

**RECORD OF PROCEEDINGS**

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held

JANUARY 8,

2018

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: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff  
 Members absent: None  
 Officials present: Mayor Tomko, Bloom, Jamieson, Markowitz, Zugan, Dacek, Lannon, Edwards

**REPORT OF THE MAYOR**

Mayor Tomko reported that we closed on the donation from Mike Corkran to the village of just under three acres of land that he donated to the village. All of the land is riverbank and it goes up to almost the land we own on the corner and to Water Street on the north side of the street.

Mayor Tomko said I have a request from Dave Bloom to retire and then be rehired. I consulted with the Administration and Compensation Committee and I am going to grant Dave's request. He is going to be rehired at a rate of 10% less than his current pay rate so it will result in a net savings to the village of \$12,500. Mrs. Lipp said Mr. Bloom will give up his part-time position working for Orange Village and he will work for us full-time. He has agreed to remain in his position for at least two more years, which would provide a benefit to the village of a smooth transition. We voted in favor of granting his request at a three to zero vote of the Administration and Compensation Committee. Mr. Maersch said we lost Ben Himes after forty years, which is a significant amount of knowledge walking out of the building, and if Mr. Bloom leaves Mayor Tomko will have to deal with two new administrative positions. In my view I don't have a philosophical problem with the retire/rehire. My fiduciary duty to the village to pay attention to how much money we spend far outweighs any philosophical issue I have with double dipping, even though I don't have a philosophical issue for double dipping. I think this is a win-win. We are also going to save 14% of \$12,500 because the village will be paying a reduced rate into the PERS Program. This was a no brainer for me. Mrs. DeBernardo said with the loss of Ben Himes recently I think we need some stability in the upstairs offices. I am in agreement with the issue. Mr. Newell said Mr. Bloom has performed admirably in his role as the budget director. All of our audits with the county have come back clean and our books are in good shape. It is important that we keep on top of all that.

Moved by Mr. Maersch, seconded by Ms. Rogoff that Council support Mr. Bloom's requested retire/rehire at a salary of 10% less than his current salary and that he also agrees not to work part-time for Orange Village any more and be a full-time employee of the Village of Chagrin Falls. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None.

Mayor Tomko reported that Joe Saccone, the proprietor of Jekyll's, has entered into a lease with Dominic Visconsi to take over the Gamekeeper's space. He will be opening a new restaurant there sometime late Spring or early Summer. He is going to do some substantial updates to the restaurant and the patio but basically going to stay with the motif of an Inn.

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Mayor Tomko announced his appointment of Stuart Lipp to the Shade Tree Commission. Moved by Mrs. DeBernardo, seconded by Mr. Newell to confirm Mayor Tomko's appointment. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None.

Mayor Tomko announced his appointment of Nicole Paolozzi to replace Dixie Touzalin on the Planning and Zoning Commission. Moved by Ms. Rogoff, seconded by Mrs. Grube to confirm Mayor Tomko's appointment. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None.

**REPORT OF THE FINANCE DIRECTOR**

Mr. Bloom thanked the Mayor and Council for their support with his retire/rehire.

**MEMBERS OF THE PUBLIC TO SPEAK TO AGENDA ITEMS (NOT TO EXCEED TWO (2) MINUTES PER PERSON)**

None.

**REPORT OF THE LAW DIRECTOR****OHIO DEPARTMENT OF NATURAL RESOURCES APPLICATION**

Mayor Tomko introduced Resolution No. 2018-01 entitled:

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR FUNDING ASSISTANCE PURSUANT TO THE RECREATIONAL TRAIL PROGRAM, AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mrs. Evans that the resolution be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mayor Tomko said this is basically the same application that we submitted to Nature Works last year but we did not receive an award. I found this additional program that looks like it would have a better chance of covering what we want to do. It was brought to my attention by the Chagrin River Watershed Partners. We are just changing the name on the application from Nature Works to Recreational Trails and this would provide funding to complete the riverwalk trail from Mill Street up to Vincent Street. We will only be proceeding with this project if we get this grant. If we are not successful with the grant we will recycle it to next year.

**POSITION CLASSIFICATION AND SALARY SCHEDULE AMENDED**

Mrs. Lipp introduced Ordinance No. 2018-02 entitled:

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

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Moved by Mrs. Evans, seconded by Mr. Newell that the requirement for reading an ordinance three times be suspended. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Ms. Rogoff that the ordinance be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mrs. Lipp said it is my understanding that the purpose of the ordinance is to eliminate the interim Street Superintendent position as well as eliminating the Assistant Administrator position and adding the Assistant Administrator position under contracts.

## LEASE OF PROPERTY

Mrs. Evans introduced Ordinance No. 2018-03 entitled:

AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE A DOCUMENT CONSENTING TO AN ASSIGNMENT AND ASSUMPTION AGREEMENT AS LESSOR FOR PROPERTY KNOWN AS PARCEL NUMBER 931-13-058 AND ENTERING INTO AN AMENDMENT TO A LEASE FOR SUCH PREMISES WITH SWC BAN CASA HOLDINGS, LLC, AND DECLARING AN EMERGENCY.

Mrs. Evans said this is the small piece of property that is cement that is on the west side of the Mario's building; it is about 4' by 8'. This is a reassignment of the current lease that we have because the property changed hands and the new owner is SWC Ban Casa Holdings. We receive \$3,500 a year for the lease agreement. Mr. Markowitz explained the proposed changes to the ordinance. Mr. Maersch said let's redraft this based on Mr. Markowitz's recommendations from the changes that their attorney requested and consider this at our next meeting. Mrs. Evans placed this ordinance on readings.

## AUTHORIZATION TO ENGAGE THE LAW FIRM OF WALTER/HAVERFIELD JOINTLY WITH R.I.T.A. AND OTHER MUNICIPALITIES

Mr. Maersch introduced Ordinance No. 2018-04 entitled:

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENGAGE THE LAW FIRM OF WALTER/HAVERFIELD JOINTLY WITH THE REGIONAL INCOME TAX AGENCY AND OTHER MUNICIPALITIES FOR THE PURPOSE OF CONTINUING LITIGATION TO CHALLENGE THE CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 OF THE OHIO REVISED CODE RELATING TO MUNICIPAL INCOME TAX AND DECLARING AN EMERGENCY.

Moved by Ms. Rogoff, seconded by Mrs. DeBernardo that the requirement for reading an ordinance three times be suspended. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Moved by Mrs. Evans, seconded by Mrs. DeBernardo that the ordinance be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mr. Markowitz said the State of Ohio adopted a Budget Bill last year called House Bill 49. Mr. Maersch said it is continuing efforts to further control local municipalities and take away further funding. Mr. Markowitz said the General Assembly decided to make it mandatory that the state be able to collect income tax dollars when people file in the state tax portal that is available to anybody to file their local income tax and we have to then give a percentage back to the state for collecting

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that for us. We have to turn over financial information and there are a number of changes that would be made. The Regional Income Tax Agency decided to file suit along with a number of municipalities and they asked us to join in but by the time they asked us it was too late timing wise for us to approve legislation before they filed suit. They filed in Lorain County and they have asked us now to adopt legislation to join the litigation. There is at least one other case pending in Franklin County. In that case there are a number of communities who have joined that case including the City of Cleveland. They sought the same relief but with a little bit different arguments in their complaint and then RITA filed. The court in that case got the parties to enter into an agreement to stay the local government collection provisions of House Bill 49 pending the legislation. The judge in the case filed by RITA in Lorain County has not yet heard the matter; it was supposed to be heard on the fifth. The state filed a brief and forgot to include their last page of the brief so the judge decided to kick it for three weeks and now it is scheduled for January 26<sup>th</sup>. There is also a request for a transfer of the Lorain Case to the Franklin County Case. Whether it is Lorain or Franklin County is of no consequence to us. We would be represented at no cost. RITA is going to pay for it other than the fact we are a RITA agency so we do pay our pro-rata share of that. Mr. Bloom said it is very minimal. Mr. Markowitz said we would not be paying Walter/Haverfield directly and we would not be controlling the lawsuit although we would be kept informed of what is going on in the lawsuit. Mr. Markowitz said I strongly urge us to join the case and I feel very strongly that this legislation is unconstitutional.

### AMENDMENTS TO THE CODIFIED ORDINANCES

Mr. Maersch introduced Ordinance No. 2018-05 entitled:

AN ORDINANCE AMENDING THE CODIFIED ORDINANCE SECTIONS  
140.01 AND 140.02 TO ADD A COUNCIL REPRESENTATIVE TO THE  
PARKS COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

Moved by Mr. Maersch, seconded by Ms. Rogoff to amend 2018-05 in the caption to strike out Council representative and add the word resident. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Ms. Rogoff that the requirement for reading an ordinance three times be suspended. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Ms. Rogoff that the ordinance be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mr. Maersch said the Mayor and I, and some of my fellow Council members, have had discussions about knowing a lot of residents who want to be involved in village matters and we just don't have that many roles. Year to year people like being on various commissions and they don't often roll off and so we would like to get more people involved so we have been taking a look at the committees and commissions and seeing where places exist to add additional people. We added people to the Shade Tree Commission in late 2017 and we added someone to the Cemetery Commission. In this legislation we propose to add a member to the Parks Commission. Mrs. DeBernardo said I am in favor of this. The Parks Commission has done some heavy lifting lately and adding an extra member would help with all the work that that group has been doing lately.

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**STREETS AND SIDEWALKS COMMITTEE**

No report.

**FACILITIES AND SERVICES COMMITTEE**

No report.

**PLANNING AND ZONING COMMISSION**

Ms. Rogoff announced a meeting for Monday, January 15, 2018 at 7:00 p.m.

**SAFETY COMMITTEE**

Mrs. DeBernardo announced a meeting for Monday, January 15, 2018 at 1:00 p.m.

**UTILITIES COMMITTEE**

No report.

**BOARD OF ZONING APPEALS**

No report.

**ADMINISTRATION AND COMPENSATION COMMITTEE**

No report.

**FINANCE COMMITTEE**

Mr. Maersch acknowledged receipt of the Summary Financial Statements from December 31, 2017. Each line item was reviewed and discussed.

**PARKS COMMISSION**

Mrs. Grube announced a meeting for Tuesday, January 23, 2018 at 8:30 a.m.

**SHADE TREE COMMISSION**

Mrs. DeBernardo announced a meeting for Thursday, January 11, 2018 at 9:00 a.m.

**ARTS COMMISSION**

Ms. Rogoff announced a meeting for Monday, January 15, 2018 at 6:00 p.m.

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**PARKING COMMISSION**

No report.

**REPORT OF THE CHIEF ADMINISTRATIVE OFFICER**

Mr. Jamieson reported that the service department will be out tomorrow morning to collect holiday trees throughout the village and they will also be out on Monday, January 22, 2018. If residents don't want to take the decorations off of their trees they can put their tree out with their regular trash.

**REPORT OF THE ENGINEER**

Mr. Lannon said before the next Council meeting we will be opening bids for the Walters Road reconstruction. It will include a sidewalk that will be assessed to residents so once we have all the information we should schedule a Streets and Sidewalks Committee meeting. The project also includes sanitary sewers and water main reconstruction.

**REPORT OF THE POLICE CHIEF**

Chief Dacek reviewed their annual report.

**REPORT OF THE FIRE CHIEF**

Chief Zupan congratulated the new Council members. He said he is looking forward to working with them and the current Council members this year. He reported that they had a 6% increase in call volume last year. It went from 1,490 to 1,551 calls for service.

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

None.

**MISCELLANEOUS**

Moved by Mr. Maersch, seconded by Mrs. DeBernardo to appoint Mrs. Lipp to the Cemetery Commission. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None.

**ADJOURNMENT**

Mr. Maersch adjourned the meeting at 8:12 p.m.

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President of Council

  
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Clerk of Council