

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held SEPTEMBER 11, 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, Himes, Markowitz, Alunni, Dacek, Lannon

APPROVAL OF MINUTES

Moved by Mr. Maersch, seconded by Mr. Mitchell that the minutes of the meeting held August 14, 2017 be approved, as amended. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None.

Moved by Mr. Maersch, seconded by Mrs. Lutz that the minutes of the meeting held August 28, 2017 be approved, as amended. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. 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

CODIFIED ORDINANCES REVISED

Mr. Maersch introduced Ordinance No. 2017-53 entitled:

AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS BY ADOPTING CURRENT REPLACEMENT PAGES 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: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Moved by Mr. Maersch, seconded by Mr. Newell to amend Section 6 and strike the words canvassing and peddling provisions. Mr. Himes said it will read as follows: "The

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ordinance must be immediately effective so that the village can administer and enforce traffic offenses and general offenses consistent with the Ohio Revised Code provisions". 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. Mr. Markowitz said this is to clean up the Codified Ordinances and make them consistent with the Ohio Revised Code regarding some provisions of the traffic code and the general offenses code. There is a change in the draft under Section 6 and it has been made in the actual ordinance.

POSITION CLASSIFICATION/SALARY SCHEDULE AMENDED

Mrs. DeBernardo introduced Ordinance No. 2017-54 entitled:

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND SALARY SCHEDULE FOR VARIOUS POSITIONS WITHIN THE VILLAGE OF CHAGRIN FALLS, AND DECLARING AN EMERGENCY.

Mr. Markowitz said the classification for cemetery should be changed from three cemetery trustees to three commission members. When we amended the Charter we eliminated the cemetery trustees. Moved by Mrs. DeBernardo, seconded by Mrs. Lutz to amend this to read three cemetery commission members instead of trustees. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. 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 Mr. Mitchell that the ordinance be adopted. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mrs. DeBernardo said this ordinance creates a temporary position of an Assistant Administrative Officer for the purpose of smoothing the transition after Ben Himes' retirement. That position would be effective immediately and it is at the pay classification of 30. It also places the fire prevention officer and the zoning inspector into the pay classification of 23 and it moves the clerk/secretary into the pay classification of 20. All of these moves are commensurate with expanded duties. We voted in the Administration and Compensation Committee meeting three to zero to recommend that this be approved by Council. Mr. Berkobein said why are we doing this now versus at the beginning of the year. Mayor Tomko said it is to make a smooth transition for Ben's pending retirement on December 31st. We want to create the position of Assistant Chief Administrative Officer and this position will only exist for four months from September 1st to December 31st. The idea being that Rob Jamieson would then move to Chief Administrative Officer and the assistant position would go away. With Rob moving up to the Village Hall and working with Ben for these last four months it opens up the position of Superintendent of Streets and John Brockway would move up into Rob's old position as an interim position. Assuming it works out with both Rob and John they would be made permanent as of December 31st. What we were just trying to do is do this all in one adjustment to the salary and position schedules and taking the position of fire inspector and building inspector to the same grade and adjusting the administrative position to reflect the expansion of duties and taking on a substantial amount of additional responsibility.

Mr. Maersch said at some point we should talk about raising the pay for the Mayor and Council. Mrs. Lutz said they tried for a pay raise for Council about eight years ago because they thought

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it would encourage people to run if there was a little more financial incentive and also so that people who served for a long time would qualify for PERS. Mr. Newell said he would like to see the terms of Council staggered instead of having all seven Council members up for election at the same time. Ms. Rogoff said it would require a Charter change. Mayor Tomko said it went on the ballot and it was defeated. Mr. Berkobein said we should give it some time; we just passed the tax increase. Mrs. DeBernardo said I wouldn't be in favor of raising Council's pay at this point.

CODIFIED ORDINANCE AMENDMENT

Mr. Maersch introduced Ordinance No. 2017-55 entitled:

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 133.03(d) TO PLACE JURISDICTION OF PUBLIC CEMETERY CONSTRUCTION, IMPROVEMENT, REPAIR, AND MAINTENANCE UNDER THE AUTHORITY OF THE CHIEF ADMINISTRATIVE OFFICER AS REQUIRED BY THE CHARTER OF THE VILLAGE OF CHAGRIN FALLS.

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 Mr. Newell, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mr. Himes said we missed this one when we made all the changes to the code; this goes with what the Charter says.

CODIFIED ORDINANCE AMENDMENT

Mr. Maersch introduced Ordinance No. 2017-56 entitled:

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 351.17 TO PROHIBIT THE USE OF COINS TO PAY PARKING PENALTIES.

Moved by Mrs. Lutz, seconded by Mr. Mitchell that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: DeBernardo. Moved by Mr. Newell, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: Berkobein, DeBernardo. Mr. Markowitz said this was requested by Mr. Bloom and police department employees. From time to time we get angry people who have a parking ticket and they pay it with pennies. Mrs. DeBernardo said we really shouldn't be making laws to stop this kind of thing; it is legal tender. Mr. Mitchell said I disagree because I am inclined to believe that our public servants' time could be better used than counting pennies. Chief Dacek said it is a waste of time. Mrs. Lutz said I am okay with the legislation. Mr. Maersch said if they are wasting our employees' time with this then I think it is necessary, unfortunately.

ALL-HAZARDS MITIGATION PLAN

Mrs. Lutz introduced Resolution No. 2017-57 entitled:

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A RESOLUTION APPROVING THE ADOPTION OF THE CUYAHOGA COUNTY 2017-2022 ALL-HAZARD MITIGATION PLAN, 2017 UPDATE, AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mrs. Lutz that the resolution be adopted. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mr. Himes said we passed this five years ago and this is an update. In order to be eligible for FEMA call outs in the case of a disaster you have to have a hazard mitigation plan. The County has updated their 2012 plan and it is now the 2017-2022 plan.

JULIE LINDNER CONTRACT

Mrs. DeBernardo introduced Ordinance No. 2017-58 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR AND CHIEF ADMINISTRATIVE OFFICER TO ENTER INTO A CONTRACT WITH JULIE S. LINDNER, AICP, TO PROVIDE PROFESSIONAL PLANNING SERVICES 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, Newell, Rogoff. Abstain: Mitchell. Nays: None. Moved by Mrs. Lutz, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Newell, Rogoff. Abstain: Mitchell. Nays: None. Mrs. DeBernardo said Mrs. Lindner has been our planning consultant since 1992. She has been paid at a rate of \$60 per hour since 1998. After twenty-five years of exemplary service she is asking for a rate increase to \$100 per hour, which is almost equivalent to what inflation would be. Inflation would be \$90 per hour. It is the opinion of everyone who has worked with her as well as everyone on the committee to approve this. She attends all the meetings and she also heads up the legislation and is well worth the \$100 per hour. The Administration and Compensation Committee voted 3-0 to recommend that Council approve this increase. Ms. Rogoff said Mrs. Lindner is terrific. She knows her stuff, she knows the village, she knows the village's zoning, our philosophy of things, and she is very, very good to work with.

MARKS CONSTRUCTION CONTRACT

Mr. Newell introduced Ordinance No. 2017-59 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MARKS CONSTRUCTION, INC. FOR THE CHAGRIN RIVER STREAMBANK STABILIZATION AND RIPARIAN RESTORATION PROJECT 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: 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. Mr. Newell said a major storm took out the bank that goes up against the waste water treatment plant and it needs to be repaired. In the last six months we've lost about 15' and they

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have had to move the fence back. We approved the Mayor to go out for grants and 60% of the project will be paid for by a grant. Geauga County is paying 22% so the village's cost will be \$37,284 if we go with this contractor. We budgeted \$59,200 so this is considerably under what we budgeted. The low bid was from Marks Construction. Mayor Tomko said this project needs to be expeditiously done before we get into the Fall and Winter. They were the low bid by over \$20,000. We did get an \$80,000 grant from the EPA to do this because it is necessary. Mr. Newell said we have used this contractor before and they preformed very well so we are comfortable with the contract.

Mr. Markowitz said on Friday the court issued a memorandum of opinion and an order dismissing the Anthony Meldon case. In doing so, the court determined that Piccone Co. Inc. is no longer to be in the case under any circumstances. As to the village, the court determined that Mr. Meldon should have first filed an extraordinary writ, which is a writ of mandamus, in the state courts to have the court order the village to file an appropriation action to compensate Mr. Meldon for the demolition of his structures on his property.

Mr. Markowitz said he is now almost done with the zoning overhaul. Ms. Rogoff, Mrs. Lindner, Mr. Himes, and Mr. Edwards will all have some need to review it.

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.

SAFETY COMMITTEE

No report.

UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

No report.

ADMINISTRATION AND COMPENSATION COMMITTEE

No report.

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FINANCE COMMITTEE

No report.

PARKS COMMISSION

Mrs. Lutz announced a meeting for Tuesday, September 26, 2017 at 8:30 a.m. She reported that they had a special meeting this morning and reviewed the Main Street bridge aesthetics options with an engineering team working with the County.

SHADE TREE COMMISSION

Mrs. Lutz reported that the Shade Tree Commission is going to be tagging trees during the first two weeks of October and they are finalizing their planning list. They will be doing air knifing soon.

ARTS COMMISSION

No report.

PARKING COMMISSION

No report.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

No report.

REPORT OF THE ENGINEER

Mr. Lannon reported that the road program contract will be getting started in the next week or two and they will be opening bids for the library path later this week.

REPORT OF THE POLICE CHIEF

There was discussion regarding the new parking software and this will be followed up at the next Council meeting. Chief Dacek thanked the Chamber of Commerce, Molly Gebler, and the Royers for the concert that they had yesterday for the first responders in the valley. Ms. Rogoff said it was a very nice event and very well attended. It was nice having so many police officers there. She said the Chagrin Studio Orchestra is very professional. Some people may have been surprised at the professional level that they play at. A few members actually do play in the Cleveland Orchestra part-time.

REPORT OF THE FIRE CHIEF

Fire Marshall Alunni reiterated what Chief Dacek said and also thanked the Chamber of Commerce, Molly Gebler, and the Royers.

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Lydia Champlin, 100 Pheasant Run, complained that she could not hear what everyone was saying. She said she is in favor of addressing the Mayor and Council's salaries, the hanging plants are lovely, and she suggested that they reconsider putting parking meters in the downtown Main Street area.

MISCELLANEOUS

Mayor Tomko announced his appointment of Pam Spremulli to the Arts Commission. Moved by Ms. Rogoff, seconded by Mrs. Lutz to confirm Mayor Tomko's appointment. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None.

EXECUTIVE SESSION

8:00 p.m. Moved by Mr. Maersch, seconded by Ms. Rogoff to adjourn into executive session to discuss the matter of the pending Meldon litigation with our law director. The law director is not going to recommend any options so we will likely come out of executive session and adjourn; there will be no further discussion. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None.

ADJOURNMENT

Mr. Maersch adjourned the meeting at 8:52 p.m.

President of Council

Clerk of Council