

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, DECEMBER 9, 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, Street Commissioner Young, Solicitor Matheney, Engineer Haibach

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 25, 2024, Regular Council meeting, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**

**MAYOR’S REPORT:** The Mayor appointed Andy Hitchcock to the Board of Zoning Appeals (BZA). Cavanagh made a motion to approve, seconded by Porter. Voice vote – ayes, all. Motion carried. The Mayor appointed Phyllis Marino to the Planning Commission (PC). Porter made a motion to approve, seconded by Bell. Voice vote – ayes, all. Motion carried. The Mayor appointed Marty O’Toole to the BZA. Cavanagh made a motion to approve, seconded by Porter. Voice vote – ayes, all. Motion carried. The Mayor appointed Ryan Parsons to the Architectural Review Board (ARB). Porter made a motion to approve, seconded by Bell. Voice vote – ayes, all. Motion carried.

The Mayor reported that according to the Northeast Ohio Public Energy Council (NOPEC), utility rates would be rising in June 2025 for the northeastern United States. He also reported on Northeast Ohio Area Coordinating Agency (NOACA) meetings he attended as well as the Geauga Growth Partners (GGP) presentation of HR related topics. The Mayor advised that Wreaths Across America would occur on Saturday, December 14<sup>th</sup> at 11:30 a.m. if anyone wished to participate. Lastly, he stated that there would be an ethics training webinar on December 19<sup>th</sup> and the Geauga County Township Association (GCTA) meeting would take place January 8<sup>th</sup> at 5:30 p.m.

The Mayor distributed a document containing the proposed calendar, committee assignments, and goals. He suggested that it be discussed at the individual committee meetings occurring on Thursday, December 12<sup>th</sup>.

Galicki asked if the Village would be participating in Wreaths Across America by purchasing wreaths, because last year, the Village participated but Council specified that it was only for that year. The Solicitor concurred. Galicki continued that a motion would be necessary if the plan was to continue. The Mayor asked for a motion to participate in the Wreaths Across America activity on Saturday, December 14<sup>th</sup>. Galicki asked if the Village would be contributing money. The Solicitor reminded the Mayor that last year, there was a lengthy agreement that had to be signed. This was a reason why Council only agreed to participate for one year. Some of the requirements to be a participant were problematic. The Mayor said he remembered and suggested not having a motion. The Solicitor offered that a motion could be made, but it would be prudent to look at the agreement again. Galicki suggested that participation could be as an individual private citizen, but his question was whether the Village was participating and contributing. The Mayor said he would hope so. Porter thought they would have to vote for the

funds, since they probably were not budgeted. The Fiscal Officer concurred that they were not because the motion from the previous year was that the Village would participate in Wreaths Across America for that year and then get donations from residents or do the program in-house, but nothing ever came of this nor was anything budgeted. Porter asked the Mayor how much money was required. The Mayor said that new flags were being purchased along with the wreaths for the 16 graves. The Mayor asked Berger about the price of wreaths and Berger recalled the Wreaths Across America wreaths were \$15 per wreath and 17 or 18 wreaths were needed. Cavanagh recalled that part of the problem was that Wreaths Across America designated its cemeteries and they did not come out to the South Russell Cemetery. The Mayor agreed and said the Village has not publicized its participation like Chagrin Falls has. Cost of the wreaths aside, Berger cautioned that there is an agreement that must be signed with Wreaths Across America, and he recalled Council had some real concerns about that. If the Village wishes to buy the wreaths from a local purveyor and do it on its own, that would be great, but did not see how the Village could participate in the Wreaths Across America program without approving the agreement. The Mayor noted that the Wreaths Across America ceremony is this Saturday at noon, but the Village could do something for its veterans any time. The Mayor suggested buying 18 wreaths at \$15 each and putting them with a flag on the graves to acknowledge the veterans. Berger suggested a motion not to exceed \$350 to purchase wreaths to recognize the Village's veterans not associated with Wreaths Across America. Porter suggested \$400. There was discussion of using natural wreaths since the Cemetery rules prohibit artificial flowers. The Fiscal Officer specified that the funds could come from the Cemetery Fund or the General Fund. **Berger made a motion to authorize expenditure the not to exceed \$400 from Cemetery Fund for the purchase of natural wreaths to be placed on the veterans' graves in both Village cemeteries, seconded by Galicki. Voice vote – ayes, all. Motion carried.**

**FISCAL OFFICER:** The Fiscal Officer distributed her report, which included a list of the requested information about area communities and entities that use Ohio Public Risk Insurance. She noted that there were quite a few, and she was seeking direction on whether the application should be completed for a quote for property and casualty insurance. The insurance representative offered to help fill out the 19-page application. The Mayor suggested splitting the list of communities references to call. The Mayor asked what the deadline was to submit the application and change insurance companies. The Solicitor stated that these were different questions. To change insurance companies, there is a 60-day written notice required to terminate with PEP. This would have to occur by December 24<sup>th</sup>. The Fiscal Officer did not think the Village would have the information necessary by this date. The Mayor reiterated that by December 24<sup>th</sup>, the Village could tell PEP it would be cancelling. The Solicitor explained that the problem with this is the questions of whether the Village would have quotes from the other company by then, and whether Council would have had the opportunity to meet to approve the quote and to authorize the termination of the PEP contract. Bell asked if there were any outstanding claims with PEP, and Porter said just one. Bell concluded that it might not be wise to switch now. Porter concluded that there is no harm in obtaining quotes for comparison purposes. **Porter made a motion that the Mayor and Fiscal Officer be authorized to complete the application to obtain a quote from Ohio Public Risk Insurance for purposes of comparison, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.**

The Fiscal Officer advised that it was necessary to amend the appropriations for the Operating Fund for Salary and Benefits due to the overlap with the incoming and retiring Street Commissioners.

Porter noted that the Village is up \$740,000 for the fiscal year as of November 30<sup>th</sup>. The Fiscal Officer cautioned that the Bell Rd. Culvert project will be due this year as well as a few other projects. Furthermore, the Village will be encumbering funds for the park restroom until next year as well as the crosswalk, salt dome, and police garage.

**FINANCE COMMITTEE:** Berger stated that the Finance Committee will meet Thursday, December 12, 2024, at 10:00 a.m.

**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.**

**SOLICITOR:** The Solicitor reminded Council that given the holiday season where gifts start coming from contractors, they needed to remember that the Ohio Ethics Commission has opined that while an official is not necessarily prohibited from accepting small gifts like a book, meal at an inexpensive restaurant, an inexpensive entertainment activity, officials can be influenced in the performance of their duties by even accepting the small gifts. To avoid even the appearance of impropriety, the Ohio Ethics Commission has opined that the official should abstain from accepting those gifts. While it may not be illegal, it creates an appearance of impropriety.

Secondly, the Solicitor recommended that in January, Council should reconsider a moratorium the Village has on recreational marijuana. It was passed in January 2024 and was good for 12 months. This pertained to the retail, dispensaries, cultivation, and processing.

**ENGINEER:** Regarding the proposed Rarick Cemetery ramp, the Engineer met with the Street Commissioner. The Village is currently permitted to gain access to the property with the permission of the resident to the east of the cemetery. However, the next owners of that property may not be so gracious and/or the current residents may change their minds. He and the Street Commissioner investigated enclosing a section of the ditch on the north side of Bell Rd. across from the cemetery to allow for a gravel pull off area to accommodate a truck with a landscape trailer. The other option would be to construct a narrow and somewhat steep earthen ramp on the south side of Bell Rd., reworking the shape of the shoulder in the right-of-way of Bell Rd. in order to get a lawn mower up to the cemetery. This would not interfere with the steps. Galicki asked the Engineer if an easement was an option from the current resident. The Engineer said one was prepared seven to ten years ago, but the residents declined. Instead, they offered to voluntarily allow the Village to access the cemetery property. Porter and the Engineer discussed their recollections of the informal agreement with the resident. The Engineer offered that in the event Council wants to pursue an easement again, he has all the necessary survey information and documentation.

Of the options given, Berger asked which would be the best from a safety perspective. The Engineer said it would be an easement from the resident. Berger thought this should be considered again because off-loading landscape equipment onto Bell Rd. at that location is a safety concern. The Engineer concurred. Galicki asked about the proposed angle of the ramp.

The Engineer explained that the ramp would start at the far east end of the Rarick Cemetery and cutting in the bare minimum. The ramp will run east-west. Bell asked for clarification on the pull-off that the Engineer proposed, and he explained it would involve installation of a section of 24-inch storm culvert with a length to be determined. This would be covered with gravel to allow for a pull-off to get it off the edge of the pavement on the north side of Bell Rd. They would still have to cross to get to the cemetery. Cavanagh offered that the Properties Committee could take the matter for action. Canton asked how often the cemetery is mowed, and the Street Commissioner said weekly and described how they currently access the cemetery. Berger proposed revisiting the easement.

The Engineer elaborated on the Bell Rd. East Culvert project. Construction would be starting this week. The Street Commissioner clarified that the contractor would tentatively be starting Monday, December 16<sup>th</sup>. Council will be asked for authorization for a not to exceed \$130,000 for payment of the project in order to get it closed out. OPWC will pay 50% up to \$140,000. The awarded price was \$118,006, and he is increasing the amount to accommodate any additional unforeseen costs.

The Central Retention Basin repairs should be completed this week by Mr. Excavator. This project totals \$11,500 and will come from American Rescue Plan Act (ARPA) funds. The remaining ARPA funds will be applied to the local share of the Bell Rd. East Culvert project.

Bell asked how long the road would be closed for the Bell Rd. Culvert project, and the Engineer thought it would be about a week. Porter asked if the residents had been notified of the road closure, and the Street Commissioner said he knocked on their doors to let them know and the contractor will provide the other notifications. Cavanagh reminded Council that West Geauga school busses also use this route. The Chief advised that there will be detour signs alerting them of the closure. The Mayor asked if signs would be going up this week, and the Engineer said the plan is to have the road closed signs on site and visible, but not necessarily blocking the full road. It will not be a surprise.

**STREET COMMISSIONER:** The Street Commissioner distributed his monthly report. He commented on the recent storm and the hours worked by the Service Department staff. He advised that they did a phenomenal job.

**STREETS COMMITTEE:** Bell made a motion to authorize payment of Bell Rd. East Culvert not to exceed \$130,000, seconded by Porter. Voice vote – ayes, all. Motion carried.

**Bell made a motion to authorize payment of the Central Retention Basin not to exceed \$11,500, seconded by Porter. Voice vote – ayes, all. Motion carried.**

The committee met on December 5<sup>th</sup>. The committee discussed 10-hour shifts for the summer, and Bell wanted Council's opinion. He explained that for the last few summers, the Service Department has done 10-hour shifts to get more work done. The Street Commissioner suggested having 10-hour shifts from May 1<sup>st</sup> through September 1<sup>st</sup>, but the employees would be on for 10-hours five days a week Monday through Friday. There would be equitable scheduling. No one would work more than 40 hours a week and the start time would be 6:30 a.m. and end at 4:30 p.m. Staff would be available daily. Cavanagh thought this sounded good. Porter thought it would be more efficient especially if they would be doing culvert replacements, which he

understands have already begun to be scheduled. Galicki questioned the value added with the 10-hour shifts and what additional work really would get done in those two hours instead of a full day of work. However, he acknowledged he is in the minority.

Bell advised that the committee also discussed seasonal part-time employees for plowing or a college student in the summer to do lower dollar work throughout the summer. The committee would like to advertise the part-time position starting with the plowing work for the winter utilizing the current job description for the part-time seasonal worker for the salary rate that is in the pay range. Porter thought it was \$22. The Street Commissioner explained that in the winter, it would give him the flexibility in the event there are issues with any of the employees like sickness, etc. It would also allow him to keep the hours down while maintaining coverage. Cavanagh addressed the maximum permissible hours employees can do snowplowing, and the Street Commissioner said that currently he aims for 14-hours. If one of the drivers had gotten sick during the recent storm, he would have had to run another driver well over the 14-hour limit. Canton asked how breaks worked with 14-hour shifts, and the Street Commissioner said he leaves this to the drivers to determine. The Street Commissioner explained that in the recent storm, they were operating with three trucks because the truck purchased in 2020 was down and he did not have the ability to get it fixed during the storm. That is another concern. If another truck had gone down, he would have had to pull the mechanic off the road to fix the truck.

Berger asked if \$22 per hour would attract adequate applicants. The Street Commissioner thought the Village could get someone at that rate as long as they stayed flexible with the individual's schedule. The hours scheduled, the hours the Village would want to keep them under to keep them part-time, would need to be flexible so that they could run the 40 if needed and then bring them back or stop them at another point. As long as there was willingness to be flexible, he thought they would entertain someone. Porter asked the Fiscal Officer about the pay range for this job, and the Fiscal Officer said the Village did not have one. Additionally, it is not in the budget which would mean amending the pay scale and putting the money in the budget. She would also look at the job description which the Village used to have. The last time job descriptions were adopted, she was unsure it was adopted because the Village did not have the position at the time. The Street Commissioner thought the job description should be that of the current driver/laborer versus summer or part-time seasonal help. Porter did not think the Village had a job description that matched what the Street Commissioner was describing although one could be modified and stipulate not to exceed 32 hours per week. The Mayor suggested they keep working on it. Porter suggested authorizing the Mayor, Fiscal Officer, and Street Commissioner to post a job for a part-time Streets Department employee for 16 hours maximum per week, \$25 per hour. That way they could get moving on it and maybe have someone in January when it might really snow. The Street Commissioner was concerned about setting a limit on hours worked because in a storm he could burn 16-hours in one day. Porter advised that the goal would be to keep them part-time. The Street Commissioner wanted to see the job description written so that he could pull back the hours in May and June. The Solicitor stated that the Employee Handbook defines a part-time employee as an employee in the Administrative Office, Building Department, or Service Department who works less than a minimum of 40 hours in a Sunday through Saturday period. It is also defined for the Police Department as anyone that works less than a minimum of 80 hours in a 14-day Sunday through Saturday period. Porter proposed using the verbiage, part-time, less than 40 hours, and this would provide the

flexibility. Bell asked how many hours annually would enable an employee to become benefits eligible. The Solicitor replied that the Employee Handbook does not specify this information.

Porter asked for the committee's recommendation, and Bell thought the matter required more research and should fall to the new committee members next year. Cavanagh questioned what would happen between now and January if there were another storm. The Mayor replied that the Village had gotten by for years. Galicki added that with the current staffing, the Village has made it through thick and thin for years. It is not a new situation. Porter offered that for years, the Village had Ted Holt as a backup, but the Village had not had many bad storms recently. He reiterated that he was inclined to authorize the position to be advertised. Bell pointed out that a job description and pay range were still needed and would have to be approved by Council. The Mayor thought they could have it all ready by January 13<sup>th</sup>. Cavanagh hoped there would not be another big storm. The Mayor stated that the Service Department employees are already on their way before they are even called in and noted that the Village has good workers. Porter continued to argue that human endurance has limits, and another person would be helpful. Cavanagh said she was with Porter.

The Mayor commented that if the Village goes to the 4 10-hour days, they should keep an eye on injuries. If they start running into injuries because the employees are tired at the end of the day, they will have to take another look at this arrangement.

**BUILDING COMMITTEE:** Bell advised that the committee will be meeting Thursday, December 12<sup>th</sup> at 8:00 a.m. in the Building Department office.

**POLICE CHIEF:** The Chief submitted his month-end report along with the status of the current projects. The committee will have a proposal to go out to bid for the police garage. Cavanagh asked the Chief if the solar panels had received the okay yet, and he said it had not.

The Mayor asked about the liquor permit that was distributed to Council. The Solicitor explained that the permit is for 161 Chestnut Lane in Emerald Lakes for retail sales of wine. It is for a home occupation and also for a BZA use variance. The Village has the opportunity to object and ask for a hearing or a 30-day extension. She does not know when the application will go before the BZA, and if the BZA does not grant the use variance, there will be no permit. She further explained that with a home occupation, any sale of food or beverage is not allowed. They will have to receive a use variance from BZA. Bell clarified that the residents are holding inventory in their home and people are stopping by to pick it up and it is not just a matter of working from a home or a home office. The notice has a time limit associated with it, and Council has until December 23<sup>rd</sup> to respond to the Department of Commerce, Division of Liquor Control. She clarified that the individuals can still apply to get the license, but the question is whether they can use it out of the house. It is a C2 license, and the Chief asked if there were a limited number of licenses for the Village. The Solicitor did not think so. Porter suggested asking for an extension. The Solicitor advised that the next possible meeting where the case would be heard by BZA would be in January. Porter then suggested requesting a hearing that will push it further down the road.

**Porter made a motion that the Village of South Russell request a hearing in connection with the application filed by Roundwood Wine Partners, LLC, for the purposes of a C2 liquor license in the Village, seconded by Berger. Voice vote – ayes, all. Motion carried.**

Cavanagh asked whether approval of this liquor license set a precedent for any residential neighborhood to ask for a liquor permit. The Solicitor did not know, but said this is something the BZA will consider because a use variance runs with the land.

Galicki addressed the matter of a change in business with the closing of Panini's relative to Village requirements. The Solicitor thought the new owners had spoken to the Building Department Administrative Assistant and thought they might come before the Planning Commission since they are a conditional use in that district.

**SAFETY COMMITTEE:** Canton reported that the next meeting will be Thursday, December 12<sup>th</sup> at 9:00 a.m. at the Police Department.

Regarding a motion to go out to bid for the police garage, Canton verified with the Chief that he had obtained all necessary approvals. The Chief concurred that he had gone before and was approved by BZA for a height variance, as well as PC, and ARB. **Canton made a motion to go out to bid for the police garage project, seconded by Galicki. Voice vote – ayes, all. Motion carried.**

Canton attended the Valley Enforcement Regional Council of Governments meeting on December 5<sup>th</sup> at which Sgt. Nick Divita provided a presentation about the Drone Team.

At the last Council meeting, Canton was asked to obtain an update on the Chagrin Valley Fire Department (CVFD) renovation project. Chief Zupan emailed Canton to explain some of the delays. Additionally, the Chagrin Valley Times recently ran an article about the matter and indicated that there had been some difficulties with the foundations and a wall that collapsed due to the absence of a footer. They were hoping to have the project completed by early next summer, but that has been pushed back to September.

**HR COMMITTEE:** The HR Committee will meet Thursday, December 12<sup>th</sup> at 2:00 p.m., and will address the policy proposals.

The Solicitor proposed adopting the new committees so that they can meet before the first 2025 Council meeting. The Mayor wanted to give everyone a chance to complain first, but the committees could also be changed in January. **Porter made a motion to approve the proposed committee assignments for the 2025 year, seconded by Bell.** Porter asked if the chair was the first Council member listed, and the Mayor said no that this time he listed them alphabetically. Porter asked if he wanted to designate chairmen. The Mayor said that the first person listed will serve as the chair. Berger noted a typo on the Mayor's list and clarified that Bell is on HR and Safety and he is on HR and Properties Committees. Porter suggested changing the chairs. **Voice vote – ayes, all. Motion carried.**

**PROPERTIES COMMITTEE:** Cavanagh had nothing to report. The committee will meet Thursday, December 12, 2024, at 1:00 p.m.

**PARKS COMMITTEE:** Cavanagh reported that the Mayor sent an email requesting that a walk be conducted by a hiking committee member or Martha Bistriz. The Mayor said he reached out to Karen Leary from the Cleveland Hiking Club, and she has agreed to meet and talk to him. Cavanagh asked what the purpose of the meeting would be, and the Mayor said he wanted to get more citizens in the park as a community service. He would suggest doing a hike on a Saturday morning.

**PUBLIC UTILITIES COMMITTEE:** Berger distributed his committee minutes. Porter said nothing had changed in the past month. There is an interconnection agreement that needs to be signed by CEI and a meter swap that needs to occur to fully activate the solar panels. The Chief, Porter, and the Solicitor have attempted to contact CEI on the matter. Once signed, Council must enact an ordinance to accept it.

A special meeting was discussed relative to this agreement and other pending legislation. **Bell made a motion to hold a Special Council meeting at 8:30 a.m. on Thursday, December 12, 2024, seconded by Porter. Voice vote – ayes, all. Motion carried. Porter made a motion to excuse Councilmen Berger and Canton from the Special Meeting set for December 12<sup>th</sup> at 8:30 a.m., seconded by Galicki. Voice vote – ayes, all. Motion carried.**

#### **ORDINANCES AND RESOLUTIONS:**

Canton provided a second reading of 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 provided a second reading of an ordinance approving 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.

Galicki provided a second reading of an ordinance amending appropriations increasing Income Tax Transfers \$108,682.41 and declaring an emergency.

Galicki provided a second reading of an advance ordinance returning \$160,000 from the Manor Brook fund to the Income Tax Fund and declaring an emergency.

Galicki provided a second reading of an ordinance transferring up to \$108,682.41 from the Income Tax Fund to the Manor Brook Fund and declaring an emergency.

Porter introduced an ordinance approving Chagrin River Watershed Partners, Inc. to perform the additional services to the Village of South Russell assisting, preparing and submitting the Small Municipal Separate Storm Sewer System (MS4) Phase II annual reporting to the Ohio Environmental Protection Agency for the 2024 filing in an amount not to exceed \$5,500 and authorizing the Mayor to execute the contract agreement for such additional services, and declaring an emergency. Porter made a motion to waive readings, seconded by Berger. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Berger. Roll call – ayes, all. Motion carried. **ORD 2024-101**



Berger introduced an ordinance amending the Annual Appropriations increasing Operating Fund Salary and Benefit expenses \$20,000 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 2024-102**

**BILLS LIST: Berger made a motion to ratify the bills list of November 29, 2024, in the amount of \$26,196.37, seconded by Galicki. Voice vote – ayes, all. Motion carried.**

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

Galicki asked that between now and the first meeting in January, he invited Council members to take a look at the Masonic flagpole on Washington Street. There is no illumination on it. The solar power works during the summer, but the National Ensign needs to be adequately illuminated or taken down from display during the winter months. Council can discuss this at the next meeting.

Bell advised that he will be absent from the first Council meeting in January. **Porter made a motion to excuse Councilman Bell from the first meeting on January 13, 2025, seconded by Cavanagh. Voice vote – ayes, all. Motion carried.** Bell thanked everyone for their service to the Village in the last year and said he appreciated their time together.

Canton wished everyone happy holidays, merry Christmas, Hanukkah, and happy New Year.


Cavanagh requested volunteers for the America 250 committee. She was looking for people like herself who are history loving people who would be interested in doing whatever they can as a Village and possibly some other municipalities. Canton agreed to help.

The Fiscal Officer reminded everyone that the holiday luncheon will be at Burntwood at noon on Friday, December 13<sup>th</sup>.

The Solicitor was aware that the Village was going out for quotes for the salt structure and asked if there were specifications and the Engineer concurred. The Solicitor thought that the project should go through the Building Department and Boards like the police garage did. The Engineer agreed.

**ADJOURNMENT:** Being that there was no further business before Council, Porter made a motion to adjourn at 8:32 p.m., seconded by Berger. Voice vote – ayes, all. Motion carried.

  
William G. Koons, Mayor

  
Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki