

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held JULY 10, 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, Lutz, Maersch, Mitchell, Newell, Rogoff
Members absent: None.
Officials present: Mayor Tomko, Bloom, Markowitz, Alunni, Dacek

APPROVAL OF MINUTES

Moved by Mr. Newell, seconded by Ms. Rogoff that the minutes of the meeting held June 26, 2017 be approved. Carried. Ayes: Berkobein, DeBernardo, Mitchell, Newell, Rogoff. Abstain: Lutz, Maersch. Nays: None.

REPORT OF THE MAYOR

Mayor Tomko introduced Larry Bennett from Cellular 911. Mr. Bennett gave a brief introduction of the new system that will be used for emergency notifications and emergency contacts. This will replace the current Code Red system. This new system will offer residents a tremendous amount of improvement and flexibility in communicating with the village, Chagrin Valley Dispatch, and first responders. He also explained how the 911 Shield App can be used from your cell phone.

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

PROPOSED AMENDMENT TO THE CHARTER

Mr. Markowitz placed on the floor 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.

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20 17

Mr. Maersch said this will remain on readings.

ZONING CODE AMENDED

Mr. Markowitz placed on the floor Ordinance No. 2017-34 (as amended) entitled:

AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF
CHAGRIN FALLS AND CHAPTER 1153, SOLAR ENERGY SYSTEMS.

Mr. Maersch opened the meeting up to a public hearing. Mr. Maersch asked if the Planning and Zoning Commission started with a model code and Ms. Rogoff said yes, several of them. Mr. Maersch said what if his neighbor puts a solar panel up and there is a glare that goes in his kitchen? Does he have any recourse under this code? Mr. Markowitz said no. Stuart Lipp, Water Street resident, said the new glass on the modules are non-glare.

Mayor Tomko said is this applied to the emerging roof tiles that are solar? Mr. Markowitz said once that develops they are going to want to amend the ordinance. Mayor Tomko asked about air rights and sun rights? Have you given any thought to a neighbor planting a tree that shades his solar panel or putting a second floor on a one-story structure? Mr. Markowitz said the village hasn't given him the belief that they want to encourage it yet to the point where they will have to take on the very serious task of dealing with sun rights and interference because there are all kinds of constitutional implications.

Ms. Rogoff said they did this because they have a resident who wants to put solar panels on and the village did not permit them to do so. This is the first solar panel request that they have ever had. This is a fairly simple ordinance and she feels that they should pass it. The panels are not shiny any more and that was the big complaint of the gentleman on the ARB that they were too shiny. The technology is advancing rapidly and they are going to have to look at this again maybe even next year.

Mr. Maersch closed the public hearing.

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

POLICY AND PROCEDURES MANUAL AMENDED

Mr. Markowitz placed on the floor Ordinance No. 2017-35 entitled:

AN ORDINANCE AMENDING THE POLICY AND PROCEDURES MANUAL
FOR EMPLOYEES OF THE VILLAGE OF CHAGRIN FALLS AND
DECLARING AN EMERGENCY.

Moved by Mrs. DeBernardo, seconded by Mr. Maersch that the ordinance be adopted. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mrs. DeBernardo said this mostly addresses new procedures for reporting incidents, rules about firearms in the workplace, and it clarifies the FMLA.

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DELTA DENTAL RENEWAL

Mrs. DeBernardo introduced Ordinance No. 2017-39 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO RENEW THE VILLAGE OF CHAGRIN FALLS CONTRACT WITH DELTA DENTAL AND DECLARING AN EMERGENCY.

Mr. Markowitz said this has been revised and needs a motion to amend it. Moved by Mrs. DeBernardo, seconded by Mr. Maersch to amend Ordinance No. 2017-39 to clarify that this is being passed as an emergency. Mr. Maersch said in revised Section 6 of the draft ordinance to include the required statement about the need for emergency legislation. Carried: Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Moved by Mrs. DeBernardo, seconded by Mrs. Lutz 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. DeBernardo, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mrs. DeBernardo said the new contract represents a 4% decrease in costs with the annual expense going from \$32,825 to \$31,500.

ALTERNATIVE TAX BUDGET

Mr. Maersch introduced Resolution No. 2017-40 entitled:

A RESOLUTION ADOPTING THE CHAGRIN FALLS ALTERNATIVE TAX BUDGET FOR FISCAL YEAR 2018 AND DECLARING AN EMERGENCY.

Moved by Mr. Maersch, seconded by Mrs. Lutz that the requirement for reading a resolution three times be suspended. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mr. Mitchell that the resolution be adopted. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mr. Maersch said every year we have to submit to the County Budget Commission our tax budget, where we are getting our revenue, and an estimation of our expenses. They use that to set the tax rate that our residents pay. What we do is give them our taxes levied and then we give them an estimation of our expenses. We generally use round numbers and estimations to make sure that we are not telling the County we are going to spend less than we are allowed to levy because if we did they could reduce our tax rate and we wouldn't get the same revenue that we had been expecting given our scheduled tax rates.

CLEAN WATER GRANT

Mr. Newell introduced Ordinance No. 2017-41 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE DIRECTOR OF THE ENVIRONMENTAL PROTECTION ON BEHALF OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR A CLEAN WATER SECTION 319(h) GRANT AND DECLARING AN EMERGENCY.

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Moved by Mr. Newell, 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 Mr. Newell, seconded by Ms. Rogoff that the ordinance be adopted. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mayor Tomko said they would like to get this out to bid immediately. The Ohio EPA has signed the grant and it is effective August 1, 2017. It is for restoring the streambank at the Waste Water Treatment Plant. The grant is approximately \$88,000.

CHAGRIN RIVER STREAMBANK STABILIZATION AND RIPARIAN RESTORATION

Mr. Newell introduced Ordinance No. 2017-42 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CHAGRIN RIVER WATERSHED PARTNERS, INC. FOR THE DEVELOPMENT AND MANAGEMENT FOR THE VILLAGE OF CHAGRIN RIVER STREAMBANK STABILIZATION AND RIPARIAN RESTORATION PROJECT AND DECLARING AN EMERGENCY.

Moved by Mrs. DeBernardo, seconded by Mr. Newell to amend the caption for 2017-42 to insert the word "Falls" between the words "Chagrin" and "River" in the forth line of the caption. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mayor Tomko said this is companion legislation to Ordinance No. 2017-41. The Chagrin River Watershed Partners prepared the grant for the village for the 319 and this goes to the administration and management part of the project.

STREETS AND SIDEWALKS COMMITTEE

No report.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

Ms. Rogoff announced a meeting for Monday, July 17, 2017 at 7:30 p.m.

SAFETY COMMITTEE

No report.

UTILITIES COMMITTEE

No report.

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BOARD OF ZONING APPEALS

Mr. Maersch announced a meeting for Tuesday, July 25, 2017 at 8:00 p.m.

ADMINISTRATION AND COMPENSATION COMMITTEE

No report.

FINANCE COMMITTEE

No report.

PARKS COMMISSION

No report.

SHADE TREE COMMISSION

No report.

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 mentioned that they have rehired Michael Baldwin to a full-time position and part-time employee Jay Murtaugh retired on July 1, 2017. Mayor Tomko said Mr. Murtaugh was with the village for 18 years. Chief Dacek said the bike rodeo was held over the weekend and Safety Town begins on Monday.

REPORT OF THE FIRE CHIEF

No report.

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

None.

MISCELLANEOUS

Ms. Rogoff said your comment to us about Twin Lakes Trail was that they are not entering into an agreement. Do you think that we should be putting something on the record, some sort of notice so that we don't have this problem again? Mr. Markowitz said I think ultimately you should. In five or ten or twenty years from now when this comes up they are going to say why didn't the village take care of it back then when they knew that there was a gap in the requirement. I would recommend that you do it.

Mr. Maersch said those residents on Twin Lakes Trail hired an attorney and you have been in contact with the attorney. Mr. Markowitz said yes. Mr. Maersch said maybe the first step would be to send a communication to their attorney letting him know what the issue is. It is essentially a notice issue and subsequent purchasers of their property should have notice that there are certain services that those lots are not entitled to receive from the Village of Chagrin Falls and see if he can explain that to them and maybe they will have a different view. Mr. Markowitz said the benefit of doing a declaration is that they get garbage collection. If they don't do it and we do the notice then they still have the restriction on their property and they have no benefits.

ADJOURNMENT

Mr. Maersch adjourned the meeting at 7:49 p.m.



President of Council


Clerk of Council