

The meeting of the Council of the Village of Chagrin Falls was called to order at 8:00 p.m. by Mr. Maersch.

Member present: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper
Members absent: None
Officials present: Mayor Tomko, Bloom, Himes, Zupan, Brosius, Markowitz, Lannon

APPROVAL OF MINUTES

Moved by Mrs. Rogoff, seconded by Mr. Newell that the minutes of the meeting held January 25, 2016 be approved. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper. Nays: None.

REPORT OF THE MAYOR

Mayor Tomko reported that the pedestrian safety study recommended a “pedestrian only” phase that would give pedestrians a head start to cross the street before vehicle movement is allowed. To make this improvement the traffic controls need to be upgraded at an estimated cost of \$35,000. Given the tight financial condition of the Capital Improvement Fund, we are applying for funding through a Transportation for Livable Communities Implementation Grant for 85% of the cost to install this improvement and also install in-pavement crosswalk lighting at the two mid-block crosswalks on Main Street, the crosswalk on North Franklin Street, and the crosswalk on West Orange Street at West Street by M-Italian Restaurant.

Mayor Tomko announced that there was an error made in the drafting of the water and sewer rate increase ordinance passed in November of last year. The intent was to make the rate effective with the January billing but the ordinance made the new rate effective on usage occurring after January 1, 2016. The legislation tonight will correct this error and make the rate effective with the July billing. Any overpayments made in January due to this error will be credited on the April bill. To remove any ambiguity regarding how and when the future rate increases will be applied, we have prepared Ordinance No. 2016-05 to clarify the matter. Hopefully, with the passage of this ordinance, we will put this matter behind us. Mr. Himes said anybody who leaves the system will be issued a refund check.

Mayor Tomko explained that as a part of our financial review and budget preparation we have uncovered an area where we can avoid potential future cost increases. To avoid these possible cost increases it requires prompt action. The Affordable Care Act (ACA), also known as Obamacare, provided for certain health care plans that enjoyed favorable experience rating to continue with their own experience rating until plan years ending as early as November 1, 2016. If there are no material changes to the law before our current plan year expires on December 1, 2016, the village could face the expiration of our favorable pricing platform and thus be exposed to a huge increase effective December 1, 2016. In fact, our health insurance carrier forecasts that a quarter of the groups like

ours will face increases in excess of 40% when the inevitable expiration of our pricing platform expires. We can avoid this added cost for another year by adopting a new plan year other than the current plan's calendar year. To make this transition we need to make the final adoption by October 1, 2016 and with the required notice periods to employees, it means we will likely have to take action by August, 2016. If no action is taken our health insurance costs will likely increase and increase potentially materially. I therefore ask the Administration and Compensation Committee to begin hearings on the need to change plan years promptly. If we take prompt action, this will reduce our projected future costs and allow us the time necessary to fully review, in a timely and well thought out manner, what we want to offer in the employee benefit area in future years. I would remind Council the our normal schedule only includes one meeting per month for the summer months.

Mayor Tomko mentioned that the Chili Cook-Off was a big success and raised \$5,000 towards the cost of Safety Town.

Mayor Tomko sadly noted that former Councilman Bob Bynoe passed away last week. He had moved to Connecticut to be with his children when he passed away.

REPORT OF THE FINANCE DIRECTOR

No report.

MEMBERS OF THE PUBLIC TO SPEAK TO AGENDA ITEMS (NOT TO EXCEED TWO (2) MINUTES PER PERSON)

None.

AUTHORIZATION TO APPLY FOR GRANT FROM NOACA

Mrs. Lutz introduced Resolution No. 2016-04 entitled:

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE APPLICATION TO THE NORTHEAST OHIO AREA WIDE COORDINATING AGENCY (NOACA) FOR THE PURPOSE OF ACQUIRING FEDERAL FUNDS FOR CROSSWALK SAFETY IMPROVEMENTS IN THE DOWNTOWN AREA, AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mr. Schleper that the resolution be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper. Nays: None. Mr. Himes said the estimates for the upgrade to the signals to do the pedestrian leading phase is about \$35,000 and the minimum grant application is \$100,000 so we added the in-pavement crosswalk markers that would illuminate when the pedestrians activate them at the four crosswalks previously mentioned. The total project cost is projected at \$140,500 so the local share would be 15% of that, about \$21,000.

Mr. Muscenti said I think this is a matter of huge significance. Hopefully we get the grant but if we don't we need to start thinking about pedestrian safety, which is critical, and continue to consider making upgrades to the hardware.

Mrs. Lutz said it would be wonderful to get it because lighting the crosswalks is something that we have talked about wishing we had the funding for for a long time. The only way we are going to increase pedestrian safety is to create better awareness on the part of motorists. Signs aren't going to do it so hopefully blinking lights in the street would make them understand that there is somebody trying to use the crosswalk.

Mayor Tomko said that M-Italian Restaurant crossing there is just an accident waiting to happen.

ORDINANCE NOS 2015-46 AND 2015-48 AMENDED

Mr. Newell introduced Ordinance No. 2016-05 entitled:

AN ORDINANCE AMENDING ORDINANCE NOS. 2015-46 AND 2015-48 AND
DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mr. Schleper that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper. Nays: None. Moved by Mr. Newell, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper. Nays: None. Mr. Markowitz and Mr. Newell explained the amendments. Mayor Tomko said this is intended to clarify the intent of Council when they passed the 2015 ordinances.

ORDINANCE NO. 2008-55 AMENDED

Mr. Newell introduced Ordinance No. 2016-06 entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 2008-55 AUTHORIZING
CERTAIN IMPROVEMENTS TO THE CHAGRIN BOULEVARD WATER MAIN
FOR THE BENEFIT OF THE PROPOSED CHAGRIN BLUFFS SUBDIVISION,
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FIXING
THE TERMS AND CONDITIONS THEREOF, AND DECLARING AN
EMERGENCY.

Mr. Markowitz explained the amendments. There was lengthy discussion, comments were heard, and questions were answered. Mr. Maersch placed this ordinance on readings.

Mr. Markowitz said the Sunshine Laws Certification Training, provided by the Ohio Attorney General's Office, is a three-hour certification training provided to all elected officials, and/or their appropriate designees, as well as members of the general public. This is scheduled for Thursday, February 25, 2016 downtown Cleveland.

Mayor Tomko said I had a couple of residents call me about the anti-solicitation ordinance and could you just confirm that that is a Supreme Court decision that we are complying with and our current law is unconstitutional? Mr. Markowitz said we are complying with a number of U.S. Supreme Court decisions. We are also complying with a Federal circuit that covers Ohio. There are a couple of cases that we found outside of our district as well as state court cases within Ohio that will mandate the various changes that we made in the ordinance.

STREETS AND SIDEWALKS COMMITTEE

No report.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

Mrs. Rogoff reported that the February meeting has been canceled because it falls on President's Day. She announced that the tentative date for the March meeting is Tuesday the 15th.

SAFETY COMMITTEE

No report.

UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

Mr. Maersch announced a meeting for Tuesday, February 23, 2016 at 8:00 p.m., not February 9, 2016 as he reported at the last meeting.

ADMINISTRATION AND COMPENSATION COMMITTEE

Mr. Schleper announced a meeting for Wednesday, February 17, 2016 at 6:00 p.m.

FINANCE COMMITTEE

Mr. Maersch acknowledged receipt of the summary financial statements from Mr. Bloom for the month ending January 31, 2016.

PARKS COMMISSION

Mrs. Lutz thanked the service department for doing a wonderful job of cleaning the vandalism off of the bus shelter. She said there is now a camera there to hopefully deter kids from vandalizing it. She mentioned that there is talk of a really high-tech ice rink in Riverside Park next winter.

SHADE TREE COMMISSION

No report.

ARTS COMMISSION

Mr. Schleper reported that they met on Monday, February 5, 2016 and the next meeting will be held on Monday, April 4, 2016 at 6:00 p.m.

PARKING COMMISSION

No report.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

No report.

REPORT OF THE ENGINEER

No report.

REPORT OF THE POLICE CHIEF

Chief Brosius reported on the Chili Cook-Off, Safety Town, and the Shop With a Cop Program.

REPORT OF THE FIRE CHIEF

Chief Zupan recognized Mayor Tomko for his recent posts on his Facebook page regarding the efficiencies and cost effectiveness of our services in the village.

MEMBERS OF THE PUBLIC TO SPEAK TO ANY MATTER (NOT TO EXCEED FIVE (5) MINUTES)

Kathy Malmquist, South Russell resident, complained about the appearance of the Mario's building on Bell Street. Mayor Tomko said we met with the owners of the building in January and they had committed to clean up the exterior cosmetically and they said they would do it as soon as the weather

broke. If they don't do that they will be cited for the exterior maintenance. There is a limit to what we can do until they bring plans to the village. As long as their taxes are current and the exterior is maintained there is a limit to what the village can do. It is my understanding from the owners that they are in negotiations or discussions with the owner of the adjacent property, Chuck's, and the key to getting that building put back to use is their gaining control of the old garage space between Chuck's and the Mario's building. That is a private matter between the two property owners and there is literally nothing that we can do at that point. When they do have plans they will come to the village and they will be reviewed. We will follow up if they don't do what they said they would do.

Mr. Maersch said saying something on Facebook and coming to a Council meeting are two totally different things and I really appreciate you coming here and voicing your opinions. I encourage you to keep coming here and voicing your opinions if things are not getting done to your satisfaction.

MISCELLANEOUS

None.

ADJOURNMENT

Mr. Maersch adjourned the meeting at 9:04 p.m.

President of Council

Clerk of Council