

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 25, 2024 – 7:00 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

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

The Mayor called the meeting to order and led the Pledge of Allegiance. The Fiscal Officer read the roll. **Canton made a motion to approve the minutes of the November 11, 2024, Special Council meeting, seconded by Porter. Voice vote – ayes, all. Motion carried. Cavanagh made a motion to approve the minutes of the November 12, 2024, Special Council meeting, seconded by Bell. Voice vote – ayes, all. Motion carried.**

MAYOR’S REPORT: The Mayor reported receiving two letters from University School students regarding sidewalks, which he would pass to the Safe Bicycle and Pedestrian Transport Committee. The State Legislature is considering allowing virtual meetings, but it would be limited to committee meetings and have a lot of restrictions. The Mayor also reported that the Village will receive the Ohio Public Works Commission (OPWC) grant and complimented the Engineer on doing a nice job with the application. He also reported on a Chagrin River Watershed Partners (CRWP) presentation. He conducted a virtual meeting with the Sugar Bush Homeowner’s Association (HOA). Several years ago, the Village cleaned their silt pond because it was felt that the Village was responsible for filling it up in 2014 when Bell Rd. was paved. The silt pond is filling up again, so the Village will have some issues there. The HOA requested the measurements obtained by the Village at the time of the dredging. The Public Utilities Committee will be addressing this matter. Miscellaneous upcoming meetings were discussed by the Mayor. Wreaths Across America will take place on December 14th at noon. The Village has 16 veterans, and he will provide more information as it gets closer.

FISCAL OFFICER: The Fiscal Officer explained legislation that was added to the agenda, which consisted of changing an advance to a transfer. She provided reminders to Council about upcoming deadlines.

The Fiscal Officer reported that the Village had been approached by an insurance company that wanted to provide a quote but required a 19-page application. On the recommendation of the Solicitor, the Fiscal Officer was seeking the advice of Council as to whether there is interest in applying for another quote. The Solicitor further explained that part of the application involves obtaining a loss run report from the Village’s current provider. Furthermore, correspondence received from the Public Entities Pool (PEP) stated that if the Village will be shopping quotes, it must give PEP a notice of withdrawal. Given the lengthy application to get this quote, the Solicitor wanted to determine whether Council had interest in proceeding. The Fiscal Officer advised that the renewal for PEP is due February 24th, and it is for property and casualty insurance. Porter asked if there was a price increase from PEP, and the Fiscal Officer thought there probably was. She believes in shopping around, but the extensive application will be time consuming during a busy time and she wanted to verify Council’s interest in pursuing the quote. The Mayor asked who the surrounding municipalities were using. The Solicitor thought it was a pool like PEP. The Fiscal Officer advised that the application is for Ohio Public Risk Insurance agency. The Mayor suggested asking the agency for a list of other communities that use their services by December 9th. The Village can decide from there. Berger thought that before proceeding, the Village should clarify the PEP email about the notice of withdrawal. He wondered if the Village was contractually obligated to do this. The Solicitor said that it is if in fact the Village

were to move, but not to look for quotes. If the Village were to change, it would require a 60- day notice, which would be December 24th. Porter noted that this would mean completing the application, obtaining quotes, and Council acting before December 24th. It is a compressed timeline, and it may be better to shop later in the year where there is more time. The Mayor reiterated that an email can still be sent now to find out what other municipalities use the company.

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

Berger noted that the tax collection figures included in the Fiscal Officer’s report show a significant increase over last year though November of \$180,000. He concluded that tax revenues will be up for the remainder of the year.

Galicki shared that there will be no action in the lame duck session nor probably in the following session when the Ohio Legislature reconvenes about any kind of tax abatements.

Berger called Council’s attention to the minutes included in the Fiscal Officer’s report that contain the report from Meeder Investments.

SOLICITOR: The Solicitor reminded Council that it needs to establish the membership on the Board of Building Code appeals. Three members are appointed by the Mayor and then approved by Council. The meetings are called by the chair when there is something to consider. The Solicitor further explained that the board addresses building construction appeals. Cavanagh clarified that it is made up of residents and not Council members, and the Solicitor said that the code does not specify that they must be electors of the Village or residents, which is the same for the Architectural Review Board (ARB). Porter clarified that the members should have experience with the Building Code, and the Solicitor concurred that they should be qualified by experience. The point is that it is possible to get a variance from the Building Code just like getting one from the Zoning Code. It was discussed that the terms of the previous members have long since expired.

The Mayor stated that through discussion with the Building Department Administrative Assistant and the Building Inspector, it was determined that perhaps in January, the process to review the Zoning Code should begin.

Porter asked the Solicitor if she had heard from the Illuminating Company about the Interconnection Agreement. The Solicitor advised that the last email she received said that they were going to revise it and provide it to the Village. She has yet to receive anything. She offered to ask for an update. Porter agreed.

STREETS COMMITTEE: Bell reported that the Streets Committee met on November 21st. **Bell made a motion to hold Trash Day on April 26, 2025, seconded by Porter.** Cavanagh asked if this interfered with spring break. The Fiscal Officer asked if notification was received from the Department on Aging for the Senior Trash Pickup. Typically, the Village coordinates Trash Day with this. Porter suggested keeping the date and that the Service Department can do Senior Trash pickups as needed and coordinate with Geauga County for extra help. Bell thought it was the same weekend as last year. The Mayor offered that it usually is the last Saturday in April. **Voice vote – ayes, all. Motion carried.**

Secondly, Bell advised that the Street Commissioner discussed reducing mowing on some of the Village owned property like the bottom of the Central Retention Basin and the back portion of the former rental house lot. They would be mowed three to four times annually. This would cut labor and assist with stormwater. He thought this was a Properties Committee issue.

Additionally, Bell stated that communication was received by the Village of Burton from the Ohio Department of Transportation (ODOT) which contained a bill for plowing the state routes within their Village limits. Other municipalities have received similar correspondence. The Village has yet to receive anything, but the state may ask the Village to plow their road or make the Village pay for it if they do it. Cavanagh thought this was strange, and Bell concurred. The Fiscal Officer offered that this may be because the Village receives Motor Vehicle Tax and License Tax. Per the Ohio Revised Code (ORC), every time the Village receives a distribution, it must put a portion aside into the State Highway Fund for expenses related to the state highway. The Village used most of the State Highway Funds for the Traffic Light project. Porter cautioned that if the Village decides to plow the state route, it necessitates 24/7 availability. Berger suggested waiting to see what happens.

Bell and Porter raised an issue of the funding of a ramp for the Rarick Cemetery so the Village mowers can access the property. The quote is \$2,600, but Porter questioned whether it should come from the Cemetery Fund or the Streets Fund. Cavanagh advised that the Street Commissioner had raised this question with the Properties Committee as well and that she wanted to see where it would go first. Porter explained that this was to mitigate the future potential denial of access by the adjacent property owner. Berger pointed out that the proposal would necessitate offloading the mowers on Bell Rd. to access the Cemetery, which is a greater risk. Bell said the Street Commissioner suggested that he and the Engineer discussed putting pipe in the ditch and covering it with stone to create a pull-off where the vehicles can park.

The next Streets Committee meeting will be December 5th at 7:30 a.m.

BUILDING COMMITTEE: Bell referenced the iWorQ software legislation that Council would be considering. It will replace City Force, which will no longer be supported. The Solicitor reviewed the contract, and money is in the budget for it. Berger verified that there would be no conflict between the iWorQ software and ADP, and the Fiscal Officer said there would not.

Bell addressed the issue of political signs with regard to the Zoning Code which specifies that political signs must be removed within five days. Bell acknowledged that this involved the First Amendment and questioned whether the Village needed to amend this. The Solicitor stated that discussions of this matter date back to 2019. The Zoning Code needs a re-do of its provisions, but this one should take priority given the First Amendment and other Supreme Court cases. Other than when signs are in the right-of-way or placed on private property without the owner's consent, the Village has no authority with respect to political signs. Likewise, HOAs do not have the authority over posting of political signs. Berger suggested notifying the HOAs of this.

The next Building Committee meeting will be December 12th at 8:00 a.m.

POLICE CHIEF: Regarding the Police Department garage project, the Chief presented the project to the Board of Zoning Appeals (BZA) and received a three-foot height variance. The project also went to the Planning Commission (PC), which approved the plans as presented. On December 3rd, the project will be presented to the ARB. Once this is completed, the project will go out to bid.

The Chief reported that he completed the Building Department security camera system. Additionally, he received news that the crosswalk may be installed the following day. The posts and flashers will be installed, but the pavement markings and concrete approaches will follow due to weather conditions and may have to wait until spring.

Canton asked the Chief to have the School Safety Officer speak to the Gurney Elementary School principal about safety education for the children with the crosswalk. The Chief confirmed that an educational component would be provided. The Mayor felt that there needed to be thought as to how it is unveiled to the public. Even if it is installed tomorrow, it should be covered with a tarp until it is publicized in the newsletter, Chagrin Valley Times (CVT), etc. Most residents will be surprised. The Chief thought there would be limited use initially due to the weather. Galicki observed that installing it now with the colder temperatures gives many months for people to get acclimated to it in advance of the spring and summer where there will be heavier use. The Chief offered to post it on social media the following day. The Fiscal Officer advised that an eblast and media release can be sent out the following day. The Mayor reiterated his concerns with the crosswalk and concluded that the public would be notified through social media, an eblast, newsletter, CVT, and the Maple Leaf.

The Mayor asked about the draft notice to Chagrin Valley Dispatch (CVD) regarding police dispatch and asked if it was distributed to Council for information. The Solicitor was under the impression from the last Council meeting that the notice was required for this Council meeting to review and discuss. Porter verified that the response from the Geauga Safety Center was adequate, and that the motion which had conditions was satisfied. The Solicitor concurred. The Mayor said he met with the Police Chief of Russell and Chester Townships as well as with a Bainbridge Township trustee and took some notes about going with Geauga County Sheriff's Office (GCSO) dispatch. The consensus was that it was a no brainer, and they had no issues. He had a long discussion with the Chief of Russell Township Police about how Russell Township has its own computer system and does not use ADP. Furthermore, they used the Northeast Ohio Public Energy Council (NOPEC) grant funds for computers and monitors.

For clarification, Galicki asked about the Mayor's statement that Russell Township was not using ADP. He asked if the Mayor was just referring to the Police Department. The Mayor said he just spoke to the Police Chief and that could be. The Chief concurred.

SAFETY COMMITTEE: Canton said the next meeting was scheduled for December 12, 2024, at 9:00 a.m. He planned to attend the Valley Enforcement Regional Council of Governments meeting on December 3rd. Galicki asked Canton to approach Chief Zupan, Chagrin Valley Fire Department (CVFD), about the status of building revisions. There were previous statements made to the press that construction would begin in spring of 2023, but that has passed, as has the spring of 2024. Given the Village's financial contribution, he thought it was reasonable to ask this question. Canton would follow up on this. Porter offered that the changes to the building would have had to go through the Chagrin Falls PC, ARB, etc. He would be interested to see if plans had been presented, architects hired, and permits obtained because he had heard nothing about this process. The Solicitor offered that public entities are technically not exempt from zoning.

HR COMMITTEE: Cavanagh stated the HR Committee met on November 14, 2024, during which Berger reviewed seven proposed policies. Berger explained that policy 24-1, concerned the number of hours that can be worked in a 24-hour period. After reviewing ORC, Berger found it did not specify the limit for snow plowing, etc. However, there are regulations that say with public transport that 14

hours in a 24-hour period is the maximum. However, other regulations specify 16-hours. Berger chose 14-hours as the conservative approach unless there is a discussion as to why it should be exceeded. **Berger made a motion to adopt 24-1 to be placed on page 18 of the Employee Handbook under "Callout" in the Overtime section.** The Solicitor pointed out that a shall not exceed 14 hours added to 8 consecutive hours of rest do not add up to 24 hours. This is why she suggested 10 hours of consecutive rest and a 14-hour not to exceed driving time. The regulations from the Federal Motor Carrier Safety Administration suggest a 14-hour maximum of consecutive driving as long as the driver has come off of 10 consecutive hours of rest. Ohio has adopted this for intrastate commerce. It is not apples to apples with snow plowing, but it is being used as a guide. Porter suggested rephrasing it to be 10-hours off to account for travel time. Berger amended the last sentence of paragraph 3 to state, "to continue or shall be relieved for a period not less than 10 consecutive hours off duty."

The Mayor noted there was no second, and said he thought Council would discuss them but then there would be a meeting of the employees to explain them. Council would pass them December 9th. He thought it was a slap to pass the policy and then tell the employees without their input. Porter offered that the matter was discussed at the Streets Committee meeting. Cavanagh asked if everything was fine, and Porter said yes, because that was the practice at Orange and other places and mirrored federal practice and was not new to the Street Commissioner. However, he did not know if he had shared the information with the Service Department staff. Berger stated he would amend the policy, and the motion would be made at the next meeting.

The Chief stated that typically when the employees are called out to plow, it is after their 8-hour shift at the Service Department and asked for clarification about the permissible work and rest hours. Berger explained that in a 24-hour period, best practice is 10-hours off duty. The Chief advised that the policy specifies 14-hours of consecutive work. If they leave for the day at 3:30 p.m. and are called back out at 5:30 p.m., are they limited in their ability to continue to work? Berger said that as written, no, but would not say that it is best practice to have them work an 8-hour day, go home for a couple of hours and then return for another 8 hours. Justification would be needed before exceeding the specified number of hours. There was discussion of when the 24-hour clock begins. Berger relayed that previously, the drivers would come back to the Service Department and sleep in the recliners for a couple of hours and then return to plowing for 8 to 10 hours. He did not think this was good for them or the Village. Galicki offered that if the employee was called in at 3:30 a.m., good management might say that this employee stops work at noon and specifies when he should return instead of working 12 hours consecutively. This might mean that not all the employees are on at the same time and that their shifts are staggered. With good management, it is a manageable issue. Berger concurred. Porter thought they should consider a part-time Street Department on-call individual as a back-up.

Berger continued with policy 24-2, which relates to the employee recognition provision and outlines the circumstances in which the Village should recognize an individual, the birth or adoption of a child, and what the Village obligates itself to in terms of those recognitions. The effort is to treat all people in a certain class the same way with the policy which sets guidelines for the practice.

Regarding 24-3, Berger explained that it outlines how the Village recognizes volunteers, retiring Council members or Mayor, and how to recognize retiring employees.

24-4 deals with the process and procedure of doing employee performance appraisals, how they should be reviewed, and the timeframe in which they should be done, which is by March 31st of each year. It

also specifies that there should be a review process of the review. If a Department Head is doing a review of an employee, then the Mayor should have reviewed that document prior to the Department Head sitting down with the employee. If the Mayor is doing the review, then it should be the HR Committee reviewing that review. This allows for a crosscheck procedure that ensures the reviews are done in a timely manner and that they are done effectively. With regard to when the Mayor is responsible for the employee review, the Solicitor asked how this would be handled with the two employees who report to Mayor and Council. Berger indicated there was discussion at the last HR Committee meeting as to whether Council wished to continue with this arrangement or whether the two positions should report directly to the Mayor. There was no definitive opinion on this and would be a decision for Council. If the positions are kept as they are, Council should be able to weigh in on the reviews. The Solicitor indicated that if that were the case, 24-4 should be amended accordingly. With respect to the employee agreeing to the three goals, the Solicitor wondered if the department heads had weighed in on this requirement. She asked if the reviews contain this currently. The Chief said that the narrative contains goals if improvement is needed in a certain area. The Solicitor asked about situations where an employee has no areas of improvement needed, and the Chief advised that the narrative would indicate that the existing performance should be continued. The Solicitor asked what would happen if the employee did not agree to the goals, but also did not request a meeting with the Mayor or HR Committee to get the matter resolved. The Chief advised that in the instances where goals were set, he has never had such issues. The Solicitor noted that the policy states that the employee must agree to the goals and wondered what would happen if they did not. Galicki relayed that in his experience in the private sector, it was common to identify goals through employee/supervisor discussion. They did not have to be extensive goals but rather reasonable expectations of what the job demands. The Solicitor viewed the development of these goals as potentially holding up the review process in the event the employee did not agree. She preferred that it was discretionary. Bell asked Berger what he was trying to achieve with the identification of three goals. Berger explained that from his experience in private industry, the performance of the previous year should become the baseline for an improved performance for the following year. What goals would make you a better employee and better serve the Village? During the review process, an assessment can be made of the goals that were and were not achieved and what the employee needs to do better for the next year. If there is not mutual agreement on the goals, there will be no buy in on both sides. The Solicitor recommended that a mechanism should be provided if the employee does not agree but also does not ask for a meeting. If the Department Head, Mayor, and employee cannot agree, the employee may ask for a meeting with the Mayor or Department Head to discuss and resolve the problem. If the Mayor is the direct supervisor, then the employee may ask for a meeting with the Mayor and HR Committee. Berger proposed that if the employee does not agree but does not ask for a meeting, the reviewer should ask for a meeting between the Mayor, HR Committee, etc. to come up with an agreement about the goals. The Mayor proposed Berger amend the policy and then bring it back to Council.

24-5 speaks to the travel policy for Mayor and Council and offers a process whereby each Council member has an opportunity to attend certain events, like the Ohio Municipal League (OML) Conference. Two members of Council attended this year. Next year, other members of Council who did not attend should be offered first opportunity to attend. If they decline and there are slots available, then those who attended in the past can apply to attend. It should be on a rotating basis. Galicki offered that every member of Council had the opportunity to attend the OML Conference and there were no restrictions. For the past couple of years, no other member of Council elected to go. Berger explained that if there were financial restrictions and there were more Council members willing to go than slots available, the policy provides for a rotation process to allow everyone a chance.

24-6 addresses the concept that the Village's employees fall into three categories and ensures that every employee is recognized in one of those groups. Safety has a specific day of May 24th. Admin and government workers have a week in April or May where they are recognized. The policy simply states that the employees will be recognized during those time periods every year.

24-7 pertains to the use of Village vehicles to include approving the use and the rules under which they are to be used. The Mayor questioned section 2 requiring approval to use the vehicle. He used the example of having used the vehicle earlier that morning. Berger asked if there was an opportunity to tell the Chief he was taking the vehicle, and the Mayor said yes, he could have sent an email or text. Berger thought this was appropriate. The Mayor did not. Berger explained that it was necessary to designate someone in the Village as the manager of the Village vehicles to know where the vehicles are and who has taken them. The Mayor replied that this was a solution looking for a problem the Village does not have. The Fiscal Officer asked what would happen if two people needed the car on the same day? The Mayor responded that they could take the other car. Berger asked what would happen if the second car were not available. He explained that this is what he is trying to avoid by having a coordinator. The Mayor reiterated that it is a solution for a problem the Village does not have. Porter asked if there were GPS trackers on all the vehicles. The Chief advised that they are only on the police cars. The service cost for GPS is about \$20 per month per vehicle. Galicki added that previously, Council indicated that vehicle logs should be maintained. However, two days after it was implemented, it went away because it was inconvenient for some people. There are valid points in terms of vehicle usage that needs to be controlled and communicated.

Regarding the policy, the Chief suggested that between #5 and #6, a police exemption should be included for mutual aid for the command vehicle. The insurance company indicated that the police would have coverage under the mutual aid agreement.

The Mayor addressed #5 of the policy which states that non-employees are not permitted in a Village vehicle. Jon Finley is a Chagrin Falls Township Trustee, and the Mayor takes him to the Geauga County Township Association (GCTA) meetings. He did not think he needed to ask the Chief to do that. Galicki pointed out that there is nothing that says the Mayor cannot use his personal vehicle and drive Finley and then he could submit for mileage if he wished to do so. The Mayor said no because they were trying to use vehicles instead of submitting for mileage. It is business-related in his opinion. Galicki said that the Mayor has brought up one exception with transporting the Chagrin Township Trustee, but without a policy like this, it opens the door to transporting his wife, a citizen, etc. just for convenience sake. The Mayor said no that the GCTA meetings are business related reasons. Galicki noted that most of the cars he sees in the parking lot for these meetings are personally owned vehicles. Furthermore, these meetings do not amount to significant mileage, and he thought it feasible to personally cover the gas it takes to drive back and forth to any of the meetings.

The Mayor addressed #5 again and verified that it was permissible under the policy for the Street Commissioner to take the Engineer or Building Inspector in the vehicle. Berger concurred adding that it involves Village business. The Mayor again took exception with the verbiage about requiring the preapproval of the Police Chief. The Solicitor stated that there was need of rewording, because these two individuals are not employees. Berger read, "non-employees are not permitted except for Village business related reasons..." Porter suggested that pre-approval be changed to notification. The Chief explained that there is a shared calendar with the Mayor and Admin that is used for coordination. The Mayor continued to object to the provision of needing to notify the Chief in the event that Village personnel use the car to transport the Building Inspector or Engineer to view a project. Porter suggested that the Engineer and Building Inspector follow in their own cars. The Mayor said that this

is not what is done now, which is having them hop in the car to show them something. Calling the Chief is a waste of time and is not necessary. Porter said it is just a notification and the idea of knowing where the vehicles are is probably a good one, but it should also not be over burdensome either. The Chief also indicated that a valet service is used with Liberty Ford where they come and get the police car to service it. Berger questioned who would cover the damage if there were an accident and the Liberty Ford employee was driving. The Chief said that if they are at fault, they should. The Chief would check on this. Berger added that if this is the case, a statement can be included in the policy.

24-8 outlines the authority of the Mayor. Berger was trying to more specifically define the authority and responsibilities than how the ordinance is currently written. Regarding #2 and #3, Canton asked if there was a need to define what the term, "good order" means and what an emergency is. Berger stated that this was discussed and determined that they know it when they see it, but it is difficult to actually define. Canton addressed the verbiage pertaining to the Mayor being ultimately responsible for the safety and welfare of the Village in the event of an emergency. He asked if it was true that by virtue of being a mayor, he is the number one person responsible for safety in the Village. The Solicitor said this is not true. Berger concurred and said that some municipalities identify a Chief Safety Officer that is not necessarily the mayor. For the Village, he thought it should be the Mayor. The Solicitor pointed out that in the vehicle policy, the Chief is listed as the Safety Officer. Berger said he wrote it that way because the Village's mayor is a part-time position. A full-time person needs to have this assignment.

Bell questioned #6 under the policy that states the Mayor shall have ultimate authority in disciplinary actions for every employee consistent with the policies and procedures outlined in the Employee Handbook. In the event that a Department Head disciplines an employee, and the Mayor does not agree with it, can he reverse the discipline? His concern was that it is taking away the management ability of the managers. The Solicitor agreed, especially because of the FSLA and exempt employees and supervisory roles. Additionally, the Village's policies and procedures outlined in the Employee Handbook do not list what any Mayor/Council authority is. It also might abrogate the whole section regarding police officers and how to suspend, reduce in rank, and terminate. It would be necessary to carve out an exception for this. Furthermore, the first provision where it states that the Mayor shall be the Chief Executive Officer is not consistent with the ORC. The executive power lies in the Police Chief, Mayor, Fiscal Officer, Clerk/Treasurer, and the Street Commissioner. Council cannot abrogate ORC although she understands the desire to define certain roles. ORC 733.30 states that the mayor is the chief conservator of the peace. Berger said this is an undefined term. The Solicitor replied that it is not executive. Cavanagh asked if the Mayor does not have this, then what power does he have? The Solicitor explained that the Mayor has executive power, but it is not exclusive. The executive power is shared.

Galicki noted that the Village is a statutory form of government and believed some of the proposals with this policy are outside the realm as outlined in ORC in terms of the power of the Mayor. The Solicitor added that this policy would appear to be something that should go into the Codified Ordinances and not into the Employee Handbook. The Berger agreed.

The Mayor congratulated Berger on a job well done and suggested he continue to polish them for the December 9th meeting.

Cavanagh stated that the next HR Committee meeting will be on December 5th at 10:00 a.m.

PROPERTIES COMMITTEE: Cavanagh reported that the Properties Committee met on November 14th and discussed holiday lights, the empty corner lot, pavilion roof repair, and the 250th committee for which she has applied. During the meeting, the Mayor suggested renting trailers for the hayrides.

The Fiscal Officer said that the Street Commissioner said that Village Hall will be painted this winter, and the woodwork will be painted green. Cavanagh said this has not been decided yet. It must be an 1840's color. The Fiscal Officer relayed that when she started with the Village, her predecessor told her that the colors for Village Hall were carefully selected. She was surprised that it would be changed to green. Cavanagh explained that they looked at Sherwin Williams historic colors. Village Hall is a federalist style building built in 1848. Galicki added that the federalist style is a particular architectural style and does not necessarily reflect the year it was made.

PARKS COMMITTEE: Although the next Fall Festival is 10 months away, Canton reported that he spoke to the director of bands at the Chagrin Falls High School. He invited the marching band to perform at the Fall Festival. The director thought it was a wonderful idea and the band will perform their halftime routine.

PUBLIC UTILITIES COMMITTEE: Berger advised that the Public Utilities Committee met, and the minutes were distributed. The next meeting will be Friday, December 6th at 9:00 a.m.

Regarding the Sugar Bush silt issue, Porter explained that Sugar Bush's registration with the Ohio Secretary of State expired in 2016 which precludes the Village from engaging in any legal agreement with them until it is renewed. The Mayor had a virtual meeting with the Sugar Bush HOA and explained that previously the Village cleaned out the silt pond, but it is filling up again. The opinion of the HOA president is that Sugar Bush is the silt pond for the northeast corner of South Russell including the work that was done in Manor Brook. The Mayor relayed that it would be necessary to get the Engineer's measurements to determine the change in silt levels.

