

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 12, 2016 – 7:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

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

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

VISITORS: Don Rice, Metzenbaum Center; Phil and Emily Austin, Leaview; Katherine Malmquist, Louise Drive; Darrell Bartkowski, W. Belmeadow; Barry and Melinda Stees, Anglers Drive; Joan Demirjian, Chagrin Valley Times; Alice Mullens, Circle Drive.

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

Mayor made a correction to page 5 of the August 8, 2016 minutes; it should read Todd Kruse instead of Ted Kruse. Dishong moved to approve the minutes of the August 8, 2016 Regular Council meeting as amended, seconded by Nairn. Voice vote – Carroll, Dishong, Kostura, Nairn and Canton. Porter abstained due to being absent at the August 8th meeting. Motion carried.

The Fiscal Officer introduced Beth Denkins as the new part-time Administrative Assistant to the village. Beth lives in the village and Fiscal Officer believes she will be a great addition.

Don Rice from the Metzenbaum Center, thanked the public for their support on passing the recent levy and said the center can continue to serve 800+ people because of the levy's passage. Rice informed Council that because their people are out in the county serving, it frees up some of their building use. They have gymnasium, pool, meeting rooms and other space they would like to let the community use as a community center. More information can be found on their Facebook page.

Mayor Koons gave a brief history of the Show Your Colors Program in the village. He stated it started in 1989 by former Councilwoman Kathy O'Donnell who proposed having residents purchase flags and hang them on the telephone poles located within the Village. The flags are flown between Memorial Day to the 4th of July, Labor Day to 9/11, and Election Day to Veterans Day. Sometime between 1989 and 2009 the State of Ohio, POW and MIA flags were added, and in 2009 the Gadsden flag was added. In 2013 there was an article in the Chagrin Valley Times criticizing the village for flying this flag. In November 2013 Council passed a motion to fly the

American, State of Ohio and POW/MIA flags only. In May 2014, the Village lost the Show Your Colors volunteers and had to take over the program; the Village also spent a couple thousand dollars in purchasing new American flags. In July 2015, Council passed a motion to hang the Gadsden flag for three days at four different locations; the intersection, the two cemeteries, and the armory. The Mayor stated the Gadsden flag had been discussed at the three prior Council meetings and two weeks prior to this meeting he instructed the Street Commissioner not to hang the Gadsden flag.

Emily Austin from Leaview Lane addressed Council stating this is her 4th visit in a row. She thanked Mayor Koons for his executive decision not to fly the "Tea Party flag" and stated she was very happy to hear that news. She referred to her recent trip to the Czech Republic stating communists were still in control until 1999, and people had no rights at all. She feels lucky to live in a country where citizens have a right to express their opinions and still remain safe, secure and friendly with whomever they know. She feels grateful.

Phil Austin from Leaview Lane has lived in the Village 21 years. He thanked the Mayor and Council for serving the community. He said he is insulted by the removal of the American flag to hang the Gadsden flag in its place. He says different people have different views on the Gadsden flag and what it represents. Mr. Austin thinks the Tea Party has taken over the big picture of what the flag stands for and said it is now sadly a partisan flag. He stated South Russell is the only community in the area that flies this flag. Austin asked Council not to let their political meanings mar their judgement on this issue. He said when they took their oath of office they swore to serve with professionalism and impartiality. Mr. Austin also stated that Council members should not be hurt or offended that the Mayor made an executive decision not to fly the flag; he did it because it is so divisive in the community. Austin said the Mayor did a courageous thing in looking out for the best interest of the community, and he applauds him for that.

Katherine Malmquist from Louise Drive has lived in the village since the 1970's. She tried to send emails to council members, but received error messages back and the emails didn't go through. Malmquist stated the Gadsden flag was a personal flag of the Revolutionary War and was never an official flag of the United States. She said it started with Benjamin Franklin and went through many variations. Malmquist said when you google "Tea Party flag", the Gadsden flag picture comes up, not any of the other variations of the flag with the "Don't Tread on Me". She asked why the Village is flying this Gadsden flag. She said no village should ever represent one political party; the Village should represent the United States of America and the State of Ohio. She stated that since 2010 the Gadsden flag has unofficially/officially been the flag of the Tea Party. She said if the Village is going to fly the Gadsden flag, then they should fly all the other flags as well.

Barry Stees from Anglers Drive thanked Mayor and Council for letting him speak. He wanted to know why the village would want to be involved with partisanship in this village. He asked

Council to back off and get out of this issue saying it's too hot to handle. Stees thanked Mayor for his executive decision.

Alice Mullens from Circle Drive has been a resident since 1980. She is an art therapist in the field of addiction and said she believes the village needs a South Russell Village flag. She suggested having a contest and asking residents to create a flag that represents the Village, and fly that one.

Carroll stated he sent an email to Council that he wanted to be made a part of the official record on his position on the Gadsden flag issue. Carroll read from his personal letter: "I am very perplexed and disappointed with the approach you have elected to take on issues that you personally disagree with. Your arbitrary decision not to have the Gadsden Flag flown last weekend during the Labor Day holiday gives me concern about your governmental leadership style. Having checked with a few individuals with more of a historic perspective than myself on council, apparently a Mayor overriding a motion does not occur that often...if at all in the last 17 + years. We are a representative government, not an authoritarian form of government. In my opinion, your action violated the Village of South Russell Mission Statement; specifically: "Promoting an attitude of professionalism and impartiality among Village officials and employees in a fiscally responsible manner". You were not impartial in this decision; you put your opinion on this issue above six Council members' opinions. You should note that the vote that occurred in 2015 regarding the Gadsden Flag was unanimous. The vote included you making the motion and voting in the affirmative for the posting of the Gadsden Flag. While you may have the right to override a motion made by council that evidently was an administrative decision anyways; unanimous Council action was taken on this issue. Furthermore, according to our Council Rules and Procedures section 220.06 Motions part (a)"...Unless otherwise required by law, a motion shall be deemed passed if it receives the affirmative vote of a majority of the members present, including the chair, if entitled to vote thereon." My issue is not the Gadsden Flag, my issue is your unilateral approach in handling whether or not the Gadsden Flag should be flown at all. South Russell has prided itself on the ability to work collaboratively on hearing all of Council's opinion on sensitive issues. While not everyone will be happy with some decisions made by Council, at least we can all say the decision was made in a transparent and collaborative fashion. Is this what council should expect on future or past issues that you personally take exception to?"

Carroll stated he disagrees with the way the Gadsden flag issue was handled. Council was waiting for Councilman Porter's opinion on the issue. He felt there could have been group dialogue on the subject. He feels one positive thing that will come out of it is that Council will have to take some kind of action because if this is an administrative decision, as was indicated by the Village's Solicitor, the Mayor could decide to fly a flag that is more controversial – not that the Mayor would do that, but he could and Council would have to react to it afterwards. Carroll reiterated he is disappointed in the way it was approached. He felt Council could have made a sound decision in an objective fashion. He would like to see further discussion with appropriate action.

Porter asked Malmquist how she felt about the POW/MIA flag. She replied that she hasn't done research on it, but she believes it is an official flag of the United States for the POWs and MIAs. It was a personal flag, not an official flag. Porter stated there was a time when the POW/MIA flag was considered extremely controversial.

Dishong stated that he understands some people associate the flag with the Tea Party. He stated the Village doesn't fly the Gadsden flag to poke people in the eye or play politics, it is flown to honor the veterans. Dishong stated he really revolts when people call it the "Tea Party Flag". He said there are plenty of groups on the left and the right that do horrible things in the name of the American flag and asked where it stops. There is a tiny population who choose to associate the flag with their beliefs, and now the flag is to be whitewashed of its entire 240 years of history. He stated military installations still fly the Gadsden flag. The flag is not being flown to choose one party or the other. When the Village honors veterans it doesn't look at them and say they are a Democrat or Republican, they are a veteran and the flag means something to them – it is special to them. Dishong commented on Mrs. Austin's earlier comments and stated he agreed – they have a right to disagree. Just because one group thinks the flag is revolting, doesn't make it so; and it doesn't remove 240 years of history of flying it and honoring veterans. Dishong stated when he votes for flying the Gadsden flag, he votes to honor veterans.

Canton stated he looks at the Gadsden Flag as a historical icon. He said he appreciates the passion the residents bring to the meetings. Canton asked the Solicitor if the Mayor has the right to supersede a motion. Solicitor replied that the Mayor has the discretion or authority as the Chief Administrator to make a decision about flag flying in absence of some specific legislation. Solicitor commented that though a motion passed in 2015 with a different Council and a different Mayor, it didn't bind him to some perpetual decision about what to fly or not fly. Canton commented that a leader should listen to all opinions, make a decision and then move one. In his opinion, the decision has been made by the Mayor and now it is up to Council to balance. Solicitor said if Council enacts legislation, then that would bind the Mayor.

Nairn said the Tea Party is not a political party of the United States of America. She refers to them as a "fringe group" formed in 2009 and by 2011 it began to fade and it is going by way of the dinosaurs. It is offensive to her when people call the Gadsden flag a "Tea Party flag." She apologized if she was offending anyone, but stated the Tea Party is not a political party, but a movement. Nairn stated that the military still displays the Gadsden image with the verbiage on a Navy jack if a Navy vessel is near conflict. She stated that for the Tea Party to come along and take the Gadsden flag away from the country is deplorable. She stated she appreciated the different opinions of everyone – and feels lucky to live in this country where people are permitted to verbalize how they feel about issues.

MAYOR: The Mayor complimented the four department heads for coming in on their vacation time to get their work done and stated he appreciates their dedication to the job.

Mayor reported that he went with the Engineer, Street Commissioner, and Heather from Chagrin River Watershed Partnership (CRWP) to visit the storm water situations that were brought to the Village's attention at the August 8th Council meeting. There will be a storm water follow up during the November 7th Council meeting.

The Mayor also took the annual tour of the park with Pete McDonald from the Western Reserve Land Conservancy.

The Brownies have been growing milkweed to start the monarch butterfly station. They will dedicate the station at the Fall Festival on October 2, 2016.

The Bell Station settlement has been reached. Mayor took the new blueprints to Dr. Rood, whose business is next door to the Bell Station, to see if he had any issues.

Chagrin Valley Dispatch (CVD) is being paid to build dispatch centers for Cleveland Hts., Shaker Hts., University Hts., and South Euclid. CVD won two national awards last year.

Mayor would like to have an executive session to discuss employee compensation.

FISCAL OFFICER: Fiscal Officer reported that the Jaycees are using the pavilion on Thursday, September 15th and are requesting permission for alcohol to be consumed. Nairn made a motion to allow the Jaycees to have alcohol at their event on September 15, 2016, seconded by Dishong. Voice vote, all in favor. Motion carried.

Fiscal Officer informed Council that the Board of Elections will not be using the service garage for elections; they will be held at Gurney school.

Carroll asked Fiscal Officer if she followed up on the ambulance billing that was questioned in a prior meeting. She replied that she talked to the billing company who stated that some municipalities do choose to do soft billing – which means they bill the resident's insurance company and what is paid is accepted and the remainder of the bill is waived. Fiscal Officer said the fire department said they bill the resident's insurance company and the remaining balance due after the insurance company pays, is the responsibility of the resident. Fiscal Officer doesn't recall Council ever discussing this issue and changing from the soft billing to hard billing. She suggested this may be a topic to be discussed with the fire department during the contract renewal process to get a better understanding of the billing process.

Porter asked the Fiscal Officer how many lots have been sold to date at the cemetery. She reported there have been 18 sold to date.

FISCAL AUDITOR: Fiscal Auditor reviewed his report distributed to Council. He informed Council he balances with the Fiscal Officer on every fund.

Fiscal Auditor stated he and the Fiscal Officer are looking for Council to approve the depository agreement ordinance as the current agreement ends this month. This is an agreement that has to be reviewed every five years.

Kostura reported that he went with the Fiscal Officer and Mayor to the county tax budget hearing. He said as he has come to expect, things went very well and the budget has been approved.

Kostura informed Council the Village is still waiting on a final number from the Ohio Department of Transportation (ODOT) for the Bell Road project. He said though their number has consistently come down, it is still far above the number the Village can justify through our Engineer's analysis. The Village has contacted ODOT on multiple occasions; the ball is in their court and the Village is waiting for a final number. After the project was complete, ODOT's first rough estimate of a balance due was \$400,000, which was \$350,000 over what we thought it would be. They then revised that number down to \$312,000 which is still significantly more than our estimate. The Engineer's best estimate indicates that the Village owes \$250,000 and that includes the \$200,000 interest-free loan that the Village was granted. The \$200,000 is set aside for that bill. The Engineer has justified an additional \$50,000 in costs that were in addition to what was initially budgeted for, based on problems found during the project, so the village would be responsible for those under the contract under the 80/20 split.

Kostura informed Council there are several ordinances that need to be adopted during this meeting as an emergency. One is the income tax ordinance that the state is requiring be amended and must go into effect September 12th. Another ordinance with a time element is the depository agreement ordinance which has to be reviewed every five years. The Village is currently with Huntington Bank, and plans to remain with them. However, if at sometime during the next five years, the Village isn't happy with their service, there are other banks on this depository agreement that the Village can go to, so there are options available.

Kostura said the budget worksheets are going out and the budget work session has been scheduled for October 17th. He asked Council to start thinking about how to craft language for allowing the department heads a little bit of leeway with respect to discretionary spending on items. At the Finance meeting it was discussed that these should be discretionary items for repairing and replacing essential government items. He said an essential government item means different things from one person to the next, but one thing that was agreed on is that it is not a building project. A building project would have to go before Council for review and approval. He also asked Council to consider what the spending limits should be; \$5,000 and below, \$3,000 and below, \$1,500 and below. This is a topic he would like to discuss at the budget work session so as a council they can craft language and decide upon a recommendation to the Solicitor to draft an ordinance.

Kostura said the Finance Committee is looking into ohiocheckbook.com. The initial concern is that it is a big brother thing and also that it is moving away from the village having control over its own budget. The committee will look into what is required; to what extent this gives visibility to the residents, which is really the purpose of the program; and how does the village make it accessible and a really good instrument moving forward. The committee will research it and get back to Council in the coming months.

Kostura made a motion to accept the August Financials as submitted, seconded by Canton. Voice vote, all in favor. Motion carried.

ENGINEER: Engineer said the 2016 Road Program was awarded at \$307,646.10. There were additional issues found during the project and Council approved making additional repairs up to \$20,000. The total project amount, including the repairs, came in at \$311,735.50, which is under the initial budget.

BUILDING INSPECTOR: Dishong questioned the status of The Lantern. The Building Inspector reported they had their state inspections on September 12th. She also reported the construction deposit of approximately \$80,000 will be returned to the contractor.

POLICE DEPARTMENT: Police Chief reminded Council there is a Police Department open house on Saturday from 10 am – 2 pm and Valley Enforcement Group (VEG) will have their equipment on display.

STREET COMMISSIONER: Street Commissioner Darrell Johnson was hired 22 years ago today.

Street Commissioner said that now that voting has been moved to Gurney school, the village will no longer have to schedule employees to cover the 14 hours of voting on election day.

Street Commissioner is working on putting together the final cost on trash day expenses. The village received \$1,100 for the tire grant.

Shredding day is scheduled for October 15th.

Street Commissioner has been working with Russell Twp. on a cooperation agreement for manpower and equipment. Street Commissioner would like to work out an agreement so that the village will help Russell Twp. Saturday, Sept. 17, and the 24th with their two 4-hour trash days, and in the spring, Russell Twp. will help the Village with the one 8-hour trash day.

Street Commissioner reported that now that the road program is complete, his department removed the No Parking signs. He also reported that there were a few incidences of contractors dropping their trailers on roads paved last year. With the hot temperatures this year, the

pavement was soft and there was some damage done. The village had to have these areas repaired.

SOLICITOR: Solicitor reported that the judge who handled the appeal on the Bell Station, ordered the Village to meet with him and explain the settlement. The judge approved the settlement and that has been finalized.

Solicitor informed Mayor and Council that the public records law has been modified by the general assembly and will go into effect at the end of this month. It will provide a different avenue for people who feel their public records requests have not been properly met by the public agencies. It will give them an avenue to file claims in Columbus in the Court of Claims. There will be special judges that will handle these disputes in trying to resolve them quicker. The Village hasn't really gotten into any of those arguments here, but there is a different method being implemented.

Solicitor will not be in attendance for the September 26th Council meeting; Jared Flynn will be attending in his absence.

Mayor says he is working with the Solicitor to get a formal easement for the Cotesworth property for village access to the Rarick Cemetery. Mr. Cotesworth is fine with it, but the Village is looking to get a formal agreement.

COMMITTEES: Nairn, Porter, and Canton had no report.

Carroll reported that the Emergency Operations Planning (EOP) met last week. They are planning to meet in October and tour the Chagrin Valley Dispatch (CVD) center and the Geauga Emergency Operations Center and are working towards a tabletop later this year.

Police Chief reported that lightning struck the traffic light box at Chillicothe & Bell Roads. The system was knocked out and he is waiting for an estimate. The video system and fax line in his department have also been knocked out. The various department heads are working to get all the necessary repairs made.

Police Chief stated he wanted to touch on issues with Windstream. He said the day prior to the lightning strike there was a phone outage again; the third time this year the Village has had Windstream service fail; no outside lines, no outgoing calls, no incoming calls. The recent outage lasted only a few hours, but last year there was an outage for days. When he made an inquiry to Windstream, they didn't know what the problem was. He said the system is becoming unreliable and suggested possibly looking at other telephone options.

Dishong says the Fall Fest is October 2nd from 1-5 p.m. They have added a rock climbing wall this year. The committee is looking for more volunteers and asked anyone who can volunteer to contact him. He also said the committee welcomes Key Club or Scouts that would volunteer for

community service hours. Dishong also reported the committee is a little over budget since they added the rock climbing wall. If they don't get the ponies, the current budget is estimated at approximately \$7,950.

Kostura reported that Planning Commission has approved the building of a new dental office on Chillicothe Road, north of Bell Road. The plan is to demo the house and put in an 11- chair dental office; the front of the building will have additional rental space.

ORDINANCES/RESOLUTIONS:

Carroll gave third 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. Carroll moved to adopt, seconded by Dishong. Roll call, ayes all. Motion carried. **Ordinance 2016-26**

Carroll gave third 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 moved to adopt, seconded by Kostura. Roll call, ayes all. Motion carried. **Ordinance 2016-27**

Kostura introduced a resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the county auditor. Kostura moved to waive readings, seconded by Carroll. Roll call, ayes – all. Motion carried. Kostura moved to adopt, seconded by Carroll. Roll call, ayes – all. Motion carried. **Ordinance 2016-28**

Kostura introduced an ordinance amending certain sections of Chapter 881 of the codified ordinances of the Village of South Russell regulating Municipal Income Taxes so as to conform to amendments to ORC sections 718.03 and 718.05 which extend the deadline for payments of quarterly municipal income tax withholding taxes, and modify the rules for when municipal income tax withholding payments are considered to have been made and declaring an emergency. Kostura moved to waive further readings, seconded by Dishong. Roll call, ayes – all. Motion carried. Kostura moved to adopt, seconded by Dishong. Roll call, ayes – all. Motion carried. **Ordinance 2016-29.**

Kostura introduced an ordinance designating the public depositories for the Village of South Russell for a five-year period and authorizing the Fiscal Auditor to contract therefor and declaring an emergency. Kostura moved to waive further readings, seconded by Carroll. Roll call, ayes – all. Motion carried. Kostura moved to adopt, seconded by Carroll. Roll call, ayes – all. Motion carried. **Ordinance 2016-30.**

Kostura introduced an ordinance amending appropriations increasing Safety Fund expenses \$3,500, Park Fund expenses \$7,000, Income Tax Fund transfers \$10,500, and Fiduciary Fund expenses \$80,000, and declaring an emergency. Kostura moved to waive

further readings, seconded by Porter. Roll call, ayes – all. Motion carried. Kostura moved to adopt, seconded by Nairn. Roll call, ayes – all. Motion carried. **Ordinance 2016-31.**

Introduce an ordinance transferring \$705,500 from the Income Tax Fund by emergency to the following accounts: Safety Fund \$303,500; Park Fund \$7,000; Operating Fund \$125,000; Special Bldg/Land fund \$20,000; General Fund \$250,000. Kostura moved to waive further readings, seconded by Dishong. Roll call, ayes – all. Motion carried. Kostura moved to adopt, seconded by Nairn. Roll call, ayes – all. Motion carried. **Ordinance 2016-32.**

Dishong introduced an ordinance amending the village's pay range ordinance by establishing a pay range for the part-time Administrative Assistant and declaring an emergency. Dishong moved to waive further readings, seconded by Carroll. Roll call, ayes – all. Motion carried. Dishong moved to adopt, seconded by Carroll. Roll call, ayes – all. Motion carried. **Ordinance 2016-33.**

BILLS LIST: Kostura made a motion to ratify the bills list 8/15/16 2016 in the amount of \$44,227.81, seconded by Carroll. Voice vote, all in favor. Motion carried.

Kostura made a motion to approve the 9/14/16 bills list in the amount of \$33,785.46, seconded by Dishong. Voice vote, all in favor. Motion carried.

Kostura made a motion to ratify the 8/30/16 bill list in the amount of \$15,699.87, seconded by Carroll. Voice vote, all in favor. Motion carried.

NEW/OTHER: Nairn, Porter, Canton, Dishong and Kostura had no new business.

Dishong made a motion to approve the part-time Administrative Assistant salary in the amount of \$15.69 per hour, seconded by Carroll. Voice vote, ayes – all. Motion carried.

Police Chief questioned the Jaycees event serving alcohol. He has concerns about security and asked if the Village should require an additional officer for anyone serving alcohol at an event. Mayor said the Village has allowed events with alcohol without an officer, but said the Chief can look into the topic with the Safety Committee and come back to Council.

Referring to sharing of employees with Russell Township, the Solicitor stated from the Village's standpoint, he feels it is permissible. He has made an inquiry to the prosecutor's office whether they have any problem with the township but hasn't gotten a response. The Solicitor doesn't have an objection if the Village wants to enter into an agreement with Russell Twp. Street Commissioner clarified that they are looking to have two South Russell employees work two 4-hour trash days at Russell Twp. this fall and then Russell Twp. will have two employees work South Russell's one 8-hour trash day in the spring. Solicitor stated he wanted it clear that the Village employees will be covered by South Russell's workers' compensation. Street

Commissioner said it would be South Russell employees and equipment working for Russell Twp. on the Village's payroll and insurance. When the Russell Twp. employees come to work for the Village, they will be on their payroll and their insurance. Kostura made a motion to approve the exchange of two employees and one piece of equipment with the Russell Twp. for their scrap collection day on September 17th and September 24th in exchange for the Village's trash day on or about April 29, 2017 with compensation and insurance to be paid by the employer government entity, seconded by Nairn. Voice vote, ayes – all. Motion carried.

Carroll asked the Solicitor about the motion for the Gadsden flag and asked if Council passed a motion now that the Village will fly the Gadsden flag and it is Council's decision on what flag will fly when, is a motion strong enough or would they need a resolution. Solicitor stated if Council wanted to remove any doubt whether the Mayor has the administrative issue on the flags, Council needs to make that permanent in the form of legislation by either an ordinance or resolution. Carroll asked if in that ordinance or resolution would he suggest they put specifically what flags or can they just say it will be Council's decision on what flags. Carroll said he believes given some ideas that were brought up on the topic, there needs to be some discussion on this issue. He doesn't want to bind the Village that it has to fly certain flags. The Solicitor replied that tactic works; they can adopt a resolution or ordinance saying that Council will designate the appropriate flags to fly on village property by motion in the future. Porter asked if Council could renew the motion they did last year. Solicitor said Council could renew it, but then it gets in a gray area where Council is expressing an opinion on an administrative task that isn't really Council's definitive power to designate, unless they pass more permanent legislation on it. Solicitor said if Council passes a motion, then the Mayor can decide if he will abide by it or not, and he can't predict who wins that battle. Solicitor stated by doing it by resolution or ordinance it removes that doubt. Doing it by legislation Council will have said this is a piece of the Village business and they are taking control, and it is within their authority to do that. Solicitor said as of now there is no legislation that addresses it and that is why he advised and considered it to be an administrative kind of task. Solicitor said it doesn't matter if it is done by ordinance or resolution, but if Council wants it in the codified ordinances, it should be done by ordinance. The Solicitor can prepare an ordinance, or a member of Council can prepare it and forward it to him to review and finalize. Porter said he will draft an ordinance that Council will designate the flag to be flown on an annual basis by motion and yearly will designate what flags to fly. He will forward it to the Solicitor and the elected officials for their review.

The Engineer distributed information regarding the Chelsea Court project that took place in 2007-2008. The total construction cost was \$408,586.05; the design cost was \$62,000. The Village received a 77% Ohio Public Works Commission (OPWC) grant and the Village paid 23%.

He reviewed the information and explained the project components as well as the old drainage system photos and the new system photos. There is now quite substantially more infrastructure than there was before the project started. He explained the drawings and what areas are open channels (open to the air drainage channels) and which areas are pipes. The project was

constructed to exceed a 25-year storm recurrence; 25 years is a magic number when designing drainage improvements in a public right-of-way. The Village used a really conservative design and though he couldn't specify an exact year number storm it was designed for, it was definitely designed for bigger than a 25-year storm. The Village could design the project to a 100-year storm at 5-6 times the cost, but it has to be recognized there will always be a rain event that exceeds the capacity such as the large storm in 2015. Engineer says he feels comfortable with what was put in place in Chelsea Court; it is functioning and working.

Dishong recalled from being on Council prior to the Chelsea Court project that people were continuously coming to Council complaining of serious flooding issues on Chelsea Court and Southwyck. Dishong stated it has made a huge difference and he doesn't believe there has been any flooding like that since the project. Engineer stated that during big rain events the residents in that area still get a lot of water, but he is not aware of any internal house flooding issues.

Engineer stated he believes the next hot spot to look at in terms of storm water is Chillicothe Road, north of Bell Road.

At 9:24 p.m. Dishong made a motion to go into Executive Session to discuss employee compensation, seconded by Nairn. Roll call, ayes- all. Motion carried.

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

Meeting adjourned at 9:44 p.m.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer