

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

APPROVAL OF MINUTES

Moved by Ms. Rogoff, seconded by Mr. Newell that the minutes of the meeting held June 27, 2016 be approved. Carried. Ayes: Berkobein, Maersch, Muscenti, Newell, Rogoff, Schleper. Abstain: Lutz. Nays: None. Mr. Newell mentioned that in the Mayor's report he referred to the Greentree residents and it is actually the Greenbrier residents.

REPORT OF THE MAYOR

Mayor Tomko sadly announced that Jim Watterson passed away on Saturday July 9, 2016. He served the village for a long time both on committees and as a Councilman. He made major contributions to the village and he will be missed.

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.

NECESSITY OF AN ELECTION

Mr. Markowitz placed on the floor Resolution No. 2016-28 entitled:

A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND CERTAIN EXISTING SECTIONS OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS, INCLUDING EXISTING SECTION 124.01, AUTHORITY TO LEVY TAX; PURPOSE OF TAX, AND 124.04(A), WITHHOLDING PROVISIONS, IN ORDER TO PROVIDE FOR A THIRTY-FIVE HUNDREDTHS (0.35%) PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, TO A RATE OF ONE AND EIGHTY-FIVE HUNDREDTHS (1.85%) PERCENT, BEGINNING JANUARY 1, 2017, WITH THE INCREASE ALLOCATED SOLELY TO THE PERMANENT IMPROVEMENT FUND AND

DECLARING AN EMERGENCY.

Mr. Markowitz said this revised version eliminates a number of the whereas sections and eliminates the reference specifically to the cemetery. It refers to the 0.35% all going to that Permanent Improvement Fund, which is a specific fund that the auditor has previously approved, and then the resolution has within it the ballot language which was also changed to reflect the changes made to the 1.85%. It also got rid of the language about the 85% to one fund and 15% to another.

Moved by Mrs. Lutz seconded by Mr. Newell to amend Resolution 2016-28 as detailed by Mr. Markowitz. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper. Nays: None. Moved by Mrs. Lutz, seconded by Mr. Newell that the Resolution be adopted, as amended. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper. Nays: None.

CODIFIED ORDINANCES AMENDED

Mr. Markowitz placed on the floor Ordinance No. 2016-29 entitled:

AN ORDINANCE AMENDING EXISTING SECTIONS 124.01(A) AND (B) AND 124-04 (A) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS IN ORDER TO INCREASE THE INCOME TAX RATE FROM 1.5% TO 1.85%, BEGINNING JANUARY 1, 2017, WITH THE INCREASE TO BE ALLOCATED SOLELY TO THE PERMANENT IMPROVEMENT FUND AND DECLARING AN EMERGENCY.

Mr. Markowitz said this will remain on third reading. It does not get moved for adoption until after the voters have had a chance to consider the ballot language in November and once it is certified by the County Board of Elections, if it is approved, then you would adopt it.

CHARTER AMENDMENT - BOARD OF CEMETERY TRUSTEES

Mr. Markowitz placed on the floor Ordinance No. 2016-34 entitled:

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF CHAGRIN FALLS A PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO REMOVE ANY REFERENCE TO THE BOARD OF CEMETERY TRUSTEES, PLACE RESPONSIBILITY FOR PUBLIC CEMETERIES WITH THE CHIEF ADMINISTRATIVE OFFICER, AND DECLARING AN EMERGENCY.

Moved by Mrs. Lutz, 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 Mrs. Lutz, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes Berkobein, Lutz, Maersch, Muscenti, Newell, Schleper. Nays: Rogoff.

CHARTER AMENDMENT - BOARD OF ZONING APPEALS

Mr. Markowitz placed on the floor Ordinance No. 2016-35 entitled:

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF CHAGRIN FALLS A PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO ELIMINATE THE REQUIREMENT THAT ALL ZONING EXCEPTIONS OR VARIANCES BE HEARD BY COUNCIL, AND TO PROVIDE THAT COUNCIL SHALL HEAR APPEALS FOR EXCEPTIONS OR VARIANCES ONLY UPON ACTION FIRST BEING TAKEN BY THE BOARD OF ZONING APPEALS AND A PETITION SIGNED BY AT LEAST THREE (3) MEMBERS OF COUNCIL REQUIRING THAT THE MATTER BE HEAR BY THE COUNCIL AND DECLARING AN EMERGENCY.

Mr. Maersch said do you want to talk about 2016-39 at the same time or maybe it doesn't make any sense to do that. Mr. Markowitz said the difference between the two is because the Charter had two different provisions dealing with this issue. The first one was the provision that dealt with the Board of Zoning Appeals and so this changes the procedure for how the variance process is handled in the village. The second one, 2016-39, is a change to the language about Council's duties and powers and it provides for the process for hearing a variance upon the petition by three members.

Mr. Maersch said we talked about this at the last meeting and you said that if these do indeed go on the ballot and one passes and the other one fails then we would have to resolve an ambiguity and the ambiguity would be resolved in the favor of the most recently enacted legislation. We would ultimately have to pass an ordinance changing the other one that didn't pass. Mr. Markowitz said it is not really an ambiguity, it is a conflict between the two provisions of the Charter so we would interpret it that the more recently adopted Charter language would prevail in the conflict so that if either of these pass then that procedure for variances being heard by the BZA and then the variances being delivered to Council only by three members petitioning would go into effect.

Mrs. Lutz said I am sorry I wasn't here and I did not get to read the minutes yet. I think the procedure previously was that as long as the BZA approved it if there was no procedural fault it came to Council as a matter of course.

Mr. Markowitz said the way the Charter reads now it is automatic that all variances have to go to before Council and Council makes the final decision so the final administrative order comes from the Council, not the Board of Zoning Appeals. The problem we had with that is that it lacked provisions for due process for people being heard so that the decision of this Council is what is the final order that a court would hear if someone would appeal it. The question comes up what rights does somebody who is opposed or in favor of the ordinance be able to present it to Council. Then the questions is, is Council making the decision based upon evidence that they haven't heard because all you would have would be the minutes and the summary that is usually provided by Ben or whoever the Council representative is to the Board of Zoning Appeals. So the idea was that we

wanted to change that so that Council could still hear variances but you don't have to hear every single one because most of them are run of the mill stuff that you wouldn't want to take time on and it still gives a relief valve to the members of Council who want it to be heard to get it in front of the whole Council. We felt that three was the right number so that it would show that there was enough interest that it should take the time of Council to be heard and that in some likelihood that there might be some difference in the result if three people are interested enough or that there are people in the community who are for or against it who feel strong enough about it they could go to Council members and ask them to have a hearing. There is a lot involved in getting it before Council. We have to do that administrative order and then you are supposed to read the minutes and we just thought it was a waste of time and time of the applicant because sometimes they have to wait another month or more before it finally gets approved. The idea was to leave that opportunity to be heard by Council but don't make it mandatory.

Mr. Maersch said as the BZA representative to Council I fully support this. It does streamline things for our residents and there is no need for us to sit up here and have to review, well actually to have an expedited drafting of minutes prepared, findings of fact prepared for us to review every fence and every addition. Most of the stuff goes through the BZA at a 5-0 vote. But, I still think it addresses what Ms. Rogoff's concern is, which is she would like Council to have the ability to have final say on zoning variances. This is actually a pretty creative solution to do both of those. And, in the meanwhile, it closes off liability for us because right now it is unclear which is the record. If we get this on the ballot and the voters approve this we ultimately would beef up our process in this room for hearing appeals from the BZA.

Mr. Markowitz said the new language requires that you have a hearing before Council so that people will have a due process and have the right to be heard. Part of the problem right now is that you make the findings yet you didn't hear the evidence. If I have to defend that in a court of law it gets a little difficult.

Mr. Markowitz said in the administrative appeal process there is a statute that says if you didn't allow cross examination, if you didn't have testimony under oath, and a few other odds and ends, the party who lost can ask the court to retry it. So now you have tried this in the Board of Zoning Appeals, it would have sort of gone back to Council to try it, and then you are going to go to court and try it again. The village is now spending a significant amount of money going through a trial that would have been unnecessary had we limited ourselves to the record with the testimony and cross examination under oath that they would have at the Board of Zoning Appeals and again at Council if that were the procedure. Right now we don't have that opportunity in the Charter.

Mr. Maersch said in the event that this goes on the ballot and doesn't pass? We can always vote to amend the Charter. Mr. Markowitz said by two thirds vote of Council we can put it on the ballot next year. The one thing I would do, if it got defeated, I would ask you to amend the zoning code to try and put some more due process in there.

Ms. Rogoff said I would like to know how three people on Council would decide that they wanted to hear something that they don't know anything about. How would they have any information on anything. Mr. Markowitz said the Clerk of Council is going to get a certified notice from the Board of Zoning Appeals that there has been a decision made at each of the variances and then that gets distributed by the Clerk of Council to everyone on Council. The process for doing all of this isn't in the Charter. Mr. Maersch said the answer is how do you want it to work; that is the point. Is it a Charter amendment? It is a constitution, there is not going to be procedures in there. However you think it should work. If this passes we could write an ordinance and that is how it will work. Ms. Rogoff said so we don't know how it would work right now, today we don't know. There is no process for it. Mr. Maersch said there is no process because this is a new amendment to the Charter so we wouldn't have a process. We would have to draft a process. Mr. Markowitz said we know what the trigger is for getting it before we know there is going to be a requirement for a public hearing. The mechanics of that is something that you will put in the zoning code. The Planning Commission will review it and Council will adopt it. Mr. Markowitz said there are two ways that you would know. One is if somebody is unhappy with the decision one way or the other. They are going to be advised at the meeting that if you are not happy with this decision you can ask three of your Council members to petition to get it before them. The other way is that when you get the notice from David it is going to tell you what the matter was being heard and what the decision was. You are going to look at that and if you are interested in it, and you think it is an important issue then you can file a petition and copy everybody else on Council with it. If people see that somebody has filed one and they think it is worthy of their attention they file one themselves. It would not be a Sunshine Law violation because it is not a majority of Council but the preference that I would have is that each of you sends in your own petition to the Clerk of Council. It could even be an email.

Ms. Rogoff said the current process was put in place not that long ago and it was very strongly felt by the voters at that time that this is the process that should be in place. If there are issues with it then maybe we should adjust some of the ways that we handle the hearings and the notes that we get. Adjust that and be prepared to have a full hearing if it is something that is contentious if it is not going to be a 5-0 vote at the BZA or a 7-0 vote at Council. If it is going to be something that is controversial then have a hearing for that. Mr. Newell said that is what this does. Ms. Rogoff said no, it doesn't to leave it the way it is. If it is a 5-0 vote then nobody is denied anything. Mr. Markowitz said we have had nine years to experiment from the 2007 vote. Ms. Rogoff said and there hasn't been anything that was denied. Mr. Markowitz said well, yes there has but the point is that you have been lucky because I myself know of a couple of cases where we were planning on suing the village had we not gotten the relief at the local level because it was clear that there were a lot of problems with your Charter. What I am telling you is that I think that it was a knee jerk reaction in 2007 to do something that the people of the village wanted. The intentions were good but I think the way it got implemented was less than ideal. What we are trying to do is accomplish two major points from the legal perspective. One is to give a due process opportunity and two is to eliminate a lot of time and expenses that are not necessary. You had a lot of years of these appeals, how many times have you reversed the Board? Maybe 5% of the time, maybe 2% of the time? Mr. Newell said less than that. Mr. Markowitz said so, why do you need to hear all these? Why do you

need to have administrative orders prepared? Why do these people have to wait another month to get their variance?

Mr. Maersch said I think what Ms. Rogoff is suggesting that we do is have a hearing on every single variance here on Council. Ms. Rogoff said no, I absolutely did not say that. Mr. Maersch said how do you respond to Mr. Markowitz's contention that we have a legal issue here that we should close? Ms. Rogoff said if they are not controversial and we are only going to accept the recommendation from the BZA then there is no issue; we just accept it. Mr. Markowitz said that is not correct because there is somebody who may be opposed to that. Ms. Rogoff said if it is going to be contentious then we have a hearing. Mr. Markowitz said that is what we are doing because otherwise you are denying somebody due process the way the Charter is written right now. Ms. Rogoff said no, because now what happens is let's say somebody is unhappy, one person out there, and they can't get any of us to agree with their being unhappy then that person has to go to court. Mr. Markowitz said correct. At least we are giving them the opportunity to come before Council. Ms. Rogoff said they don't have the opportunity if three of us don't say you can come. Mr. Markowitz said that is an option that they may have; we are at least giving them that option. Ms. Rogoff said but they don't have the option if we don't agree with them. Mr. Markowitz said but the way the Charter reads right now every appeal comes before you but there is no opportunity to be heard. There is no evidence taken, there are no witnesses presented, there is no cross examination, there are no documents admitted, and there is no expert testimony presented. So somebody who is opposed to it is bound by your final order and they didn't have an opportunity to be heard. Ms. Rogoff said so you are saying that Council has never had a hearing on a zoning variance? Mr. Himes said we have never had a true hearing. Ms. Rogoff said I disagree with that. Mr. Himes said we have had some presentations from applicants but there hasn't been cross examination. Mr. Markowitz said why take the risk when it is not as a matter of practice been something that is a compelling interest to the village to mandate that every single one of these be heard by you. I think if the voters in 2007 were given a better choice back then as to which procedure they would want they would have been accepting of this.

Mrs. Lutz said now the applicant has the opportunity to take another step. Mr. Markowitz said I also think it would be more meaningful that if somebody does ask you to petition for it, and you do, I think it will get heard in a better perspective. Mr. Maersch said I agree 100% and we are talking about 1%-2%. In six months we've had zero so if you extrapolate that for two years we will have zero. There are a very, very small amount of variances in this town that are controversial. And think about all of the efficiency savings and timing savings that we are affording our residents. Ms. Rogoff said when is a government efficient? I don't know that that should be our goal to be efficient. A dictatorship is efficient. Mr. Markowitz said I think it is our goal to have a democratic efficient government. Mr. Maersch said if you are going to tell the residents that Councilman Rogoff said that our government should not be efficient especially with issues where the residents are the ones petitioning the government. Is that what you want on your tombstone?

Mr. Newell said I am a little concerned or a little confused at the same time. The reason that you are

objecting to the wording of these two ordinances is because you don't think there is due process for the individuals. Currently there isn't due process and this provides due process. So what you want to see the residents have for options this provides yet you are saying that this is bad and I need some clarification on that. Ms. Rogoff said I've said what I have to say.

Mr. Berkobein said I know we talked about this last time but the three votes, why did we arrive at three or three names of people? Mr. Markowitz said we talked about whether it should be two or three and we felt that if the goal is to try and limit these to the ones that are of merit that we should try and have at least a number that recognizes that it would be close to a majority so that there might be a meaningful opportunity for the Council to, I don't want to say reverse the decision, but there would be enough interest that Council thinks that this ought to be heard by Council. If you said to me I really, really want two I don't have a legal problem with that I was just trying to deal with the practicalities of it. You want to try and make it so that not every appeal is going to get presented to Council. Mr. Berkobein said I asked because the speed that things otherwise move, fifteen days, goes quick. You get a call from a person down the street you might not have time to get three lined up. Mr. Markowitz said it is fifteen days after Council is advised of the decision so it could be as much as five to six weeks on the BZA decision. Mrs. Lutz said won't each applicant know at the time the BZA makes its findings that they have recourse? Mr. Maersch said I assume Mr. Fricke, Chairman of the BZA, will explain the process which he does all the time. Mrs. Lutz said so the applicant would have the opportunity to start calling Council people immediately after the BZA meeting, or some neighbor. Mr. Markowitz said they can always read the code. It will be online and they will be able to see it and the Charter in online. Mrs. Lutz said if it is really something contentious I am sure the immediate neighbors will be aware of it and watching the proceedings and people can start asking for a meeting immediately. Mayor Tomko said my experience, practical matter, is your phone is ringing off the hook five minutes after the BZA meeting if it is a really hot issue.

Mr. Newell said I don't think three Council members to file a petition to hear at the Council level is going to be a difficult obstacle for someone that wants a hearing. Mrs. Lutz said I think that we should also take our law director's recommendation. He has been doing this for a long time and he has plenty of experience and I think that we should listen to his recommendation too. Mr. Maersch said we sort of have actual knowledge that we were going to get sued; that is pretty compelling. Mr. Markowitz said if this passes and you find that it is not working you can always go back and amend the Charter again and ask the voters to approve it to do something different. You would still have to do it in a way that still provides for due process.

Mr. Maersch said the other thing to pay attention to here is where this is going. You can be philosophically opposed to it but we are voting to put it on the ballot. These proposed changes came out of a long involved process by a group that convenes every five years to study this stuff. They spent hours on this and this is what they came up with.

Moved by Mr. Newell, seconded by Mrs. Lutz that the requirement for reading and 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: Lutz, Maersch, Muscenti, Newell, Schleper. Nays: Berkobein, Rogoff.

Mr. Maersch said so, just to be clear, the two of you think that you are going to step in front of the voters and say I don't think you guys should be allowed to decide this? Mr. Schleper said they said no, we will leave it at that.

CHARTER AMENDMENT - ALLOCATION OF FUNDING

Mr. Markowitz placed on the floor Ordinance No. 2016-36 entitled:

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF CHAGRIN FALLS A PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO REQUIRE FIVE (5) MEMBERS OF COUNCIL TO OVERRIDE THE ALLOCATION OF FUNDING FROM INCOME TAX REVENUES SET FORTH IN THE INCOME TAX CODE FOR THE VILLAGE OF CHAGRIN FALLS AND DECLARING AN EMERGENCY.

Mayor Tomko said this is what I call the belts and suspenders insurance to the voters that the money will be spent in the manner that they want it to be spent and how they thought it was going to be spent. If and when they approve the ordinance it would take five members of Council to change the allocation. I thought it was further protection for the voters in addition to the ballot and in addition to the ordinance. I recommend it.

Ms. Rogoff said I find it really disturbing that we would change what the voters voted for with any number of people. Mr. Markowitz said we are not changing it. Ms. Rogoff said but the opportunity to change. What you are saying is that we can right now, with four votes, change what the voters voted for. Mayor Tomko said correct. Ms. Rogoff said and now that is not good enough, there is five votes that you need to change. I don't think that we should change what the voters voted for with seven votes. Mr. Markowitz said the voters didn't vote for it. Ms. Rogoff said didn't vote for what? Mr. Markowitz said they didn't vote for how many people it would take. Ms. Rogoff said I know that but we voted to put a tax increase on the ballot and that says that the money is going to go for a certain purpose. Mr. Markowitz said the reason why it is five out of seven rather than seven out of seven is that there could be circumstances where a Council member may not be present or you might have a real dire need for it. Ms. Rogoff said my point is that I think that the residents would be surprised generally that whatever they voted for could be changed by Council. Mr. Maersch said so that is fine. So how does that address what your comments are on this? Ms. Rogoff said those are my comments on that. Mr. Maersch said so how does your observation that the residents will be surprised that Council can overturn what they did reflect your feelings on Ordinance No. 2016-36? Ms. Rogoff said I think it is kind of embarrassing that we'd have to put something like that in the Charter as sort of an extra promise that we won't change something that they voted for. Mayor Tomko said it doesn't only affect this Council Nancy, it affects the future Councils. Mr. Markowitz

said the Charter Review Commission was as surprised as you were when I told them this. It led us to all say we have an agreement with the residents that we are going to use this money for a certain purpose and I said to them but that can be changed by any future Council by a bare majority. Their view was let's give the voters the opportunity to require a super majority. If everybody on Council said no, don't put it on the ballot it doesn't change anything in how we operate the village. We are trying to give the voters more protection than they have today. Mayor Tomko said it could conceivably be three if two members were absent. A three to two vote could change it because you have a quorum at five so this is dramatically increasing the protection of the voters. It changes nothing but it gives them additional protection of where they think the money will be spent is where in fact it will be spent.

Moved by Mrs. Lutz, seconded by Mr. Newell that the requirement for reading and 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, Schleper. Nays: Rogoff.

CHARTER AMENDMENT - REFERENDUM PETITION

Mr. Markowitz placed on the floor Ordinance No. 2016-37 entitled:

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF CHAGRIN FALLS A PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO REQUIRE THAT ANY REFERENDUM PETITION REGARDING RE-ZONING SHALL CONTAIN THE SIGNATURES OF NOT LESS THAN 10% OF THE NUMBER OF ELECTORS WHO VOTED FOR GOVERNOR AT THE MOST RECENT GENERAL ELECTION FOR THE OFFICE OF GOVERNOR IN THE VILLAGE OF CHAGRIN FALLS AND DECLARING AN EMERGENCY.

Mr. Maersch said we talked at last meeting about the 10% and my recollection was that was around 165 in terms of raw numbers that would be required. I find 10% to be completely reasonable. I know it is going from essentially 30 to 165, which is a pretty large jump but in terms of raw numbers I don't think 165 is an insurmountable task at all. Quite frankly, I think that the language in there that does not have a raw number, it is a percentage, benefits us for two reasons. We don't have to amend the Charter again if we have population fluctuations. I think it invites electors who would like to go through this procedure to come visit Village Hall and find out things like the number of electors who voted for governor and it is a way to give us a little bit of advanced notice of their dissatisfaction with a portion of our code or what we are planning to do. I think that behooves us because we might be able to change things and address their concerns without putting the village to the expense of an election. I think that you need to look no further than what happened with the mower property and the park last session where we had that group come to the village and express their displeasure we probably could have gotten legislation on the ballot that called the correct question. I think that would have benefitted everybody. I am in favor of this staying at 10%.

Mr. Newell said I am 100% in favor of 10%. The previous number was ridiculously low and I think it kind of made it a little too tempting for a small percentage of people to take advantage of it.

Mrs. Lutz said 164 out of a village of 4,200 people seems reasonable. I know some are younger than 18 and older than 70 but still it seems reasonable.

Mr. Berkobein said I agree that the number is too low but I think 10% is too high from what we are at. It is a 450% increase from what we currently require. If a particular street banded together and said this is the problem that is their right and we are here to answer those questions and they can put it up for a vote. I think we should raise the number I just think 10% is too high. I think 5%.

Ms. Rogoff said the population hasn't fluctuated all that much in the past twenty years. How many of these petitions have we had in the past twenty years at 30 signatures required? Mayor Tomko said two. Ms. Rogoff said I can think of two. Mr. Markowitz said the last one cost you a lot. Mrs. Lutz said and the one before that cost the property owner a lot. Ms. Rogoff said the last one the people did come to the village and they were not satisfied with the response that they got.

Mr. Newell said the fact that we've only had two in the last few years doesn't hold any weight on what we should set the number to be to have one. We should have a number that is realistic and is more in line with state statute and prevents needless petitions being filed by a small, small group of people in the village. I think 165 is very, very obtainable. Whether it is a 450% increase it doesn't hold weight.

Ms. Rogoff said I think 10% is too much of a jump.

Mr. Maersch said I think if we amend it to 5% we might get Ms. Rogoff to vote in favor of one of these things.

Moved by Mrs. Lutz, seconded by Mr. Berkobein to amend it to 5%. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Rogoff, Schleper. Nays: Newell. Moved by Mrs. Lutz, 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 Mrs. Lutz, seconded by Mr. Newell that the ordinance be adopted, as amended. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper. Nays: None.

CHARTER AMENDMENT - PLANNING AND ZONING COMMISSION

Mr. Markowitz placed on the floor Ordinance No. 2016-38 entitled:

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF CHAGRIN FALLS A PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO REMOVE THE REQUIREMENT THAT THE PLANNING AND ZONING COMMISSION MEET AT LEAST ONCE A MONTH,

AND DECLARING AN EMERGENCY.

Moved by Mrs. Lutz, 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 Mrs. Lutz, seconded by Mr. Newell that the ordinance be adopted, as amended. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper. Nays: None.

CHARTER AMENDMENT - BOARD OF ZONING APPEALS

Mr. Markowitz placed on the floor Ordinance No. 2016-39 entitled:

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF CHAGRIN FALLS A PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO PROVIDE THAT THE BOARD OF ZONING APPEALS' DECISIONS REGARDING EXCEPTIONS OR VARIANCES TO THE PLANNING AND ZONING CODE SHALL BE FINAL UNLESS COUNCIL PROVIDES, BY ORDINANCE, THAT IT WILL HEAR SUCH MATTERS AFTER ACTION HAS BEEN TAKEN BY THE BOARD OF ZONING APPEALS UPON WRITTEN REQUEST OF AT LEAST THREE (3) MEMBERS OF COUNCIL AND DECLARING AN EMERGENCY.

Moved by Mrs. Lutz, seconded by Mr. Newell that the requirement for reading and ordinance three times be suspended. Carried. Ayes: Lutz, Maersch, Muscenti, Newell, Schleper. Nays: Berkobein, Rogoff. Moved by Mrs. Lutz, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes: Lutz, Maersch, Muscenti, Newell, Schleper. Nays: Berkobein, Rogoff.

ALTERNATIVE TAX BUDGET

Mr. Maersch introduced Resolution No. 2016-41 entitled:

A RESOLUTION ADOPTING THE CHAGRIN FALLS ALTERNATIVE TAX BUDGET FOR FISCAL YEAR 2017, AND DECLARING AN EMERGENCY.

Mr. Bloom said the alternative tax budget is not a budget in any form. It is an annual requirement from the County. They use it to set property tax rates later in the year and it does not commit the Council in any way when we come back to do the budget next year.

Moved by Mrs. Lutz, seconded by Mr. Newell that the resolution be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Muscenti, Newell, Rogoff, Schleper. Nays: None.

STREETS AND SIDEWALKS COMMITTEE

No report.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

Ms. Rogoff announced a meeting for Monday, July 18, 2016 at 7:30 p.m.

SAFETY COMMITTEE

No report.

UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

Mr. Maersch announced a meeting for Tuesday, July 26, 2016 at 8:00 p.m.

ADMINISTRATION AND COMPENSATION COMMITTEE

No report.

FINANCE COMMITTEE

Mr. Maersch acknowledged receipt of the summary of the financial statements dated June 30, 2016.

PARKS COMMISSION

No report.

SHADE TREE COMMISSION

Mrs. Lutz read a report from the Commission about trying to save money and keep our tree program going.

ARTS COMMISSION

No report.

PARKING COMMISSION

Mr. Maersch noted that the Commission circulated a twenty-page report for public comment that I encourage everyone to read. I thought it was impressive work and a step in the right direction.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

Mr. Himes reported that the service department recently completed a storm culvert replacement on North Street. It was found during the North Street project. We got bids from contractors of \$11,000 and \$11,400 to replace it. The service department was able to do that job at a material cost of \$1,277 and labor was about \$800.00 so, for significantly less money, they were able to do that work.

REPORT OF THE ENGINEER

No report.

REPORT OF THE POLICE CHIEF

Chief Brosius reported that all of the new video cameras have been installed in the cruisers and the new parking meters are in.

REPORT OF THE FIRE CHIEF

No report.

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

None.

MISCELLANEOUS

Mr. Newell said it has been six months with this group meeting and I think this is a watershed moment tonight particularly for the newer members to learn a very complicated budget. I know it took me a couple of years to kind of get my arms around it and I am still learning. For us to go through the process of learning the budget, understanding our capital needs for the improvements, and then have a 7-0 vote for the ballot issue this November is huge progress. It says a lot for us working as the united front and I think it is going to be a very positive message to the voters this Fall. I want to thank everybody for all their efforts.

Mr. Muscenti mentioned that Jack Skeel passed away. He acknowledge all of his efforts.

ADJOURNMENT

Mr. Maersch adjourned the meeting at 8:19 p.m.

President of Council

Clerk of Council