Porter further explained that once the HOA has been reinstated, the Village will explore a license agreement similar to what was done with Kensington Green, which is still pending. The Solicitor verified that the silt pond was on one parcel and not on multiple parcels as the remainder of the lake. This might necessitate each individual property owner being a license holder. Porter did not think so, because the silt pond is the Spring Pond. The Solicitor obtained verification that the parcel that contains the silt pond is titled in the name of Sugar Bush Club, Inc.

If there has not been construction, Cavanagh did not understand why the Village is responsible for Sugar Bush's silt. Porter said that as far as the Village is concerned, it is not responsible. What is being discussed is the ongoing effort to have a license agreement with the pond owners, so that the Village can sound the ponds and monitor silt build up. There is no commitment to cleaning them out, just monitoring them and sharing the information with the HOA or individual property owners.

ORDINANCES AND RESOLUTIONS:

Berger introduced an ordinance to approve the 2025 Annual Appropriations as follows: General Fund Salaries and Benefits - \$349,133, Other - \$345,041; Service Fund - \$102,652; Building Fund Salaries & Benefits - \$105,932, Other - \$105,782; Ambulance/Fire Fund - \$552,166; Street Maintenance Fund - \$719,892; State Highway Fund - \$35,000; Cemetery Fund - \$16,000; Parks & Recreation Fund - \$23,580; Safety Fund Salaries & Benefits - \$1,579,842, Other - \$397,374; Operating Fund Salaries & Benefits - \$435,904, Other - \$45,516; Road/Bridge Fund - \$114,500; Income Tax Fund - \$2,707,269; Special Land & Building Fund - \$550,000; Bell Road East - \$1,269,769; Trust & Agency Funds - \$120,000 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 2024-97**

Canton introduced an ordinance enacting New Chapter 478 of the Codified Ordinances of the Village of South Russell regulating the operation of golf carts within the Village of South Russell and declaring an emergency.

Bell introduced an ordinance approving the services agreement between the Village of South Russell and iWorQ Systems, Inc. in an amount not to exceed \$19,884.00 for software and related services for the Village's Building Department for a term of 3 years, 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 2024-98**

Bell introduced the partnership agreement between the Village of South Russell and TextMyGov in an amount not to exceed \$12,000 for TextMyGov software and related services for a term of 3 years, authorizing the Mayor and Fiscal Officer to execute the agreement on behalf of the Village, and declaring an emergency.

Canton introduced an ordinance approving the updated Memorandum of Understanding as to term regarding the deployment of a School Resource Officer, authorizing the Mayor to execute the updated Memorandum of Understanding on behalf of the Village of South Russell, authorizing the Police Chief to execute the updated Memorandum of Understanding on behalf of the Village of South Russell Police Department, and declaring an emergency. Canton made a motion to waive readings, seconded by Galicki. Roll call – ayes, all. Motion carried. Canton made a motion to adopt, seconded by Galicki. Roll call – ayes, all. Motion carried. **ORD 2024-99**

Cavanagh introduced a resolution of the Village of South Russell, of Ohio, supporting the Ohio Commission for the United States semi quincennial (AMERICA250-OH). Cavanagh made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Cavanagh made a motion to adopt, seconded by Porter. Roll call – ayes, all. Motion carried. **RES 2024-100**

Galicki introduced an ordinance amending appropriations increasing Income Tax Transfers \$108,682.41 and declaring an emergency.

Galicki introduced an ordinance advance returning \$160,000 from the Manor Brook fund to the Income Tax Fund and declaring an emergency.

Galicki introduced an ordinance transferring up to \$108,682.41 from the Income Tax Fund to the Manor Brook Fund and declaring an emergency.

BILLS LIST:


Berger made a motion to ratify the bills list of November 15, 2024, in the amount of \$61,434.29, seconded by Galicki. Voice vote – ayes, all. Motion carried.

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

Cavanagh addressed current legislation approved by the House and in front of the Senate called the Social Security Fairness Act which pertains to the retirement of public employees.

Council discussed the need for a special meeting, and decided on Thursday, December 5, 2024, at 8:30 a.m. **Berger made a motion to excuse Councilmen Galicki and Canton from the December 5th Special Meeting at 8:30 a.m., seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**

ADJOURNMENT: Being that there was no further business before Council, Porter made a motion to adjourn at 8:46 p.m., seconded by Porter. Voice vote – ayes, all. Motion carried.


William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki