

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
WEDNESDAY, AUGUST 8, 2016 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Carroll, Dishong, Kostura, Nairn, and Canton

MEMBERS ABSENT: Porter

OFFICIALS PRESENT: Fiscal Officer Romanowski, Police Chief Rizzo, Building Inspector Heilman, Street Commissioner Johnson, Engineer Haibach, Solicitor Ondrey

VISITORS: Mark Jackson, Waverly Lane; N.D. Howard, Manorbrook Drive; Ann Dunning, Morningside Dr.; Robert Viezer, East Bel Meadow; Michael Klonowski, Chillicothe Road; Vince Massa, Whitetail Drive.; Sandy Feucht, Cascades Drive; Larry & Lorraine Sevich, Ridgecrest Drive; Emily & Phil Austin, Leaview Lane; Tim Carino, Waverly Lane; Lee Schiemann, Forest Drive; Mary Miser, Paw Paw Lake; Al Randall, Paw Paw Lake; Liz & Marty Dworak, Chillicothe Road; Russ Zajaczkowski, Maple Springs Drive; Kevin Keesler, Cascades Drive; Dick Diedrich, Maple Hill Drive, Darrell & Bonnie Bartkowski, W. Belmeadow Lane, Timothy Bunsey, Chillicothe Road, Michael Viezer; Justin Nelson, Silver Springs Trail

Mayor Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer Romanowski read the roll.

Carroll made a correction to the draft Council minutes on page 7. The Chief of the Fire Department is Chief Zupan, not Chief Leffler. Kostura moved to approve the minutes of the July 11, 2016 Regular Council meeting as amended, seconded by Carroll. Voice vote - all in favor. Motion carried.

Chief Rizzo informed those in attendance on Patrolman Viezer's past history. He said Officer Viezer has proved to be an effective and hardworking member of the team who has taken over many tasks such as case file management, departmental statistics, public records retention and management. He serves as the primary detective in the Police Department and is a certified taser instructor. He stated a promotion of Officer Viezer to Sergeant will allow the Village to have afternoon and night shift supervision seven days a week between him and Sgt. Malone. Chief would recommend Officer Viezer to be promoted to Sergeant. Carroll made a motion to promote Officer Viezer to Sergeant, seconded by Dishong. Voice vote - all in favor. Motion carried. Mayor swore Sergeant Viezer into office.

VISITORS: Vince Massa informed Council he served in the armed forces in the 1960's and teaches a Constitution class for the Chagrin Falls school system. He was disturbed with what he read in a recent article in the Chagrin Valley Times regarding the Gadsden flag. He said a great American said, "The real challenge for the American people in the 21st century will not be how they handle tyranny, but how they handle their own freedom." He stated, in his opinion, the Gadsden flag is an iconic symbol of America's pride, independence and liberty; nothing else. When he read in the paper that it is a Tea Party symbol, or it was compared to the Swastika – that upset him. It is a symbol of pride, freedom and independence; it was during the American Revolution, and so it is today. He stated the American people have a sacred duty to preserve, protect and defend our symbols and traditions for our generation and generations to come, as was done for us by generations past. Massa quoted John F. Kennedy's inaugural address where he stated the people dare not forget the first revolution. He said when this nation was born it was conceived by our founders of the republic where the majority rules and always with due respect for the minority on its decisions. The Constitution and Bill of Rights are for the protection of all American citizens. He said the American people are losing freedom after freedom, symbol after symbol, and tradition after tradition. He respectfully requested that the flag be embraced proudly.

Regarding the "Tea Party" flag, Emily Austin asked "to fly or not to fly, that is the question". She stated it is wrong to continue to display something that is knowingly divisive, a flag that no other community in this area chooses to fly. She checked with 13 communities who said they choose not to fly the flag. She said Council needs to make a decision that will make many people like her happy that they live in a country where an ordinary citizen can have somewhat of a say on what goes on in his/her community. She said if someone personally loves the "Tea Party" flag, and agrees not to fly it on South Russell's public property, doesn't mean they won't get to see it anymore - they can buy one and fly it at their own house. As a U.S. citizen, they have that right.

Mayor said this topic was talked about last year and twice this year. He said there was a motion passed to fly the flag at certain times and certain locations. Mayor asked if there was a motion to stop flying the Gadsden flag. Carroll stated he felt Council should wait until Councilman Porter was present. Porter is ex-military and is passionate about this topic; Carroll said he felt it was important that Porter was included in the discussion and a potential vote.

Carroll said the paper did misquote him. He said he does know there is a connection between the Tea Party and the Gadsden flag, but he doesn't see the connection between the Gadsden flag, the Swastika and the Confederate flag. There was a comparison being drawn that they are similar and he completely disagrees with that.

Mayor said if there was not a motion to stop flying it, the current motion remains intact.

Dishong said he strongly supports continuing to fly the flag on the days that were previously approved. He said he understands people think it represents the Tea Party; he completely discounts that. It predates the Tea Party by 200 years. He said any group can attach what they want to symbols, but that doesn't make it right.

Mayor said he felt Council has had plenty of time to make a decision. The flags go up Labor Day, and the Gadsden flag could be flying again unless Council makes another decision. There was no motion made to change flying the Gadsden flag. Mayor said he believes they have made the wrong decision.

Regarding stormwater issues in the Village, residents were encouraged to send in pictures, videos, etc. Multiple residents presented photos of flooding issues and explained the water problems they are having.

Russ Zajaczkowski from Maple Springs said he has lived in the village 25 years. He shared photos of his yard before and after The Lantern Assisted Living facility was built across the street from his neighborhood along with photos from other residences in the immediate area with water issues. He stated they are part of the McFarland Creek Watershed. He checked some plats and can't find out exactly when the lakes were put in. He shared older photos of the lakes and current photos showing how the lake walls have eroded over time which he says will take approximately \$8,000-\$16,000 to fix. The community has invested \$7,000 in two years to put in a Weir system of three weirs (a barrier) to slow water down and get some of the sediment out. None of the lakes were ever intended to be sediment lakes.

Mike Klonowski who lives on Chillicothe Road shared photos of flooding in his yard and house that happens often when it rains. He has found out the culvert is at the wrong grade level. He shared photos of the culvert alongside his yard and how erosion has left it wider and more shallow; this overflows with water and floods as well. Because of the undergrowth, there are small trees growing in it. This culvert connects across Chillicothe Road towards W. Belmeadow. Marty Dworak said in the past the Village used to maintain this culvert; this year it was only cut once. The culvert pipe going across the street is supposed to be 30 inches wide, but it is only 12 inches; and it is actually broken. Every time there is a severe thunderstorm, his house turns into an island. He has spent \$30,000 to repair the house and make it livable. The insurance did not cover it because he didn't have flood insurance; he has flood insurance now. The water seems to come from the south side and then starts circling the house. Carroll asked about the previous maintenance of the culvert they referred to and who it was doing that maintenance. Dworak said the Village used to maintain it all the way back to Belmeadow and the water was moving freely. He said currently the village is doing very little maintenance to it.

Justin Nelson from Silver Springs presented photos of his yard which has flooding issues in heavy rains. When he purchased the home three years ago he expected some water issues because there was a French drain on the property; however, he did not expect the amount of flooding he is getting 4-5 times per year. He is on the higher side of the street and his yard still

floods; he sympathizes with his neighbors across the street from him whose property is lower - their flooding issues are much worse than his. He is worried about the whirlpool around the drain in his yard and his children's safety. He said due to the level of the property, 111 Silver Springs gets a lot of water.

Mark Jackson from Waverly Lane presented photos and shared problems on Waverly and Kimberwick. He stated these residents have been dealing with water issues for about 15 years. It started in 2000 with issues getting bad in 2003. They thought most of the issues were the result of the Gurney School soccer field extension; they didn't have the problems before. The engineers from the school said the runoff comes from Manorbrook and some from behind the bus garage. The neighbors believe the issues are from the school system. He said the residents have water issues with typical rainfalls. Jackson said the residents of that neighborhood are asking the Village and the school system to get estimates to fix the problem by the end of 2016. He also stated if there is any way to get mitigation to slow down the pace of the water by 2017 it would be much appreciated. He said eventually someone has to figure out where the water is coming from, what is the school system's responsibility, and what needs to happen. He said the school system says in 1999 the Village of South Russell approved it, and they are not responsible.

Larry Sevich from Ridgecrest in Lake Louise distributed photos of flooding in his yard which was taken during a normal rain, not the "big rain". He has lived in the village since 2001 and water does come down onto his property. He said 3-4 years ago his neighbors put in a new driveway and filled in the ditch, and this has caused him more problems. He wasn't complaining about his neighbors - they got permits and did the work properly. He has, however, had more water issues since that time and has spent \$8,000 to divert the water out of his basement. Sevich said with all the pictures he saw at the meeting, most of the residents have septic systems. With floods and floods of water in all of these yards, on top of leach beds and septic systems - it can't be good. He wanted to know if there is another way to divert the water so it doesn't go straight to his house.

Sandy Feucht has lived on Cascades Drive for about 45 years. She said she did not have a drainage problem until last year. Two weeks in a row she had water in her family room. She has had a consistent problem with water washing down the driveway and washing out the driveway; now she is having problems with her septic system. She said she felt something has changed; she never had this problem before. She contacted the County Engineer Joe Cantrel and Nick Borros and they went to her house and took pictures. They indicated that the pipe running out Cascades Drive should have been dealt with at least 15 years ago. She said the pipe cannot begin to accommodate the water that is rushing down from everywhere. She said the Service Department tried to help and installed a new culvert pipe under her driveway, but that did not help. They put in a headwall, but there has not been significant rain since, so she doesn't know if that will work.

Ann Dunning from Morningside Drive said three years ago several members of Council looked at Todd Kruse's property to look at storm water that was running down from Sun Ridge. The pond is dredged every year; it used to be a sediment pond that was dredged every 4-5 years – now it is done every year. When she previously worked with the Village, she drew a map of where the water was coming from and said it showed that Lake Louise is like a water drain. She tried to sell her house but found in order to do that she will have to put in a septic system. In order to put a septic system in, she has to cut down half an acre of her trees. She is concerned that will then allow the water to go down stream to everyone else.

Kevin Keesler from Cascades Drive said he would like to know when the culvert under the road will be replaced. He sent in pictures of his yard showing the amount of water that passes through. He said the water is about 1 foot deep for approximately 100 yards.

Mayor stated Council will be discussing stormwater issues at a Council meeting in November. He said he has discussed this issue with the Chagrin River Watershed Partnership and they are aware there is an issue.

Dishong said several years ago the Village did do a comprehensive stormwater study to understand where the flows are. He said the comprehensive plan must be understood because you can't fix one problem without knowing how it is going to impact the next area. He said the last thing the Village wants to do is to make something worse.

Kostura said the study came out in approximately 2004 and costs at that time were approximately \$1.7 million to make the repairs. Those were not guaranteed repairs, but repairs they thought would make an impact in the village. Those numbers have gone up significantly and the Village has a \$3 million budget. He said as the Village goes through the budgeting process and the planning process over the next couple of months, the Village will try to see what they can take from different pots of money and put it towards making the most impact in people's lives. The Village will have to make some hard decisions and will be looking for state and grant money. He wanted attendees to recognize that the Village representatives do hear them and they do understand; though they may not be living with it to the degree some of the residents are, stormwater issues have touched all of them in one way or another and they do want to make as big of an impact as they can.

MAYOR: Canton made a motion to allow the Chagrin Falls School System to purchase salt from the Village, seconded by Nairn. Voice vote - all in favor. Motion carried.

Mayor stated he wanted to appoint five people to the Building Code Board of Appeals; Rob Myers, Ann Dunning, Terry Brennan, Craig Leighty, John Coriell. Building Inspector explained that in a residential building situation, anything that is not in the code or does not meet the code, would have to have a place to go for an appeal – which is the purpose of the board. Kostura made a motion to appoint Rob Myers, Ann Dunning, Terry Brennan, Craig Leighty, John Coriell

to the Building Code Board of Appeals, seconded by Dishong. Voice vote - all in favor. Motion carried.

The Chamber of Commerce has asked the 13 communities involved in the Chamber to participate in an event honoring first responders including police and firemen; there are 7 communities participating. South Russell will kick the event off with a potluck on Sunday, September 11th at 5 pm at the South Russell Village Park pavilion. The volunteers putting the event together are going to different restaurants to see if they can get meals provided for the Police Department. Friday night at the football game there will be a recognition of the first responders. On Saturday, September 17th, the Village Police Department will be having its open house.

The Mayor said the Emergency Operations Plan Committee have identified The Lantern, Gurney School and the Life Center as possible shelter locations as part of the emergency response plan. The Mayor is reaching out to these facilities to discuss the idea.

The Mayor reported the he and the Safety Committee met with the Chagrin Falls Fire Department regarding their fire contract.

There are eight dead trees in the cemetery. There was also a tree in the park that had to be removed after being snapped off in a storm. Mayor said these items were not budgeted for, but he would like Council to discuss replacing these trees this fall. The warranty on the cemetery trees has expired.

The Mayor said he has contacted the Land Conservancy letting them know the Village would like to expand the parking lot at the Bell Road side of the park using the grindings from the road program. He said the parking lot is within the Village's three acres, but with bringing in petroleum products, he just wanted to make sure there wasn't an issue.

The Mayor would like to look into putting gutters on Village Hall.

Mayor informed Fiscal Officer he and Kostura reviewed the ballot language for the tax levy she asked them to review; they didn't find any issues.

FISCAL OFFICER: Fiscal Officer informed Mayor and Council that the new Tax Board of Review will most likely be having a hearing within the next couple weeks.

FISCAL AUDITOR: Fiscal Auditor reported the Village's current cash balance is over \$3 million. The money is split about 50% cash and 50% invested in Star Plus.

Fiscal Auditor reported that he and the Fiscal Officer match to the penny on all accounts.

He referred to his report and stated that the balances are up from the beginning of the year. He stated in July the Village received real estate taxes and that was the last of the significant revenues for the year. Balances will continuously drop the remainder of the year.

Kostura made a motion to approve the financial statements as submitted, seconded by Canton. Voice vote - all in favor. Motion carried.

ENGINEER: Engineer reported that Specialized Construction will be in this week to begin the final phase of the 2016 Road Program.

Regarding the stormwater issues presented by residents at the meeting, the Engineer stated he was pretty well aware of the majority of the issues that were discussed, however there were a couple, specifically on Maple Hill and Silver Springs that he was not aware of.

BUILDING INSPECTOR: Building Inspector reported that she received a phone call from Dominion East Ohio gas regarding the building they are putting behind the police station. They are sending out a surveyor to draw up the easement. They plan to install the 10 x 10 building for gas monitoring equipment in the summer of 2017. Mayor asked if the Village could deny their request. Building Inspector replied that the Village could because it is on Village property. If it were out in the right-of-way that would be a different story and the Village couldn't do anything about it. She said the reason the Village is going along with it is to put it where the Village wants it rather than an eyesore by the road.

Carroll referred to the new house being built in the Ashleigh subdivision and asked if the Village gives variances for houses built 40 feet; taller than 35 feet. Building Inspector replied that they have given variances for houses over 35 feet. Carroll said he has concerns about Fire Department response at that height.

POLICE DEPARTMENT: Police Chief reported that the FBI has some leads on the recent bank robber, but have not caught her as of this time.

Canton made a motion to accept the \$100 donation to the Police Department from Dr. Carol Osborne, seconded by Nairn. Voice vote - all in favor. Motion carried.

STREET COMMISSIONER: Street Commissioner reported that his department is doing some work on the ditch enclosure at the South Russell Village Cemetery.

Referring to the earlier resident comments about stormwater issues, Kostura asked for more details about mowing the culvert/ditch that the residents referred. Street Commissioner explained that many years ago the Village contracted with a contractor to come in and dredge that culvert area from Belmeadow to Chillicothe Road. Street Commissioner stated that at one time that culvert was about 4-5 feet wide; now it is 20 feet wide. He said his department employees are only able to get in so far and mow out. The house on the north side of the swale

planted pine trees, so they cannot get the equipment in there any further. At the same time, now that the swale is 20 feet wide, their equipment doesn't have enough reach; so they are doing the best they can. Street Commissioner stated that over the years with the Belmeadow drainage the swale has filled up with silt. He said he knows the problem is the pipe under Chillicothe Road is undersized and too high. He said his department can dredge it, get rid of the weeds and everything, but the elevation of the pipe on the road is too high and they are going to end up with a retention pond or a lake or something; the water cannot get out of there. He said they can only do so much there because of how wide it is. Street Commissioner said it is private property, probably with a drainage easement; which means it is the responsibility of the homeowner to maintain, but the Village has the right to go in if there is a problem. The Engineer agreed stating the easement gives the Village permission to go in and do repairs even if the homeowner says "no".

Dishong stated that the storm issues shared were terrible, but the Village can't get involved in every single person's situation because it will bankrupt the Village and it's not the Village's responsibility. He stated he knows there are things the Village can do, but it has to be aware of the effect any repairs of one area will have downstream.

Regarding the runoff from the school, Carroll asked if it created an issue and it runs off on someone else's property, does the school bear some of that burden. Engineer stated the water runs onto the school property, across the school property and off the property. The school is downhill from someone too – so whether the water falls directly onto the soccer field during a rain, all of the excess is coming from other areas onto the school property, continuing across the field and continuing on its way down.

Street Commissioner referred to the Master Storm Study done in 2004-2005 and asked what has changed since that study was done. He stated there were always problems in the Sheerbrook/Lantern area before The Lantern was built; all that water is being delivered to the Village from Bainbridge Twp.

Dishong agreed and said it may seem that much hasn't changed in South Russell, but everything around the Village has changed, and it is all connected.

SOLICITOR: Solicitor reported that Council authorized a settlement of the Bell Street Station zoning appeal and all sides executed the proposed Judgment Entry for the judge to sign. The judge has notified him that he wants to meet with the parties to make sure he understands everything. This meeting will take place with Judge Burt on August 25, 2016.

COMMITTEES: Canton had no report.

Kostura reported that the Streets Department has replaced several culvert pipes.

Kostura reported that the Street Department and Engineer found that when the contractor was working on the road program, they forgot the chip seal on the cul-de-sacs. They are going to do it now before the final course of pavement.

Nairn reported that the Safety Committee met. Police Chief reported that he will be scheduling interviews for two part-time positions to meet with the Mayor and Safety Committee during the week of August 25th.

Carroll made a motion to increase the Police Lieutenant's salary to \$79,000/year and Sgt. Viezer's salary to \$70,448 which is the six-month probationary rate for his new position; both to be effective August 16, 2016; seconded by Kostura. Voice vote - all in favor. Motion carried.

Carroll reported that the Safety Committee and the Mayor met to discuss the Fire Department contract and some of his concerns. They generally get their presentation to the Village in October which is within the 90-day minimum of the Village looking at their options. The Safety Committee and Mayor met with the Chagrin Falls Fire Department members Chief Zupan, Asst. Chief Leffler, and the Fire Inspector Jim Alunni; the meeting went well. Carroll believes there are some things the Village can look at. He asked for the department's run data for the last three years so he can do a comparative analysis; this will give the Village additional information on response times, what calls occurred, and things of that nature. He will forward a copy of his report to Mayor and Council. Carroll said predominantly what they are going to look at is mutual aide. He said there are some things they provide that will benefit the Village as well as when they changed the service agreement with Russell, they need to help Russell. This wouldn't be a completely different contract, but he thinks there are things the Village can look at that will improve the level of service with Chagrin Falls. Carroll said the Chagrin Falls Fire Department does a great job and they get there, but response times are response times; 4-5 minutes difference between Chillicothe Road and Bell Road from the Chagrin Falls' Fire Station compared to Russell Township's Fire Station.

Carroll said he will be scheduling an Emergency Operations Plan (EOP) meeting the last week of August.

Dishong reported that the Fall Festival is scheduled for October 2nd. He said a new thing for this year will be a climbing wall for kids and adults. He said they also have contracted with Dr. Awesome who is the world record holder for the largest bubble. He also reported that Ted Kruse and Gary Brockett are going to bring their apple cider presses. They will have bushels of apples and make cider.

Dishong said the Park Committee also would like to get some roll down shades for the pavilion at the park to increase the amount of usability. He said Ted Kruse did research and some other parks do use them.

Dishong reported that Park Committee member Bistriz was taken aback by the Village's police officers patrolling the park. Her concern was that the grass was high and the officer was doing patrolling in the SUV cruiser and she was worried that the kids would run in the high grass and wouldn't be seen. Bistriz is questioning if patrolling the park in those vehicles is really necessary. Dishong said Council has discussed the possibility of purchasing a Gator utility vehicle for the Streets Department for the cemetery and other Village properties. He thought maybe that is something that makes sense and is a little less intimidating. Police Chief stated that Bistriz contacted him and her main concern was that they were looking for dogs off leash. He said the Village has always patrolled the park and he has never had a complaint. He said there have been injuries and his officers have had to drive people out of the park. Kostura commented that in his opinion if the police are driving through the park looking for dogs not on leash is what the law is there for.

ORDINANCES/RESOLUTIONS:

Carroll gave second reading on an ordinance amending section 618.18 of the codified ordinances of the Village of South Russell by adding a definition of a "dangerous dog".

Carroll gave second reading on an ordinance amending section 618.01 of the codified ordinances of the Village of South Russell by establishing new additional regulations regarding the control of dogs within the Village.

BILLS LIST:

Kostura made a motion to ratify the 7/29/16 bills list in the amount of \$16,992.12, seconded by Carroll. Voice vote - all in favor. Motion carried


NEW/OTHER: Kostura, Nairn, Canton, Carroll and Dishong had no report.

Regarding renewing the Inspection Solutions Agreement, Kostura asked if it was going to be a month-to-month agreement or another year contract. Mayor replied one year. Carroll asked if it needed to be for a whole year. Building Inspector said Hocevar provides electrical inspections and the commercial inspections. Kostura stated that originally when the Village contracted with Hocevar, it was based in part on how much work was being done at The Lantern. He said The Lantern project is now complete and the Village is going to still be paying the same amount for less work. Building Inspector stated that the Village made out on the contract a lot because The Lantern wasn't even started at the time the first contract came up. The contract includes 20 hours per month of the inspector's time and then he was supposed to bill \$75 per commercial inspection on top of that. He showed \$75 for an inspection, but he was up there for 3-4 hours doing it. All that time with questions and pre-construction meetings, and all kinds of things he didn't charge the Village for, she felt the Village made out. She said now the Village is back to the 20 hours per month, but covering her vacation time and so forth. He doesn't charge the Village for any of the residential electrical inspections. Dishong made a motion to approve the agreement with Inspection Solutions, seconded by Canton. Voice vote - all in favor. Motion carried.

Mayor stated he would like to have a spending limit for each department head to give them flexibility. This is something he would like to discuss soon, but wanted Council to have time to think about it. Carroll said if it is in their budgets, he doesn't understand why they need to come back to Council. This will be an upcoming discussion.

ADJOURNMENT: Being that there was no further business before Council, Dishong moved to adjourn, seconded by Kostura. Voice vote – all in favor. Motion carried.

Meeting adjourned at 9:40 p.m.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer