

**RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING
MONDAY, APRIL 27, 2015 – 7:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING**

MEMBERS PRESENT: Carroll, Dishong, Koons, Kostura, Porter and Binder.

OFFICIALS PRESENT: Fiscal Officer Romanowski, Solicitor Ondrey, Fiscal Auditor Lechman, Engineer Haibach.

VISITORS: Barbara Stiebeling, East Bel Meadow Lane; Faith Pescatore, Novelty; Pete Moissis, Spring Drive; Cindy Nairn, Whitetail Drive; Linda Hernandez, Solon; Robert Sulyok, Lakeview Lane; George Vanderbilt, Countyside Drive; Mario Piano, Show Your Colors;

Mayor Brett called the Regular Council meeting to order and led the Pledge of Allegiance to the Flag. Fiscal Officer Romanowski read the roll. Koons moved to approve the minutes of the April 13, 2015 Council meeting, seconded by Dishong. Roll call – ayes, all. Motion carried.

VISITORS: Stiebeling is attending the meeting for an update on the circus issue and to answer any questions or hear any comments concerning the information she’s provided to Mayor and Council. Mayor said he asked the Street Commissioner and Police Chief if the park property that the Village can use is adequate to hold the circus. The result of their research concluded that the property is big enough for the circus event. Mayor said the next step is approval from Council.

Stiebeling said she asked for a copy of the safety plan and liability insurance at the last meeting. Mayor said the safety and evacuation plan would be provided by the Kelley Miller Circus and the Police and Fire Chief would then approve those plans. The Solicitor addressed the liability insurance issue and stated that last year’s contract provided for a \$1 million liability policy and a \$5 million umbrella policy in addition to the Kelley Miller Circus policy for \$1 million. The Solicitor suggested that the Village require both the Kelley Miller Circus and the Jaycees to carry insurance policies when the contract is written.

Hernandez attended the meeting to express her concern with holding a circus and the safety of the attendees with the animals. She said it’s hard to believe that local people will attend the circus. She doesn’t feel that exotic and suffering animals are entertainment and she doesn’t want the dog park and grasslands to be ruined by the circus.

The Mayor said that the Chagrin Valley Jaycees are providing the circus event. He added that the location that the Jaycees are proposing to use is the Village park, not a dog park.

Sulyok, a resident of the village, said that there are many veterans that lost their lives fighting for our country and he would like to see the Gadsden flag flown in their memory. He would like Council to continue to support veterans by allowing the flag to be flown on Village property.

Moissis spoke concerning Council's opposition to fly the Gadsden flag. He said that the flag represents veterans and that he doesn't agree with their decision to not allow the flag to be flown on Village property. He said that the Show Your Colors program flew the flag before it was declared a symbol of the Tea Party and there is no connection with Show Your Colors and the Tea Party. Moissis requested the motion that was previously made by Council to eliminate the flag from being flown on Village property be amended.

MAYOR'S REPORT: Mayor attended a meeting with the Cemetery Committee where the process from selling a lot to holding a burial was discussed. He is comfortable that the Village will be prepared for the opening of the cemetery, but there is concern that the cemetery property is still too wet for a May 30th opening. The recommendation of the Cemetery Committee is that the cemetery tentatively open July 18th. The Cemetery Committee will meet again in a couple weeks to hold an additional discussion and finalize a grand opening date.

It has been determined that the park property is large enough to hold the circus. Council had given preliminary approval for the event and the Chagrin Valley Jaycees were asked to provide the Street Commissioner, Police Chief and a member of Council the proposed plans. The Kelley Miller Circus can't utilize the same area used last year but can use the 10 acres furthest to the west. This might be a tight space and if it rains, or if the property is wet from recent rains, the attendees won't be able to park on this property at all.

Binder and Dishong think the chances of not getting rain aren't probable so they don't think this is a viable option.

Kostura asked if there is a backup plan in the case it rains. The Mayor said they would have to plan for offsite parking. The current parking plan for the park is to put the vehicles to the far west, near the wooded area. Porter asked if the Chagrin Valley Jaycees would be opposed to bussing in the attendees instead of allowing parking on the property. Mayor stated he did not know.

Mayor asked the Solicitor to revise the agreement from last year to ensure that all concerns are addressed, including designating the different parameters to include only the 10 acres as discussed, the liability insurance coverage, compliance of all sign requirements, compliance of all applicable health regulations as directed by the Geauga County Health Department, and an emergency evacuation plan subject to approval by our Police Chief. Mayor suggested that Council share these items with the Chagrin Valley Jaycees and vote on the topic at the next meeting.

Binder said he feels the more the circus is discussed, the more tenuous the topic is with having confident plans in place. He asked Council to reconsider allowing the circus to return.

Carroll would like to see plans before he votes on the circus topic.

The Farmers' Market will begin May 9th and they have requested to include some information on the Village website. Carroll moved to allow the Farmers Market to briefly advertise their event on the Village website, seconded by Binder. Roll call – ayes, all. Motion carried.

The Mayor brought attention to the Show Your Colors program and stated that the current flags are in rough shape. He would like to finalize a process on how to update the worn flags and hardware and would like Council to make a final decision on the Gadsden flag.

The Mayor asked Moissis if the volunteer group that helps put up the flags is waiting to hear whether or not Council will continue to fly the Gadsden flag before they commit to helping this year. Moissis said their decision would predominately determine if he will continue, based on the principle of the topic but he didn't want to speak for the remainder of the group.

Piano stated that he isn't sure that the Show Your Colors group won't continue to assist with putting up the flags based on Council's decision regarding the Gadsden flag, but he isn't certain that they will continue.

Dishong stated that his father is a veteran and doesn't agree the purpose of flying the Gadsden flag is a sense of patriotism when it comes to the point of it being a distraction to the entire program. He said the issue with the Gadsden flag is that it takes attention away from the American flag, which is the most important flag. He didn't make his previous decision based on other people's complaints, but only for the fact that it is taking attention away from the main focus of the stars and stripes.

Moissis said that he never received complaints from residents concerning the Gadsden flag. He is upset that Council didn't give the Show Your Colors group a chance to speak before they made a decision. Mayor replied that he did refer phone calls to Moissis but wasn't aware if the complainants actually called him.

Koons stated that he was disappointed with the way the situation and the Gadsden flag was addressed with the Chagrin Valley Times.

Binder stated that if the Tea Party wasn't created then this would be a mute issue and the Village would still be proud of flying the Gadsden flag. He is concerned that a group can pick something that was created for another purpose and say that represents them, which he thinks is inappropriate. Binder agrees there needs to be some overseeing of whoever flies the flags and personally doesn't have a problem with the purpose of the flag other than another party claiming it represents them.

Koons suggested that South Russell put up the flags in May with the Gadsden flag at the corner of Bell Road and State Route 306. He would then like the group of volunteers to meet with Council in June to discuss the finances for the program so the Village is aware how the donations are being used. The Village can then take an inventory and verify that there are enough volunteers to take the flags down after July 4th.

Kostura is in support of the Gadsden flag but does not support the unilateral decision to put the flag just anywhere. If the Village flies the flag, he feels Council should regulate when and where it should be placed.

Porter served in the Navy for 12 years and a 2-year tour with the Marine Corps. He didn't recall the Gadsden flag being flown on the ship but he said the American flag was prominent, as it is at a military funeral. Porter said the Gadsden flag should be flown by the Village because it belongs to the people, not one group.

Carroll felt that although he wasn't a member of Council when the initial decision was made, he remembers when the topic came up and thinks that Council discussed it in depth before making a decision.

Nairn said she is very confused as to why this flag is associated with the Tea Party and why the Village can't just associate the flag with the history instead of the Tea Party. Mayor said he was receiving complaints about two years ago and when the topic was addressed, Council decided not to fly the flag on Village property due to the new affiliation.

The Mayor agreed with parts of Koon's suggestion, but would like the Show Your Colors program overseen by the Village. The Village needs to replace many flags and hardware and the Mayor feels the Village overseeing this program will help to update the current inventory.

Binder likes these suggestions but also likes the volunteer side of this program and would like to see it stay that way. He also suggested having the program report directly to Council and submit a financial report.

Moissis said that some of the damage occurs from field mice while the flags are being stored at the Street Department. He also feels that the volunteer aspect of this program is beneficial to the Village.

Dishong said he would like the politics taken out of the Gadsden flag being flown and suggested that the flag only be flown at the Village Hall and Cemetery. He doesn't think it needs flown on each utility pole.

Porter would like to see the flag flown as well. Council will write down their suggestions and address the topic at the next meeting.

The Mayor addressed the Lantern of South Russell project and the muddy lakes. A letter was sent to the Lantern of South Russell concerning holding their deposit for the project. They were given stipulations for appealing this issue. Dave Hocevar, contracted by the village through Inspection Solutions, met with several of the contractors involved, the Village Engineer, Koons and Aqua Doc to discuss the drainage issue and try to ensure that more muddy water doesn't come off the property and flow into Chagrin Lakes.

The Engineer stated that the Lantern of South Russell is in compliance with OEPA for the drainage and that the only issue that OEPA has with the site is a cover on a dumpster. Aqua Doc

has suggested treatment of the lake on Maple Springs so that is what the Mayor would like to move forward with at this time.

Binder asked if the Village is now a party to the issue. Mayor said that this is an issue between The Lantern of South Russell and Chagrin Lakes. Binder doesn't feel the Village should mandate the treatment since the Lantern of South Russell isn't breaking the law and he would like the Village to stay out of this debate.

Kostura asked how the effected residents are being contacted of this decision. Mayor said he is contacting them directly but will consider sending them a letter.

FISCAL OFFICER'S REPORT: The Fiscal Officer said the Cemetery Committee met April 23rd to finalize some cemetery details. They discussed the scattering garden charge of \$350 which includes an engraved paver and the scattering or the option to purchase an engraved paver without scattering ashes for \$150. The Committee felt that someone may try to scatter ashes without informing the Village and purchase only the paver. The committee recommends having only one price for the scattering garden, which would be \$350. Binder moved to increase the price of purchasing a paver only from \$150 to \$350, seconded by Porter. Roll call – ayes, all. Motion carried.

SiteTech was at the cemetery completing some punch list items and the project is moving along. A few additional items to purchase were discussed. The Cemetery Committee recommended purchasing rubber matting for when a truck has to drive over the grass, a flagpole with a solar light, installing a dedication plaque and an address plaque on the front cemetery posts. There was also an additional cost of mapping the new section - these items will all need to be added to the budget. Koons suggested amending the budget by \$10,000 to be flexible in case there are additional things that need to be done. Kostura brought attention to the rubber matting and thought \$2,700 was a lot of money. He would rather see the Street Department use plywood until a final decision is made whether this task will remain in-house or outsourced. Dishong agreed. Binder and Dishong both would rather amend the budget for just the items addressed since the project has already gone over budget.

FISCAL AUDITOR'S REPORT: The Fiscal Auditor presented his report to Council and reported that he and the Fiscal Officer balance to the penny on all funds. He reviewed several accounts and why these amounts may look different than prior years.

Kostura moved to approve the March Financial Statements as submitted, seconded by Dishong. Roll call – ayes, all. Motion carried.

COMMITTEE REPORTS: Carroll had no report.

Dishong reported that Human Resources will be meeting April 28 at 7:45pm.

Koons will be meeting with the Building Inspector and Hocevar to review updating the Village light fixtures. He spoke with Russell Fire Department and they are pleased with their fluorescent lighting. Koons suggested updating the street and police buildings.

Koons stated that the Village won't be able to ask the state for any grants for the park property since the archeological study wasn't completed.

Koons stated that the new portico columns on Village Hall will not be fluted. The two front doors at Village Hall were also discussed since there are cracks in the bottom. \$9,000 was budgeted and the job total is for \$8,000; this leaves enough money to complete the doors as well.

Koons would like to allocate money for an appraisal for the rental property. Council agreed to add \$500 to the appropriation amendments.

Koons reported that October 4th is the proposed Fall Festival date.

There is an Eagle Scout proposing to install about 15 birdhouses throughout the park.

Kostura reported that the Finance Committee meeting will be held May 7th at 7:30 am.

Kostura reported that Building Inspector Heilman has been approved by the state for the interim Building Official's certificate, which means she can complete limited commercial inspections. She will then have to pass a test on the state level within the next two years to obtain the certificate permanently.

Porter said the Street Committee reviewed the 2015 Road Program at their last meeting and referred to the Engineer for further details. The Engineer stated he completed a street study and initially sent a list of the streets that scored the lowest to the Street Committee. The streets discussed were Parkland, Fawn Court, Potomac, Fairfax, Waterford, Foxhall, Wolfpen, Kensington Circle, Spring Drive, Champion, Ashleigh and Garden Park. The Engineer said Binder raised a good point noting that most of these streets are in the Kensington neighborhood and there are some other roads in this area that didn't make the list but aren't in very good condition either. Binder thought it would be beneficial to do the side streets this year and then the circle next year so the Village wouldn't have to worry about paving this development for many years.

Dishong asked if Anglers Road was on the list of streets the Engineer put together. The Engineer stated it was not. Dishong asked for an estimate if this street was added due to many complaints he is receiving from residents that live on this road. Council reviewed the Engineer's ratings of the roads.

Binder feels that the streets in Kensington Green will deteriorate a little more every time the Village takes additional trucks in for paving and the residents will be disrupted yet again so he would like to see the project completed as one. The Fiscal Officer verified that the current amount in the budget is \$325,000. Dishong and Porter don't feel the circle needs repaved now.

The Engineer stated Parkland is the worst street in the Village right now but he doesn't think it will deteriorate much more within the next year if Council wants to hold off on this road until 2016.

Dishong doesn't feel comfortable leaving off the worst roads and then have to go back to Kensington in the near future to pave the circle. Much discussion followed.

Porter moved to authorize CT Consultants to advertise for bids for repaving Foxhall, Potomac, Waterford and Fairfax, with an alternate for repaving Parkland for the 2015 Road Program, seconded by Kostura. Roll call – ayes, all. Motion carried.

Porter would like to meet with the Street Committee to discuss the Road Program on May 8th at 7:30 am.

Binder reported that the Street Commissioner would like to order 1,500 tons of salt for the Ohio Department of Transportation (ODOT) contract. Binder moved to authorize the Street Commissioner to commit to 1,500 tons of salt in the ODOT Cooperative Purchasing Program for the 2015-2016 winter season, plus or minus 10%, seconded by Porter. Roll call – ayes, all. Motion carried.

The new loader was delivered and the Coyote loader was traded in.

Street sweeping has begun and the trash pickup for seniors will occur Wednesday and Thursday. Trash day will be held Saturday, May 2nd from 8 am-2 pm.

Binder stated that the new leash requirement signs have been ordered for the park.

Binder reported that the Show Your Colors flag program was briefly discussed at the Street meeting. The Street Commissioner said a complete flag and hardware replacement is about \$60 per pole. Mayor would like to get a count of how many utility poles are used to display flags around the Village.

ORDINANCES/RESOLUTIONS:

Mayor gave third reading on an ordinance amending appropriations increasing General Fund salaries and benefit expenses by \$5,500 and declaring an emergency. Koons moved to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2015-15**

Mayor gave third reading on a resolution to participate in the ODOT Cooperative Purchasing Program for road salt for the 2015-2016 winter season. Porter moved to adopt, seconded by Binder. Roll call – ayes, all. Motion carried. **Resolution 2015-16**

Kostura introduced an ordinance to approve the current replacement pages of the South Russell Codified Ordinances and declaring an emergency.

Kostura introduced an ordinance amending appropriations increasing Special Land and Building expenses \$4,500, Safety Fund expenses \$2,309, and Income Tax Transfers \$6,809 and declaring an emergency. Kostura moved to waive further readings, seconded by Koons. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Koons. Roll call – ayes, all. Motion

carried. **Ordinance 2015-17**

Kostura introduced an ordinance transferring funds from the Income Tax Fund to the Special Land and Building fund \$4,500 and the Safety Fund \$2,309 and declaring an emergency.

Kostura moved to waive further readings, seconded by Binder. Roll call – ayes, all. Motion carried. Kostura moved to adopt, seconded by Binder. Roll call – ayes, all. Motion carried.

Ordinance 2015-18

BILLS LIST: Kostura moved to approve the April 30, 2015 bills list in the amount of \$22,506.62, seconded by Dishong. Roll call – ayes, all. Motion carried.

NEW/OTHER: Carroll, Dishong and Porter had no new business.

Koons mentioned that he noticed the same cracks on State Route 87 that the Village has on Bell Road.

Kostura stated that the Cub Scouts were appreciative of the Village for allowing them to utilize the park property and fly their kites the prior week.

Binder is attending Congressman David Joyce’s conference to be held Thursday, April 30th through Friday, May 1st.

A Special Council Meeting will be held on Tuesday, May 26th at 7:30 pm to discuss the 2015 Road Program and approve bills.

At 9:55 pm, Dishong moved to enter into executive session to discuss personnel compensation and potential property acquisition, seconded by Koons. Roll call – ayes, all. Motion carried.

Council reconvened at 10:14 pm.

Binder introduced an ordinance authorizing the Mayor and Fiscal Officer to enter into a purchase agreement with sellers, Sharon Ward and Allyson Lurch to purchase approximately 11.3 acres of vacant land in South Russell Village (permanent parcel no. 29-037900) for the sum of \$300,000 and declaring an emergency. Kostura moved to waive further readings, seconded by Dishong.

Roll call – ayes, all. Motion carried. Binder moved to adopt, seconded by Dishong. Roll call – ayes, all. Motion carried. **Ordinance 2015-19**

ADJOURNMENT: Being that there was no further business before Council, Porter moved to adjourn, seconded by Carroll. Roll call, ayes - all. Motion carried.

Meeting adjourned at 10:15 pm.

Matthew E. Brett, Mayor

Danielle Romanowski, Fiscal Officer

Prepared by Jennell Dahlhausen