and increasing Bell Road East Capital Fund expenses \$327,000, 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 2024-48**

Berger introduced an ordinance transferring up to \$498,254.08 from the Bell Road East Reserve fund to the Income Tax Fund and up to \$327,000 from the Income Tax Fund to the Bell Road East Capital 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 2024-49**

Galicki introduced a resolution authorizing the discard or salvage of personal property not needed by the Village and declaring an emergency. Galicki made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **RES 2024-50**

Galicki introduced a resolution authorizing the sale of personal property not needed by the Village and declaring an emergency. Galicki made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **RES 2024-51**

Berger introduced a Power a Clean Future resolution authorizing the Village of South Russell to become a Power a Clean Future Ohio community and to adopt a goal to reduce the carbon footprint of the Village, increase energy efficiency, and reduce the energy costs to the Village.

Galicki introduced an ordinance declaring it necessary to levy a tax in excess of the ten-mill limitation declaring an emergency. Galicki made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Motion carried. Galicki made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **ORD 2024-52**

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 \$9,000 for excavation work for storm water drainage improvement at the property located at 133 Southwyck Drive, 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 2024-53**

Bell introduced an ordinance adopting new Section 3.11 of the Zoning Code of the Village of South Russell 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 2024-54**

Bell introduced an ordinance amending Section 1.05 of the Zoning Code of the Village of South Russell 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 2024-55**

Bell introduced an ordinance amending Section 3.01(d) of the Zoning Code of the Village of South Russell 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 2024-56**

Bell introduced an ordinance amending Section 3.04(c) of the Zoning Code of the Village of South Russell 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 2024-57**

Bell introduced an ordinance amending Section 3.05(c) of the Zoning Code of the Village of South Russell and declaring an emergency. Bell made a motion to waive readings, seconded by Cavanagh. Roll call – ayes, all. Motion carried. Bell made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **ORD 2024-58**

Bell introduced an ordinance amending Section 3.06(c) of the Zoning Code of the Village of South Russell 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 2024-59**

Bell introduced an ordinance amending Section 3.07(c) of the Zoning Code of the Village of South Russell 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 2024-60**

BILLS LIST:

Berger made a motion to ratify the bills list of April 29, 2024, in the amount of \$368,765.82, seconded by Galicki. Voice vote – ayes, all. Motion carried.

Galicki made a motion to ratify the bills list of May 13, 2024, in the amount of \$63,417.95. Roll call – ayes, Galicki, Porter, Bell, and Cavanagh. Berger abstained.

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

The Fiscal Officer reported that the deadline for the Newsletter is May 31st, but the Village is still waiting to hear from the postal service about removing the indemnification clause in the agreement.

There was discussion of going to a fully electronic newsletter effective January 1st. An article will be included in the next newsletter notifying residents of this change. There is also a plan to provide a QR code to steer residents to social media for Village information and news.

Regarding the Russell Township Reserve Study presented to Council at a former Council Meeting, Berger acknowledged there had been a question raised about which committee should move this forward. He offered that Finance Committee is the administrative committee and would entertain exploring the project. The Mayor asked if the Reserve Study was the Master Plan, and Berger said no. He explained the Reserve Study analyzes the assets of the Village and makes a determination about useful life and a timeline for replacement of the assets. This would drive the Master Plan. The Mayor thought this should be the Finance Committee. The Fiscal Officer reported that she contacted the Reserve Study contractor and found that it would not take long to do the study and there should be a proposal at the next Council meeting.

Cavanagh stated she will be absent from the July 8th Council meeting. **Berger made a motion to excuse Ruth Cavanagh from the July 8th meeting and Chris Berger from the May 28th meeting and to excuse Councilman Canton from this evening's meeting on May 13th for medical emergency, seconded by Porter. Voice vote – ayes, all. Motion carried.**

EXECUTIVE SESSION: At 9:13 p.m. Porter made a motion that Council enter into executive session for the purposes of conferring with the Solicitor concerning a dispute involving the Village that is the subject of pending court action pursuant to Section 121.22(G)(3) of the Ohio Revised Code and inviting into executive session the Mayor, Fiscal Officer, Police Chief, and Solicitor, seconded by Galicki. Roll call – ayes, all. Motion carried.

Council reconvened at 9:29.

ADJOURNMENT: Being that there was no further business before Council Berger made a motion to adjourn at 9:29 p.m., seconded by Galicki. Voice vote – ayes, all. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki