

The meeting of the Council of the Village of Chagrin Falls was called to order at 7:00 p.m. by Mr. Maersch.

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

### **APPROVAL OF MINUTES**

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

### **REPORT OF THE MAYOR**

Mayor Tomko reported that Michael Baldwin, who is a full-time police officer, is going to part-time status. He is leaving full-time status in order to serve as a minister. We are going to promote part-time police officer Michael Corbets to full-time to fill the position effective May 31, 2016. Moved by Mrs. Lutz, seconded by Mr. Newell to approve the promotion of Michael Corbets to full-time as of May 31, 2016. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper. Nays: None.

### **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.

### **TAXICAB FRANCHISE**

Mr. Markowitz placed on the floor Ordinance No. 2016-13 entitled:

AN ORDINANCE GRANTING A TAXICAB FRANCHISE TO KELLIE  
RETTINGER, DBA WHISPERY PINES CARRIAGE RIDES.

Moved by Mr. Muscenti, seconded by Mr. Newell 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. Muscenti, seconded by Mr. Berkobein that the ordinance be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper. Nays: None. Mr. Markowitz said this is a horse-drawn carriage franchise. Chief Brosius said this is a new

franchise, the other one we have is Ladybug Ranch. Mrs. Lutz said how are they going to decide who is going to be on and who is going to be off? We can't have them both operating at the same time. Correct? Mr. Markowitz said sure you can. Mr. Muscenti said I think we should leave this on readings. Mr. Newell said I was under the assumption that this was a renewal. Mr. Maersch asked, is this second franchise going to operate in the same area and the same route? Chief Brosius said it will probably be the same route. We will go over the route with her and also where she is going to be setup. Mr. Maersch asked, have we historically had more than one horse franchise? Chief Brosius said at times we have had more than one especially around the holiday season. Mr. Maersch asked, you don't see a public safety issue with having two horse and carriage? Chief Brosius said no, it is not a safety issue. We might get a complaint from somebody saying the traffic is backed up. We don't have too many complaints at all. Some people want us to check the welfare of the horses. The franchise has to provide current veterinarian records and health records for the horse and we keep those records. We have insurance on the carriage and the operator. Chief Brosius said I need a copy of their veterinarian health insurance, which I will have tonight.

Cyleigh Rutherford, 92 Church Street, said she is concerned about the safety issues. She said on the 4<sup>th</sup> of July last year the horse-drawn carriage dropped off a couple of people in front of Peter's and a motorcycle came through and spooked the horse. The light was turning red and as you all know there are already pedestrian issues there. There are people crossing right in front of the Popcorn shop onto Bell. A car was trying to turn right, from Bell, and the horse just ran right through a second from being hit by the car and a second from hitting all the pedestrians crossing on the sidewalk. It is just an accident waiting to happen. There are so many noise issues and there are so many people around especially in the Summer. I think there are other ways we can bring a careful type of ride into town; something other than an animal.

Mr. Muscenti asked, have we had any other incidents? Chief Brosius said not reported to me.

Mr. Maersch said the incident that Ms. Rutherford described, based on our discussion tonight, had to be an incident relating to the current franchisee and not the franchisee that we are considering this evening. But, I take her comments to relate to a broader issue which is having horses on streets with cars and, it turns out, a fair amount of loud motorcycles.

Mr. Maersch said on a different issue, if the franchisee would not comply with the relevant code section we could rescind the ordinance at the next meeting if we wanted to.

### **VARIANCE REQUEST - 35 HIGH COURT**

Mr. Maersch introduced Administrative Order No. 2016-14 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSIONS OF FACT REGARDING A  
VARIANCE REQUEST OF CLIFFORD AND DIANA NAZELLI FOR 35 HIGH  
COURT.

Moved by Mr. Newell, seconded by Mrs. Lutz that the Administrative Order be Adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper. Nays: None. Mr. Maersch explained the specifics of the variance requested. For more information, refer to the April 26, 2016 Board of Zoning Appeals minutes.

**VARIANCE REQUEST - 255 BELL ROAD**

Mr. Maersch introduced Administrative Order No. 2016-15 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSIONS OF FACT REGARDING A VARIANCE REQUEST OF RICHARD PAULSON FOR PROPERTY LOCATED AT 255 BELL ROAD.

Moved by Mrs. Lutz, seconded by Mr. Newell that the Administrative Order be Adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper. Nays: None. Mr. Maersch explained the specifics of the variance requested. For more information, refer to the April 26, 2016 Board of Zoning Appeals minutes. Cindy Reagan, prospective buyer, spoke in favor of the variance.

**VARIANCE REQUEST - 542 NORTH STREET**

Mr. Maersch introduced Administrative Order No. 2016-16 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSIONS OF FACT REGARDING A VARIANCE REQUEST OF MICHAEL AND CHRYSANTHI WEISBURGER FOR PROPERTY LOCATED AT 542 NORTH STREET.

Moved by Mrs. Lutz, seconded by Mr. Schleper that the Administrative Order be Adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper. Nays: None. Mr. Maersch explained the specifics of the variance requested. For more information, refer to the April 26, 2016 Board of Zoning Appeals minutes.

**VARIANCE REQUEST - 400 EAST WASHINGTON STREET**

Mr. Maersch introduced Administrative Order No. 2016-17 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSIONS OF FACT REGARDING A VARIANCE REQUEST OF CHAGRIN FALLS EXEMPTED VILLAGE SCHOOLS FOR PROPERTY LOCATED AT 400 EAST WASHINGTON STREET.

Moved by Mr. Schleper, seconded by Mrs. Lutz that the Administrative Order be Adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper. Nays: None. Mr. Maersch explained the specifics of the variances requested. For more information, refer to the April 26, 2016 Board of Zoning Appeals minutes.

**VARIANCE REQUEST - 48 WEST ORANGE STREET**

Mr. Maersch introduced Administrative Order No. 2016-18 entitled:

**FINAL ORDER OF COUNCIL AND CONCLUSIONS OF FACT REGARDING A  
VARIANCE REQUEST OF RIVERWALK AT CHAGRIN FALLS II FOR  
PROPERTY LOCATED AT 48 WEST ORANGE STREET.**

Moved by Mrs. Lutz, seconded by Mr. Newell that the Administrative Order be Adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Newell, Rogoff, Schleper. Nays: Muscenti. Mr. Maersch explained the specifics of the variances requested. For more information, refer to the April 26, 2016 Board of Zoning Appeals minutes. Mr. Markowitz explained the corrections to the Administrative Order. Mr. Maersch asked Mr. Muscenti why he voted nay? Mr. Muscenti said for those reasons that Ms. Kraemer cited.

**STREETS AND SIDEWALKS COMMITTEE**

No report.

**FACILITIES AND SERVICES COMMITTEE**

Mr. Muscenti reported that they met this evening and the bulk of their conversation was about the cemetery.

**PLANNING AND ZONING COMMISSION**

Ms. Rogoff announced a meeting for Tuesday, May 16, 2016 at 7:30 p.m.

**SAFETY COMMITTEE**

No report.

**UTILITIES COMMITTEE**

No report.

**BOARD OF ZONING APPEALS**

No report.

**ADMINISTRATION AND COMPENSATION COMMITTEE**

Mr. Schleper announced a meeting for Thursday, May 12, 2016 at 7:00 p.m.

## **FINANCE COMMITTEE**

Mr. Maersch acknowledged receipt of the summary of the financial statements from Mr. Bloom for the month ending April 30, 2016.

Mr. Maersch announced that there will be a Finance Committee meeting immediately following this meeting.

## **PARKS COMMISSION**

Ms. Lutz reported that they met last Tuesday morning and it was pretty much just the usual cleanup and Blossom Time preparation. We did have a guest at the meeting, Melissa Zwick, who is a resident who has dedicated her career in life to service. She has a wonderful idea about organizing a community cleanup day for Riverside Park and also for the slope down to the river at the Popcorn Shop. She is trying to find volunteers to do this following Blossom Time.

## **SHADE TREE COMMISSION**

Mr. Himes reported that they are currently doing their Spring Shade Tree planting. They will be planting about 69 trees on the tree lawns around town.

Mayor Tomko reported that May 14, 2016 is Arbor Day.

## **ARTS COMMISSION**

Mr. Schleper announced a meeting for Monday, May 16, 2016 at 6:00 p.m.

## **PARKING COMMISSION**

Mr. Newell announced a meeting for Wednesday, May 11, 2016 at 3:30 p.m.

## **REPORT OF THE CHIEF ADMINISTRATIVE OFFICER**

Mr. Himes reported that the village joined Northeast Ohio Public Energy Council (NOPEC) in 2000. It is a Council of Governments who aggregates buying power of all the communities to get reduced rates. They have a relatively new program. Previously it was all just small residential accounts and small business account. They are starting to branch out and they have a street lighting program that we had signed up for to reduce our rate from \$4.69 per kilowatt hour to \$4.29 per kilowatt hour. The estimated savings is about \$1,400 per year.

## **REPORT OF THE ENGINEER**

No report.

**REPORT OF THE POLICE CHIEF**

No report.

**REPORT OF THE FIRE CHIEF**

Chief Zugan reported that they hosted a “Back the Rec” party on April 30, 2016 and it was a very successful fund raiser.

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

None.

**MISCELLANEOUS**

Moved by Mrs. Lutz that we change the Council meetings to 7:00 p.m. starting during the Summer months and maybe continue in the Fall. Mr. Maersch said the next meeting to be held on May 23, 2016 will begin at 7:00 p.m. and Council can continue starting its meetings at 7:00 p.m. until such time we decide that is too early.

Mr. Markowitz said Section 111.01 says regular meetings shall be held in the Village Hall at 8:00 p.m. on the second and forth Mondays of each calendar month. You will have to meet at 8:00 p.m. for your next meeting and then we could change it by ordinance.

**ADJOURNMENT**

Mr. Maersch adjourned the meeting at 8:04 p.m.

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President of Council

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Clerk of Council