

**RECORD OF PROCEEDINGS**

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held

AUGUST 14,

20 17

The meeting of the Council of the Village of Chagrin Falls was called to order at 7:06 p.m. by Mr. Maersch.

Member present: DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff  
 Members absent: Berkobein  
 Officials present: Mayor Tomko, Bloom, Himes, Markowitz, Alunni, Weiskopf,  
 Lannon

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

**APPROVAL OF MINUTES**

Moved by Mr. Newell, seconded by Ms. Rogoff that the minutes of the meeting held July 24, 2017 be approved. Carried. Ayes: DeBernardo, Mitchell, Lutz, Newell, Rogoff. Abstain: Maersch. Nays: None.

**REPORT OF THE MAYOR**

No report.

**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****CHAPTER 1165 AMENDED**

Mr. Markowitz placed on the floor Ordinance No. 2017-43 entitled:

AN ORDINANCE AMENDING AND RENUMBERING CHAPTER 1165, HILLSIDE PROTECTION, AND AMENDING THE REFERENCE TO SUCH CHAPTER IN SECTION 1149.07(a) OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS AND REPEALING CERTAIN ORDINANCES.

Mr. Markowitz announced a public hearing for Monday, August 28, 2017. Ms. Rogoff said this will

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remain on readings.

### **YOUR HOME TOWN CHAGRIN FALLS CONTRACT**

Mr. Maersch introduced Ordinance No. 2017-47 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH YOUR HOME TOWN CHAGRIN FALLS FOR REIMBURSEMENT FOR PROMOTIONAL PROGRAMS AND SPONSORSHIP FOR HOLIDAY TRADITIONS AND HOLLY HALL.

Several amendments were suggested. Mr. Maersch placed this ordinance on readings.

### **EDC CORPORATION CONTRACT**

Mr. Newell introduced Ordinance No. 2017-48 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH EDC CORPORATION FOR A PARKING CITATION AND ENFORCEMENT MANAGEMENT SYSTEM WHOSE BID IS THE LOWEST BID FOR THE SYSTEM 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: DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Moved by Mr. Maersch, seconded by Mr. Newell to replace Ordinance 2017-48 with the new version of 2017-48 with the change being in Section 1. The following sentence is added "Any requirement for EDC to post a bid bond or contract bond is hereby waived by the village". Carried. Ayes: DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mr. Markowitz said the bid bond is moot at this point and the contract bond would be something that you would normally get in a construction contract. This doesn't happen in a service type of contract with software programs. They will not invoice us until we are satisfied with the system.

### **BRICK PATH AND STEPS IN RIVERSIDE PARK**

Mrs. Lutz introduced Resolution No. 2017-49 entitled:

A RESOLUTION AUTHORIZING THE VILLAGE ENGINEER TO PREPARE PLANS, SPECIFICATIONS, AND BIDS FOR THE REPLACEMENT OF ONE HUNDRED AND FORTY (140) LINEAR FEET OF THE EASTERN MOST SECTION OF THE BRICK PATH AND STEPS IN RIVERSIDE PARK AND DECLARING AN EMERGENCY.

Moved by Mrs. Lutz, seconded by Ms. Rogoff that the resolution be adopted. Ayes: DeBernardo,

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Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mrs. Lutz said we have wanted to accomplish this for many years. The steps have deteriorated to the point where it is really not safe. We would like to connect Riverside Park to the library and to the walkway beyond that that is going to loop back to the path to the Vincent Street gardens.

**POLICE AND FIRE DEPARTMENTS RENOVATION**

Mr. Maersch introduced Resolution No. 2017-50 entitled:

A RESOLUTION AUTHORIZING RSA ARCHITECTS, LLC OF CHAGRIN FALLS, OHIO TO PREPARE PLANS, SPECIFICATIONS, AND BIDS FOR ADDITIONS TO THE FIRE DEPARTMENT AND REQUIRED POLICE STATION RENOVATION AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Ms. Rogoff that the requirement for reading a resolution three times be suspended. Carried. Ayes: DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mrs. Lutz that the resolution be adopted. Carried. Ayes: DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mr. Maersch said in the last two budget cycles we have set aside money to renovate the police station but have never gotten around to doing it. Recently the Chagrin Falls Suburban Fire Department, which shares a fire station with the Chagrin Falls Fire Department, decided that they need to renovate their space and add a bay to house one of the trucks that currently sits outside. They also have a couple of residents that would like to do some fund raising for them to help fund a portion of their project. At the same time, we are going to piggy back on that capital project with our own renovation of the police department. What Suburban would like to do is add space on the second floor of their building, which would be on top of our police department which sits to the east of the village hall. This will require us to make certain improvements to the roof structure to carry the load and at the same time do the renovations to the police department. Mayor Tomko explained the specifics of the renovations to the police department. He said this will eliminate the need for a new police station into the foreseeable future.

**STREETS AND SIDEWALKS COMMITTEE**

No report.

**FACILITIES AND SERVICES COMMITTEE**

No report.

**PLANNING AND ZONING COMMISSION**

Ms. Rogoff announced a meeting for Monday, September 18, 2017 at 7:30 p.m. There was discussion regarding Air B&B. Ms. Rogoff said this will be on their agenda. Dewey Forward, village resident, spoke in favor of Air B&B rentals in the village.

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**SAFETY COMMITTEE**

Mrs. Lutz asked where they are on updating the pedestrian crosswalks software and hardware? Mr. Himes said the contracts have been signed and they will hold a preconstruction meeting here. Once we have the preconstruction meeting we will have the schedule from the contractor.

**UTILITIES COMMITTEE**

No report.

**BOARD OF ZONING APPEALS**

Mr. Maersch reported that on August 9, 2017 they granted a variance to the property owners at 27 East Summit Street. He announced a meeting for Tuesday, August 22, 2017 at 8:00 p.m.

**ADMINISTRATION AND COMPENSATION COMMITTEE**

No report.

**FINANCE COMMITTEE**

Mr. Maersch acknowledged receipt of the summary financial statements dated July 31, 2017. He said we are currently being audited for 2015 and 2016. A report of the audit will be presented to the administration in December.

**PARKS COMMISSION**

Mrs. Lutz reported that they continue with the construction of the bocce ball court. She announced a meeting for Tuesday, August 22, 2017 at 8:30 a.m. She mentioned that Riverside Park has been re-seeded.

**SHADE TREE COMMISSION**

Mr. Himes reported that at their next meeting they plan to start work on their Spring planting list.

**ARTS COMMISSION**

No report.

**PARKING COMMISSION**

No report.

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## REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

Mr. Himes reported that the Riverbank Restoration Project at the waste water treatment plant is out to bid. We will hopefully bring you a low bid recommendation in September.

## REPORT OF THE ENGINEER

No report.

## REPORT OF THE POLICE CHIEF

Jason Weiskopf reported that they have been working with the school's staff as well as the crossing guards to get everything ready for the new traffic and vehicle patterns up at the learning village, or modules, at the high school. There will be police presence there at arrival and dismissal.

## REPORT OF THE FIRE CHIEF

Fire Marshall Jim Alunni reported that on Saturday, October 14, 2017 residents can get their fire extinguishers cleaned and filled at the fire department from 9:00 a.m. to 1:00 p.m. He reported that the "Meet the Trucks" event will also take place on Saturday October 14, 2017 from 10:00 a.m. to 1:00 p.m. He also reported that they hired eight new part-time volunteer fire fighters.

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

Board President of the Citadel, Jane Maroun 355 Solon Road, complained about the lack of drainage on Monticello and the water runoff on Monticello that is causing erosion to the Citadel property. Finance Manager for Citadel, Debbie Kuhn 14853 Merlin Oval in North Royalton, read a prepared statement regarding the erosion and the money that they have spent trying to address this issue. She said it is not the Citadel's responsibility to take care of this issue and that it is the village's responsibility. Moved by Mr. Maersch, seconded by Mrs. Lutz to refer this to the Streets and Sidewalks Committee. Carried. Ayes: DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None.

Jim Nerone, 169 Greenbrier Drive, complained about the water quality in his neighborhood. He said the water is high in iron, it is discolored, and there is no fluoride in the water. The level of iron is right at the EPA secondary recommended limit. At the level it is at the EPA will say that it causes discoloration, has a metallic taste, and can cause odor. He said his neighborhood uses 100% well water and no lake water. He proposes that the village reduce the water rates for his neighborhood to offset the cost for filtration, bottled water, and fluoride treatments.

Tom Downie, 431 Somerset Drive, said the water quality is not up to par and he talked about a class

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action lawsuit.

Mr. Maersch said we are going to refer this to the Utilities Committee and we are connecting a water line because we are going to re-pave the neighborhood streets next year.

Mr. Himes said our water in all locations meets all EPA requirements so it is safe to drink. It is well water and there are a lot of dissolved minerals in well water including iron. As far as being represented as being very high in iron, it is not. Mr. Maersch said in Mr. Nerone's letter to us it acknowledges that the iron sample is 290 parts per billion. Mr. Himes said the 300 parts per billion is a secondary level that the EPA sets as a guidance. It is not set on health criteria. It is a guidance level to let you know that you may have aesthetic issues with the water.

Mr. Himes said on well water .3 to .8 or 300 to 800 micrograms per liter is considered low for well water and the recommended treatment for that is orthophosphate. We have been using these wells for close to 50 years and we do not have a long history of complaints of water quality in that area. Up until 1986 the entire village was served with that water. When you move up above 800 milligrams per liter the recommended treatment is ion exchange and if it is over 1,000 parts per billion you go to aeration and filtration. We are doing the recommended treatment for this level, which is orthophosphate. We have been to Mr. Nerone's house and there is obviously a problem. You can see it in the filter that they are picking up oxidized iron. With the orthophosphate treatment that should not be occurring so we are going back to the chemical manufacturer to try to diagnose why the chemical is not providing the adequate treatment.

Mr. Himes said I can answer why they recently had some issues. Recently we've done quite a bit of maintenance at the well field. We replaced one of the well pumps and did some restoration on the other well. Since May 31, 2017 the wells have been shut off and were recently put back on line on August 9, 2017. So between the end of May and August 9, 2017 they were on 100% Cleveland water. Typically when we do turn the wells back on there is a reverse flow and that tends to stir up sediment and rust.

Andy Dixon, 157 Greenbrier Drive, said his concerns with this are the lack of notification and the lack of transparency.

Mr. Maersch said why don't we put fluoride in our water? Mr. Himes said the regulation isn't triggered until your population served is above 5,000. The overall system is served by fluoride through the City of Cleveland.

Valerie Nerone, 169 Greenbrier Drive, said this is not a new issue. She read an email from January 2<sup>nd</sup> regarding the water problem.

Moved by Mr. Maersch, seconded by Mrs. DeBernardo that we refer this to the Utilities Committee to work with our utilities department and the Neronos and the orthophosphate supplier

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as well to figure out what is going on with the water in the Greenbrier neighborhood and make a recommendation to Council. Carried. Ayes: DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None.

Mrs. Lutz said Karl, in terms of response and transparency, do you think that that email chain indicates a level of responsiveness and transparency on the part of the utilities department in dealing with the complaints that they received? Mr. Maersch said 100%. Mrs. Lutz said I would like to say that to characterize our utilities department as being uncaring or nonresponsive is absolutely incorrect. And to say that perhaps everybody on Council was aware of this problem and tried to bury it or ignore it or hide it is absolutely incorrect.

### MISCELLANEOUS

Gabby Ortega, from Denver Colorado, invited everyone to the show Up With People at the Orange High School on September 8<sup>th</sup> and 9<sup>th</sup>.

### ADJOURNMENT

Mr. Maersch adjourned the meeting at 9:16 p.m.



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President of Council



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Clerk of Council