

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: Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff  
Members absent: Berkobein  
Officials present: Mayor Tomko, Bloom, Himes, Alunni, Markowitz, Brosius, Lannon

Moved by Ms. Rogoff, seconded by Mr. Newell that the absence of Mr. Berkobein be excused. Carried. Ayes: Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None.

### **APPROVAL OF MINUTES**

Moved by Mr. Newell, seconded by Mrs. Lutz that the minutes of the meeting held August 8, 2016 be approved. Carried. Ayes: Lutz, Maersch, Mitchell, Newell, Rogoff. Abstain: Muscenti. Nays: None.

Moved by Mr. Newell, seconded by Mrs. Lutz that the minutes of the special meeting held August 18, 2016 be approved. Carried. Ayes: Lutz, Maersch, Newell, Rogoff. Abstain: Mitchell, Muscenti. Nays: None.

Moved by Mrs. Lutz, seconded by Mr. Newell that the minutes of the meeting held August 22, 2016 be approved. Carried. Ayes: Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None.

### **REPORT OF THE MAYOR**

Mayor Tomko announced a Records Retention Meeting for Monday, September 26, 2016 at 6:30 p.m.

Mayor Tomko said he is going to refer to the Streets and Sidewalks Committee a request to hold a meeting regarding making Cottage Street “residents only” parking. He said they are having problems with M Italian customers parking on Cottage Street and residents can’t get out of their driveways. There would be a real problem if they would need to get fire and EMS down the street. Some of the residents up there don’t even have driveways so they will have to continue to park on the street.

### **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.

## **REPORT OF THE LAW DIRECTOR**

Mr. Markowitz said the Ohio Legislator has again amended the Income Tax Ordinances, Senate Bill 172, and we need to have them in effect at the next meeting. He said he will be bringing an amendment with about a half dozen changes to the next meeting.

## **PLANNING AND ZONING CODE AMENDED**

Ms. Rogoff introduced Ordinance No. 2016-49 entitled:

AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE OF THE VILLAGE OF CHAGRIN FALLS AND AMENDING SECTIONS 1127.02(b)(1) AND (5) AND AMENDING SECTION 1130.03(b)(1) AND (6) REGARDING REGULATIONS OF ACCESSORY USES IN THE ASF AND RMU DISTRICTS IN THE VILLAGE.

Mr. Markowitz announced a public hearing for Monday, October 10, 2016 at 7:00 p.m. Ms. Rogoff explained that this is adding generators as a permitted use in the Attached Single-Family District and the Residential Mixed Use District with the same regulations that they have for the Single-Family District.

Ms. Rogoff placed this ordinance on readings.

## **AMOUNTS AND RATES ACCEPTED**

Mr. Maersch introduced Resolution No. 2016-50 entitled:

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE COMMISSION, WITH THE EXCEPTION OF THE GENERAL FUND, OUTSIDE 10 MILL AMOUNT AND RATE, AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER.

Moved by Mr. Newell, seconded by Mrs. Lutz that the requirement for reading a resolution three times be suspended. Carried. Ayes: Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mrs. Lutz that the resolution be adopted. Carried. Ayes: Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Mr. Bloom said we have to do this every year. The County needs Council's approval of the rates by the end of this month. These will go on the bills that will go out for next year. The one change is the rate for the current year the total is 9.4 and the rate on this ordinance is 9.3. The difference is in the Bond Retirement Fund.

## **BRIDGE INSPECTION PROGRAM**

Mr. Markowitz introduced Ordinance No. 2016-51 entitled:

AN ORDINANCE CONSENTING TO THE OHIO DIRECTOR OF

TRANSPORTATION COMPLETING A BRIDGE INSPECTION PROGRAM AND  
DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mrs. Lutz that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Mr. Markowitz said we did want this to go into effect as soon as possible so that the state could then submit for their project for approval and funding for this. This is the first step that we have to take to be able to have them seek approval for the bridge inspections. Mr. Himes said this is for the Cleveland Street bridge.

**VARIANCE REQUEST - 194 LOW STREET**

Mr. Maersch introduced Administrative Order No. 2016-52 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A  
VARIANCE REQUEST OF STEVEN HAMORI FOR PROPERTY LOCATED AT  
194 LOW STREET.

Moved by Mr. Newell, seconded by Mrs. Lutz that the administrative order be adopted. Ayes: Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Mr. Markowitz and Mr. Maersch explained the specifics of the variance requests.

**VARIANCE REQUEST - 92 CHURCH STREET**

Mr. Maersch introduced Administrative Order No. 2016-53 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A  
VARIANCE REQUEST OF STEVE AND SUSAN OVERHOLT FOR PROPERTY  
LOCATED AT 92 CHURCH STREET.

Moved by Mr. Newell, seconded by Mrs. Lutz that the administrative order be adopted. Ayes: Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Mr. Markowitz and Mr. Maersch explained the specifics of the variance requests.

**VARIANCE REQUEST - 188 VINCENT STREET**

Mr. Maersch introduced Administrative Order No. 2016-54 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A  
VARIANCE REQUEST OF ROBERT AND AMANDA PARADISE FOR  
PROPERTY LOCATED AT 188 VINCENT STREET.

Moved by Newell, seconded by Mrs. Lutz that the administrative order be adopted. Ayes: Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Mr. Markowitz and Mr. Maersch

explained the specifics of the variance requests.

**VARIANCE REQUEST - 373 EAST WASHINGTON STREET**

Mr. Maersch introduced Administrative Order No. 2016-55 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A  
VARIANCE REQUEST OF MELISSA KING FOR PROPERTY LOCATED AT  
373 EAST WASHINGTON STREET.

Moved by Mr. Newell, seconded by Mrs. Lutz that the administrative order be adopted. Ayes: Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Mr. Markowitz and Mr. Maersch explained the specifics of the variance requests.

**STREETS AND SIDEWALKS COMMITTEE**

No report.

**FACILITIES AND SERVICES COMMITTEE**

No report.

**PLANNING AND ZONING COMMISSION**

Ms. Rogoff announced a meeting for Monday, September 19, 2016 at 7:30 p.m.

Mr. Maersch said Section 1113.02 of the zoning code says that amendments to the zoning code can be initiated by Council. There are three amendments that I would like the Planning and Zoning Commission to consider. For new construction I would like the Planning and Zoning Commission to consider the code to require that any applicant for a new dwelling unit that would require a variance must obtain preliminary approval from the Architecture Review Board prior to going to the Board of Zoning Appeals. Section 1115.04 is the standards of review that the ARB applies when they consider applications for a building permit. What I would like the Planning and Zoning Commission to consider is whether they would require the applicant to specify how architecturally the proposed design compares, relates, or fits with the adjacent contiguous neighboring properties. This requirement is arguably already in code Section 1115.04(a) but this change would require the applicant to provide the information on this inquiry much like a BZA applicant does on the Duncan Factors. The BZA makes their determinations on practical difficulty by looking at the Duncan Factors, which come from a Supreme Court Case. They are also codified but we require the applicant to essentially provide facts on all the Duncan Factors. What I am proposing here is I would like our applicants for building permits to state how their design compares, relates, or fits with the adjacent contiguous neighboring properties as called out in subsection (a). This will improve the process at the ARB because the ARB will have, in a form, the facts that the applicant thinks supports

their proposed design as it relates to subsection (a). Under Section 1115.04(b) the ARB is to consider the Village of Chagrin Falls design guidelines adopted by Village Council on October 10, 2005. I would like to pull out the guidelines in that document and make that also part of the ARB application process. I would like the Planning and Zoning Commission to consider whether the applicant should specify how the proposed design compares, relates, or fits with the Village of Chagrin Falls design guidelines in terms of architectural style, massing, proportion, setback, distance, orientation, height, exteriors, roof elements, windows & doors, and porches & entry features. If the Planning and Zoning Commission sees other elements in the design guidelines that they think are relevant, obviously they are going to note that document extremely well. My contention here is that this requirement is arguably already in the code, Section 1115.04(b), but we are going to require the applicant to provide this information up front. It will streamline the process at the ARB because it will call out the facts that the ARB should be considering when making their determination for the building permits.

Ms. Rogoff said the section for the ARB has guidelines of what they are supposed be reviewing but they sort of resist the checklist, which we have recommended to go through some of these things and see that they fit. Maybe this group will be more amenable to that kind of thing. As far as people going to the ARB before the BZA I agree with you. I know that several of the ARB members have told me that they are very stymied when something comes to them and it has a very large variance and they say they are kind of stuck with what they can do because it has the variance and people want what they want and they can't get them to change it because they have a variance already. I agree and I think that is an important thing for us to do.

Mr. Markowitz said doing a lot of work in communities where I am not necessarily familiar with what it is these boards are looking for, I think it is very helpful to have clear direction as to what the process is. When you have an application form that becomes part of your codified ordinances that says these are the factors we are looking at it makes these people do a better job of preparing before they submit and so when they come before the board they know what the board wants to see. They are better prepared because they focused on it and you get a more meaningful and quicker review. I think that will make up for some of the complaints that we get from some people saying well, I don't want to spend the money doing architectural drawings until I know I can site the house here on the land and get my variance. Overall it will be very helpful to everybody.

### **SAFETY COMMITTEE**

No report.

### **UTILITIES COMMITTEE**

No report.

### **BOARD OF ZONING APPEALS**

No report.

#### **ADMINISTRATION AND COMPENSATION COMMITTEE**

Mr. Muscenti reported that they met earlier tonight and reviewed the health insurance renewal process. They hope to get the renewal sometime in the next two weeks.

#### **FINANCE COMMITTEE**

Mr. Maersch acknowledged receipt of the summary financial reports dated August 31, 2016.

#### **PARKS COMMISSION**

No report.

#### **SHADE TREE COMMISSION**

Mrs. Lutz said I really respect the efforts of the Shade Tree Commission and all the new plantings. We had such an incredibly dry Summer and it seems like all the tree lawn trees are actually doing very well. Kudos to that group. Mayor Tomko also thanked the service department.

#### **ARTS COMMISSION**

Ms. Rogoff announced a meeting for Monday, September 19, 2016 at 6:00 p.m. She said the Arts Commission has talked about signs and banners and we have a proposal tonight from Mary Ann Ponce on a banner for the Film Festival in the theater district. The Arts Commission strongly supports that request, as do I, and I hope that Council will see to supporting that request as well.

#### **PARKING COMMISSION**

No report.

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

Mr. Himes said just a quick update on the pedestrian safety program. As you recall, we made an application for a Transportation for Liveable Communities Initiative Grant and that \$135,000 grant was turned down. Mr. Maersch said within that amount was changing the hardware on the traffic signals. Mr. Himes said right, allowing for a pedestrian only phase for the crosswalks and then also some lighted crosswalks in the mid-block crosswalks. The engineer met with NOACA to review the application and NOACA felt that we had a very good application. There simply wasn't enough funding to go around and they encourage us to apply again. Rather than go it alone we would apply again next year.

### **REPORT OF THE ENGINEER**

Mr. Lannon reported that the Ohio Public Works Commission grant applications are due on Friday, September 23, 2016. We will be submitting for Walters Road and River & West Streets for money that will be available next July. There will be a resolution authorizing the grant application at the September 26, 2016 Council meeting.

### **REPORT OF THE POLICE CHIEF**

Chief Dacek said I probably speak on behalf of the fire chief about wanting to thank the community, the lawyers, and Molly Gebler for all the work they have done on Salute the First Responders. She mentioned that they are hiring a new full-time officer and they are going to be giving a sergeants exam. Body cameras will be ordered shortly.

### **REPORT OF THE FIRE CHIEF**

No report.

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

Mr. Maersch said Mary Ann Ponce is requesting, under Section 1143.13, approval to have a sign for the Film Festival.

Moved by Ms. Rogoff, seconded by Mr. Mitchell that Council approve the request for a banner on River Street near the Little Theater from October 1, 2016 through October 10, 2016. There was lengthy discussion. Carried. Ayes: Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None.

### **MISCELLANEOUS**

Comments were heard about how nice Chief Brosius' retirement party was.

Mr. Maersch said I really enjoy what we are doing up here. I like working with all of you. I feel like the camaraderie is really at an all time high. I feel like the dialog is really productive. I feel like when we have issues that we disagree on I enjoy the debate. It is somewhat entertaining as well so thank you all for that.

### **ADJOURNMENT**

Mr. Maersch adjourned the meeting at 8:15 p.m.

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President of Council

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Clerk of Council