

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTHPT1

Held _____ MAY 8, _____ 2017 _____

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, DeBernardo, Maersch, Mitchell, Newell, Rogoff
 Members absent: None
 Officials present: Mayor Tomko, Bloom, Himes, Alunni, Markowitz, Dacek, Lannon

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

APPROVAL OF MINUTES

Moved by Mr. Newell, seconded by Mrs. DeBernardo that the minutes of the meeting held April 24, 2017 be approved. Carried. Ayes: Berkobein, DeBernardo, Maersch, Mitchell, Newell, Rogoff. Nays: None.

REPORT OF THE MAYOR

Mayor Tomko said he would like to ask Council to approve Ordinance 2017-23, which authorizes him to enter into a contract with Integrity Parking Systems, LLC to prepare the bid request for software. The software is something that they would want to do regardless of what they do or don't do with the overall parking plan. It will materially reduce labor hours in the police department. Currently, between Lisa and Pat, they spend about two man days a week just processing parking tickets. This will also allow the software to use an app for payment on the existing parking meters and any potential new parking meters. They will also evaluate the parking permit system and report back to Council before any action is taken. In thinking about the outcome of the last parking meeting, he thinks the best course of action would be to defer any action on the existing meters until they can get the report back on the parking permit system. They won't know how many meters they would want to order if they are going to order meters because the municipal lot may have meters and it may not. At the next Council meeting he anticipates having parking lease agreements signed from the Lutheran Church, the Federated Church, and the Intermediate School. His thought and recommendation would be to go ahead and sign those leases and contact every business in Chagrin Falls and let them know that those parking spaces are available but not requiring permits if they wanted to park. The school, which is a critical one because it is adjacent to the existing parking lot, would provide seventy parking spaces and with the Federated Church it will take it up to eighty parking spaces. These extra parking spaces will more than replace the spaces that they lost in the shopping plaza. The height of any potential parking problem is in the Summer months and not the Winter months. He does not think that this jeopardizes the long-range plan. Even if they ordered meters tonight he doubts that they could get here and be installed much before the end of the Summer.

Mayor Tomko mentioned that the police department, the safety forces, and the fire department did

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held

MAY 8,

20 17

an absolutely superb job on the false alarm last week at the high school. It is really impressive to see how the whole thing works.

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**ZONING CODE AMENDED**

Mr. Markowitz placed on the floor Ordinance No. 2017-19 entitled:

AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF CHAGRIN FALLS AND AMENDING CHAPTER 1143, SIGNS, IN ITS ENTIRETY.

Mr. Markowitz announced a public hearing for Monday, May 22, 2017. Moved by Ms. Rogoff, seconded by Mr. Mitchell to replace the existing Ordinance 2017-19 with the one that is in their packets. Carried. Ayes: Berkobein, DeBernardo, Maersch, Mitchell, Newell, Rogoff. Nays: None. Comments were heard and questions were answered.

DELINQUENT UTILITY BILL

Mr. Newell introduced Ordinance No. 2017-22 entitled:

AN ORDINANCE CERTIFYING DELINQUENT UTILITY BILL AMOUNTS FOR THE PROPERTY LOCATED AT 24 ½ SOUTH FRANKLIN STREET, CHAGRIN FALLS, OHIO TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR PLACEMENT ON THE TAX DUPLICATE FOR COLLECTION IN ONE ANNUAL INSTALLMENT AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mrs. DeBernardo that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, DeBernardo, Maersch, Mitchell, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Ms. Rogoff that the ordinance be adopted. Carried. Ayes: Berkobein, DeBernardo, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mr. Himes explained that this property has been under construction for some time now. At one point, some time last year, there was a leak in the building and that ran up a substantial utility bill. The water was turned off and the property owner has been on a payment plan but she

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

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MAY 8,

20 17

recently stopped making payments. The outstanding balance is \$4,563.15 and that will go on the tax duplicate.

Mr. Himes also explained that in Section 2 of the ordinance the law director has written a section that would allow the Clerk of Council, our finance director, to certify to the Auditor that bills are overdue and shall be collected on the tax duplicate as authorized by the water regulations.

INTEGRITY PARKING SYSTEMS AGREEMENT

Mr. Newell introduced Ordinance No. 2017-23 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH INTEGRITY PARKING SYSTEMS, LLC, A LIMITED LIABILITY COMPANY, TO PROVIDE PARKING CONSULTING SERVICES TO THE VILLAGE OF CHAGRIN FALLS AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mr. DeBernardo that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, DeBernardo, Maersch Newell, Rogoff. Abstain: Mitchell. Nays: None. Moved by Mr. Newell, seconded by Mrs. DeBernardo that the ordinance be adopted. Carried. Ayes: Berkobein, DeBernardo, Maersch, Newell, Rogoff. Abstain: Mitchell. Nays: None. Mr. Markowitz said the only change he made to the contract is that they had provided that the village had to pay the bill within ten days and he changed it to thirty days. Mr. Maersch mentioned that he has already been asked by the owner and employees of Grove Hill Restaurant when they can buy parking permits and how many can they buy? Mr. Newell said they have worked with Integrity Parking Systems over the last fourteen years. They offer a lot of expertise and insight to things that they may not anticipate. It is a third party that can help neutralize two different view points. It would be a real asset to have them look over things beyond the software.

ORDINANCE NO. 2017-18

Mr. Maersch said this dealt with trash pickup for three residences on Twin Lakes Trail in Chagrin Falls. Their situation is that no deed restrictions ever existed; they were never recorded. In a letter from the three residents to Mr. Maersch it says for over twenty years the village provided trash pickup services for these three homes. Mr. Himes said it was our trash contractor but it was an error by the contractor because there is no record here directing them to go there. Mr. Maersch said is it our contractor because it is our contractor doing the Chagrin Falls route or is it our contractor because we happen to use the same contractor as Russell Township at the time the trash was being picked up? Mr. Himes said we just happen to use the same contractor. Mr. Maersch said so they were probably picking it up the same time they picked up everyone else's on the street, which is 100% in Russell Township. Either way, for twenty years their trash has been picked up. In the letter they say the trash service officially stopped when the Kimble contract was adopted. Mr. Himes said three years after the new Kimble contract was adopted. Mr. Maersch said Waste Management

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

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MAY 8,

20 17

continued to pick up in error for three years and then they caught the error and stopped trash pick up. In the letter it states that these three Twin Lakes Tail homes are subject to village tax payment requirements and the cost to provide trash pickup to these three homes is about \$500. Mr. Maersch read the rest of the letter.

Mr. Maersch said what they would like the village to do is not require them to file deed restrictions. As you recall, Ordinance No. 2017-18 agreed to waive the deed restrictions as they relate to trash but would force them to record the deed restrictions that they would not get water, sewer, snow plowing, road maintenance, nor leaf pickup. Mr. Maersch said Mr. Markowitz's view is that the deed restrictions run with the land and are binding on subsequent property owners because if one of those folks on Twin Lakes Trail sells their house and the new owner comes to the village and asks why do I not have city water they are going to pull out the deed restrictions and say the village wasn't required to run city water to them as a condition for platting their property and that will end the matter. Mr. Maersch said, in Mr. Markowitz's opinion, if the village does what the Twin Lakes Trail residents want the village to do the village will essentially be doing a couple of things. They will be ignoring the minutes of the BZA meetings, the Planning and Zoning meetings, and the Council meetings from 1977-1978, which pretty clearly demonstrate what the intent was and why those properties would be subject to deed restrictions. They will be depriving subsequent property owners of the notice of that there are those deed restrictions. Mr. Markowitz said you will also be changing what you did in your ordinance at the last meeting.

Mr. Maersch said the question for them is do they go back and amend Ordinance No. 2017-18 and essentially they wouldn't even amend it they would just overturn it and eliminate it. Mr. Himes said the village can't simply provide them with services administratively because the conditions of the variances that allowed the subdivision to happen are still on the books. What they are asking is just to have the Mayor approve the garbage collection but they can't do that with those conditions on the variances on the books.

Mr. Markowitz said he does not think that they should let this situation continue. When the Twin Lakes Trail residents were at the last Council meeting they said they agreed with the deed restrictions and that is why he prepared them and sent them. Mr. Maersch said at least one property owner was not in favor of the deed restrictions and so now they have all decided that they are not in favor of the deed restrictions.

Mr. Maersch said he would not be in favor of overturning Ordinance No. 2017-18. Moved by Mr. Maersch to amend Ordinance No. 2017-18 to eliminate the requirement that the residents on Twin Lakes Trail record a deed restriction. The motion failed due to a lack of a second to the motion. Mr. Maersch said he and Mr. Markowitz will continue to communicate with the Twin Lakes Trail residents.

Mr. Maersch said Water Fall Trail is a bit of a different situation. They have actually asked the village to determine how much it would cost to run water and sewer to their properties and they

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

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MAY 8,

2017

are currently looking into that. They also want assurance that Russell Township is obligated to plow and maintain the very small sliver of their cul-de-sac that is in Chagrin Falls. He said they are working to try to get them those assurances but he does not know if they will be able to.

Mr. Maersch said a portion of Water Fall Trail is in Chagrin Falls; it is a very small sliver at the end of the cul-de-sac. These residents actually do have recorded deed restrictions so we are asking them just to re-record the deed restrictions. Down the road if they come to the village and say Russell Township stopped plowing snow on their street or if they come the village and say that Russell Township resurfaced the cul-de-sac but they didn't resurface the small portion in Chagrin Falls then we have a discussion with them. If you look at the plat map he thinks the unlikelihood of Russell Township doing either one of those is very slim to none.

Mr. Maersch said the Water Fall Trail resident's trash is still being picked up so the issue hasn't been joined with them yet.

STREETS AND SIDEWALKS COMMITTEE

Mr. Berkobein announced a meeting for Wednesday, May 10, 2017 at 6:30 p.m.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

Ms. Rogoff announced a meeting for Monday, May 15, 2017 at 7:30 p.m.

SAFETY COMMITTEE

No report.

UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

Mr. Maersch announced a meeting for Tuesday, May 9, 2017 at 8:00 p.m.

ADMINISTRATION AND COMPENSATION COMMITTEE

Mrs. DeBernardo reported that the committee reviewed the new Employee Policy and Procedure

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

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MAY 8,

20 17

Manual and other than a few minor changes they have accepted it and approved it to recommend to Council.

FINANCE COMMITTEE

Mr. Maersch acknowledged receipt of the Summary of Financial Reports dated April 30, 2017. He said they allocated \$210,700 for legal fees for the year and they have already spent \$140,000. In response to this Mr. Himes, Mayor Tomko, and himself met and reviewed all of the bills in 2017. They have essentially concluded that their budget for the legal department is too low. There have been some special projects so far this year such as reviewing the Planning and Zoning Code, rental inspections, Twin Lakes Trail/Water Fall Trail, the pending lawsuit, sign regulations, and the employee manual. Mr. Bloom stated that mistakenly there was a double payment in April that was actually paid in March so that will even out when the next statement comes out.

PARKS COMMISSION

No report.

SHADE TREE COMMISSION

No report.

ARTS COMMISSION

Ms. Rogoff announced a meeting for Monday, May 15, 2017 at 6:00 p.m.

PARKING COMMISSION

No report.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

Mr. Himes reported that the Mayor sent out an email showing the new rain garden that was installed in the Arboretum off of Vincent Street. For the most part it is complete.

REPORT OF THE ENGINEER

No report.

REPORT OF THE POLICE CHIEF

No report.

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8084 FORM NO. SHTOP11

Held

MAY 8,

20 17

REPORT OF THE FIRE CHIEF

No report.

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

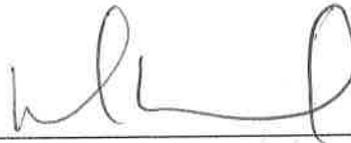
None.

MISCELLANEOUS

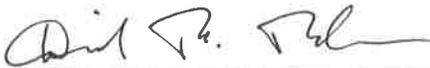
Mayor Tomko said he will get the Capital Budget to Council tomorrow or Wednesday.

ADJOURNMENT

Mr. Maersch adjourned the meeting at 7:57 p.m.



President of Council



Clerk of Council