

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held

MAY 22,

2017

The meeting of the Council of the Village of Chagrin Falls was called to order at 7:02 p.m. by Mr. Maersch.

Member present: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff
 Members absent: None
 Officials present: Mayor Tomko, Bloom, Himes, Zupan, Markowitz, Dacek, Lannon

APPROVAL OF MINUTES

Moved by Mr. Newell, seconded by Mrs. DeBernardo that the minutes of the meeting held May 8, 2017 be approved, as amended. Carried. Ayes: Berkobein, DeBernardo, Maersch, Mitchell, Newell, Rogoff. Abstain: Lutz. Nays: None.

REPORT OF THE MAYOR

Mayor Tomko reported that the preparation for Blossom Time is nearly complete; the village looks great. He recognized the service department and the various beautification committees for making it look like it does; it is really first class.

Mayor Tomko reported that John Bourisseau and the Chagrin Falls Historical Society have headed up the effort to restore the Civil War Monument in Evergreen Hill Cemetery, which is the focus of the annual Memorial Day Celebration. Mr. Bourisseau has raised nearly all of the money needed through private foundations. He is a little short of what is needed so we wanted to make a contribution of \$3,000, which will complete his fund raising effort and allow him to go forward with the project. Mr. Bourisseau said the total project cost is \$50,000 and he thanked the village for the contribution.

Mayor Tomko mentioned that Chief Dacek is going to give Detective Sergeant Capwill a commendation and an investigative ribbon for his work and investigations with the F.B.I. We received a very nice letter of commendation for the work he did with the F.B.I. Chief Dacek said from time to time we like to acknowledge the efforts of police officers that we consider above and beyond normal expectations of their duty. She presented Detective Sergeant Capwill the letter of commendation for his file and an award ribbon. Detective Sergeant Capwill said I certainly couldn't have done this by myself. Fortunately, through some previous experience I had with the F.B.I., I met some good associates that were my go to people who helped me get aligned with the right people out of the Cleveland F.B.I. Office. We were able to collectively work together and that is what made this a success.

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.

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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.

Ms. Rogoff gave a summary of the amendments. Mr. Maersch opened the meeting up to a public hearing. There were no comments and Mr. Maersch closed the public hearing. Moved by Ms. Rogoff, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None.

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH CUYAHOGA COUNTY

Mrs. Lutz introduced Ordinance No. 2017-24 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF CUYAHOGA, OHIO TO ENTER INTO THE CUYAHOGA COUNTY COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT PROGRAM AND DECLARING AN EMERGENCY.

Moved by Mrs. Lutz, seconded by Mr. Mitchell that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Moved by Mrs. Lutz, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mr. Himes said this is for street enhancements and the installation of leading pedestrian interval equipment. Mrs. Lutz said this is a change that we have been wanting to make for some time. We applied for this grant more than once and through the efforts of the administration and CT Consultants we are realizing a grant of \$40,000 which will allow us to realize the changes that we want to make. Basically at any intersection all the lights will be red for 7-10 seconds for pedestrians to cross and we hope to create a better situation for pedestrian safety. Mr. Himes said this is one of two grants that we applied for. We also applied for a Transportation for Liveable Communities Initiative grant for \$119,000, which would add to the project the in-pavement illumination on crosswalks, some adjustments to bump-outs, and things like that. We should know about that grant sometime early in June.

BULLETPROOF VEST PARTNERSHIP REIMBURSEMENT PROGRAM

Mrs. Lutz introduced Resolution No. 2017-25 entitled:

A RESOLUTION AUTHORIZING THE POLICE CHIEF TO SUBMIT AN APPLICATION WITH THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR FUNDING ASSISTANCE FOR REIMBURSEMENT OF BODY ARMOR PURCHASES PURSUANT TO THE FISCAL YEAR 2017 BULLETPROOF VEST PARTNERSHIP

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

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BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

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MAY 22,

20 17

REIMBURSEMENT PROGRAM AND DECLARING AN EMERGENCY.

Moved by Mrs. Lutz, seconded by Mr. Mitchell that the resolution be adopted. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mr. Markowitz said Chief Dacek applied for this online. The resolution authorizes her to certify that certain things exist within the department in order to get the funding. Chief Dacek said this is a program that we have participated in for many years. It is a \$3,000 total project of which they reimburse half.

WATER FALL TRAIL

Mr. Maersch introduced Ordinance No. 2017-26 entitled:

AN ORDINANCE AUTHORIZING TRASH COLLECTION AND STREET MAINTENANCE AND REPAIR SERVICE FOR FIVE (5) RESIDENCES LOCATED AT 7430, 7440, 7450, 7460, AND 7470 WATER FALL TRAIL LOCATED IN THE VILLAGE OF CHAGRIN FALLS UPON THE CONDITIONS SET FORTH IN THIS ORDINANCE.

Moved by Mr. Mitchell, seconded by Ms. Rogoff that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Moved by Ms. Rogoff, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mr. Maersch said this issue first arose at the April 25, 2017 meeting when they passed Ordinance No. 2017-18, which was related to Twin Lakes Trail. At that time we carved out the Water Fall Trail people because they weren't ready to proceed. Since that time Mr. Markowitz, Mayor Tomko, and myself met with some folks from Water Fall Trail and their attorney and discussed this further.

Kathleen Hopkins, Attorney, said I spoke with Dale and I spoke with you Mr. Maersch regarding one other issue for my clients on Water Fall Trail and that was with regard to having some cul-de-sac landscaping done. It is not as though we want the entire cul-de-sac landscaped. Over the years that we paid tax dollars and not receive services directly from the Village of Chagrin Falls we would like for that cul-de-sac area to be at least cleaned up. Whether the service department comes out and removes some trees that would make us happy and if they would put some grass seed down that would also make us happy. Mr. Himes said about two thirds of the cul-de-sac is in the village.

Mr. Markowitz said in this case they had to file a subdivision plat in Geauga County and in Cuyahoga County. When the approval was granted a letter was provided by two of the three Russell Township Trustees saying that they would agree that their snow plowing would not stop at the township line and they would continue to plow and they would do maintenance on the road. But, it didn't specifically say that they would repair or replace the road and nobody had any discussion about the grassy area or landscaped area in the center of the cul-de-sac. The residents' view was although that letter is nice it is not a guarantee that they are always going to have those services. The village didn't require anything more at that time than that letter. So, they have asked that we agree that if for any reason the township doesn't provide that service on an ongoing basis, or even if it might be an emergency basis, that the village provide that service since they are tax paying residents paying real property and income tax to the village. They don't pay any tax to Russell Township. The other thing they asked for was that trash collection service be provided to them similar to what

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20 17

is provided to all other residents in the village. In 1978 when approval was granted for this subdivision, the developer was required to waive those services which the developer did by recording it on a signed declaration. The issue of whether that is enforceable or not I don't even want to get into tonight because we could argue that until we are blue in the face. The fact is that assuming that it is enforceable the residents are asking us to waive that requirement from the 1978 Board of Zoning Appeals decision as far as backup services. Backup means just that, we would not be the primary provider of snow plowing or road maintenance. If a repair was required to the road that is an issue that the residents could come to you about. That was not in the letter even though it was required in the waiver by the Board of Zoning Appeals at the time. That is the only reason why we are saying we believe that the township is going to continue to provide those services but if they didn't than we would agree to provide them. There are other roads where two communities adjoin each other and share. This just happens to be one where Russell Township is picking up the obligation.

Ms. Rogoff said did the village Planning Commission review this subdivision plat? Mr. Markowitz said yes. They approved it and the engineer signed off on it and it was recorded in Cuyahoga County. Mr. Newell said with the deed restrictions of the village services? Mr. Markowitz said they weren't attached to the plat. A deed restriction was filed by the developer but again it is not a signed document. Ms. Rogoff said there were variances granted for the approval? Mr. Markowitz said correct. The subdivision approval was granted and a variance was granted to allow the people to access their properties from the street that was partially in Russell Township.

Mr. Markowitz said the landscaping is not in the ordinance; it is not a part of the backup services. When this issue was first raised I asked Mr. Himes what the policy of the village is and the answer was that the village does not clean out or landscape anybody's cul-de-sac anywhere in the village. Mr. Markowitz said they are still asking us to do something. Apparently the cul-de-sac is not as aesthetically pleasing as you might want so they are asking us to go clear it out and take care of that issue. The normal activity in the village is that the homeowners' associations or the neighbors just go down there and clean it out themselves. Ms. Rogoff said is there a homeowners' association for this? Mr. Markowitz said there is not. Mr. Mitchell said it is a one-time clean up or like every week go cut the grass and weed it? Richard Nosan, Water Fall Trail resident, said it is a one-time clean up. Basically all we are asking for is that you send out your service people, tear out a bunch of 39 year old plantings, get it back to nothing, and throw on some grass seed.

Mr. Newell said this is an awkward thing and it has been going on for about four weeks now. Hearing people say that they are paying property taxes to the village and not receiving any services I have a hard time with. I hope that you understand that of the property tax that you pay out every year only 10% of that goes to the village. You are also getting police & fire services and you are supporting the local schools.

Moved by Mrs. DeBernardo, seconded by Mr. Mitchell to send the service director to the cul-de-sac on Water Fall Trail to inspect it and provide an assessment of what would be required to clean it up and put it in a better condition. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None.

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

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BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

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20 17

PROPOSED AMENDMENT TO THE CHARTER

Mr. Maersch introduced Ordinance No. 2017-27 entitled:

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF CHAGRIN FALLS A PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO LENGTHEN THE PERIOD OF TIME WHEN A SPECIAL RECALL ELECTION WOULD BE HELD, IN ORDER TO COMPLY WITH THE OHIO REVISED CODE AND TIME LIMITATIONS IMPOSED ON THE CUYAHOGA COUNTY BOARD OF ELECTIONS AND TO PROVIDE THAT SPECIAL RECALL ELECTIONS WOULD BE HELD NOT LESS THAN SIXTY (60) NOR MORE THAN NINETY (90) DAYS AFTER THE DATE OF DELIVERY OF A PETITION FOR RECALL AS SET FORTH IN CHARTER SECTION X-2.

Mr. Maersch said we are changing ours from not less than 30 nor more than 45 days to not less than 60 nor more than 90 days. Mr. Maersch placed this ordinance on readings.

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH LEXIPOL, LLC

Mrs. Lutz introduced Ordinance No. 2017-28 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LEXIPOL, LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO PROVIDE SUBSCRIPTION MATERIAL FOR LAW ENFORCEMENT POLICY AND DAILY TRAINING BULLETINS 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, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Moved by Mrs. Lutz, seconded by Ms. Rogoff that the ordinance be adopted. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mr. Markowitz gave a brief summary on some of the training features. Mayor Tomko said he whole heartedly endorses it; it is a liability reducing issue.

STREETS AND SIDEWALKS COMMITTEE

Mr. Berkobein reported that at their last meeting they spoke with Ms. Murphy at 290 South Franklin Street about installing a continuous concrete sidewalk through her driveway. She presented a number of options, which we are still discussing.

Mr. Berkobein reported that they also discussed installing a sidewalk on the south side of Olive Street connecting from Robens Court to Solon Road. Three homeowners attended the meeting and as of right now there is more data to be collected.

FACILITIES AND SERVICES COMMITTEE

No report.

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PLANNING AND ZONING COMMISSION

Ms. Rogoff announced a meeting for Monday, June 19, 2017 at 7:30 p.m.

SAFETY COMMITTEE

Regarding the horse-drawn carriage, Mrs. Lutz reported that there are some traffic signals that are tripped by a magnetic effect and the carriage doesn't have enough metal to trip and it can cause a terrible traffic snarl. Mr. Himes said they have the same problem with motorcycles. The mass of the car and the metal on the car trips those sensors. Ms. Rogoff mentioned that you don't get a left turn in the village when a bicycle is in front of you because they don't set off the left turn signal. Mr. Himes said the police department can talk to them and maybe reroute the horse-drawn carriage.

UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

Mr. Maersch summarized the variance request from May 9, 2017, which was approved.

ADMINISTRATION AND COMPENSATION COMMITTEE

No report.

FINANCE COMMITTEE

Mr. Maersch announced a meeting for Monday, June 12, 2017 at 7:30 p.m.

PARKS COMMISSION

Mrs. Lutz reported that they are still talking about the exact location for the bocce ball court. She thinks they have determined that it is going to be in River Run Park. Mr. Maersch said he thought they were going to wait until after Blossom Time to discuss this. He personally feels that this will be a slam dunk for Riverside Park. Mayor Tomko said he feels very strongly that it should be at River Run Park. There is just too much going on in Riverside Park and the residents didn't want to hear it at night. He said they are trying to spread the use of the parks out a little bit and River Run Park will have greater visibility and ease of parking because there is a fairly large parking lot there. Mr. Maersch said I will defer to Mrs. DeBernardo, the Mayor, and Mrs. Lutz on that. I am not sort of persuaded by what residents want or don't want on this issue. It's not like we are putting a hog farm in. I am fine to defer to those who have studied the issue more closely.

Mrs. Lutz further reported that three new Norway Spruce trees will be planted on Arbor day. They are trying to figure out how to improve the walkway to the Library. Three new wooden benches with backs were installed at the playground in Riverside Park. All twelve new metal benches have

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20 17

been installed. Two additional benches from Riverside Park will be placed in Bell Street Park. The memorial bench for Grant Wilson has been installed in River Run Park. She said the Beautification Committee did a fabulous job with all the plantings of the urns and the bump-outs.

SHADE TREE COMMISSION

Mrs. Lutz thanked the service department for the wonderful job that they did in pruning all the trees along East Washington Street.

Mayor Tomko reported that the rain garden is now in on Vincent Street and the Vincent Street Arboretum has been seeded with wild flowers. Shrubs in the rain garden are blooming as of today.

ARTS COMMISSION

Ms. Rogoff announced a meeting for Monday, July 17, 2017 at 6:00 p.m.

PARKING COMMISSION

No report.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

None.

REPORT OF THE ENGINEER

No report.

REPORT OF THE POLICE CHIEF

Chief Dacek reported that they are finishing up preparations for Blossom Time, which starts Thursday.

REPORT OF THE FIRE CHIEF

Chief Zugan wished everyone a safe and fun Memorial Day weekend. He mentioned that he sat at the last two meetings and listened to the people on Twin Lakes Trail and Water Fall Trail complain about paying property taxes to the village and not receiving any services. He said he really appreciated that Mr. Newell brought up the fact that they did receive police and fire services.

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

None.

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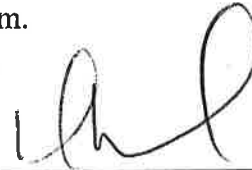
20 17

MISCELLANEOUS

Mr. Mitchell mentioned that he received a letter from Mackenzie Schultz requesting that a concave mirror be placed at the top of Grove Hill for safety purposes. Mr. Maersch said the village has looked into this issue and has determined that it is not feasible. Mr. Himes said we have previously been advised by both legal counsel and our insurance company that the mirror will impose some liability on the village if it weren't maintained properly, cleaned properly, and that kind of stuff.

ADJOURNMENT

Mr. Maersch adjourned the meeting at 8:23 p.m.



President of Council



Clerk of Council