

**RECORD OF PROCEEDINGS**

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held \_\_\_\_\_ JANUARY 22, \_\_\_\_\_ 20 18 \_\_\_\_\_

The meeting of the Council of the Village of Chagrin Falls was called to order at 7:04 p.m. by Mr. Maersch.

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

**APPROVAL OF MINUTES**

Moved by Mrs. DeBernardo, seconded by Ms. Rogoff that the minutes of the meeting held December 11, 2017 be approved, as amended. Carried. Ayes: DeBernardo, Grube, Lipp, Maersch, Newell. Abstain: Evans. Nays: None.

Moved by Mr. Maersch, seconded by Mrs. Evans that the minutes of the Organizational meeting held January 2, 2018 be approved, as amended. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None.

Moved by Mr. Maersch, seconded by Ms. Rogoff that the minutes of the meeting held January 8, 2018 be approved, as amended. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, 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**

Mr. Markowitz said the village has now been named as a new party plaintiff in the RITA lawsuit.

**LEASE OF PROPERTY**

Mr. Markowitz placed on the floor 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

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931-13-058 AND ENTERING INTO AN AMENDMENT TO A LEASE FOR SUCH PREMISES WITH SWC BAN CASA HOLDINGS, LLC, AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, 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. Mrs. Evans said this is the same ordinance with slight changes in regards to the property on the west side of the Mario's building; it is about a 4' by 8' cement slab. This is a reassignment of the current lease that we had with the prior owner and we are transferring it to the new owner, which is SWC Ban Casa Holdings, LLC.

**WALTERS ROAD SIDEWALKS**

Mrs. Grube introduced Resolution No. 2018-06 entitled:

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE WALTERS ROAD BY CONSTRUCTING SIDEWALKS BETWEEN CERTAIN TERMINI AND DECLARING AN EMERGENCY.

Moved by Mr. Maersch, seconded by Mrs. Grube to amend 2018-06 in Section 4, line 4 strike fifty-seven open paren number 57 close paren replace it with fifty-six open paren number 56 close paren also in Section 4 line 12 strike 157<sup>th</sup> and replace it with 156<sup>th</sup> also in the parenthetical on that line strike the number 57 and replace it with the number 56. In Section 7 in the first line strike the word shall and replace it with the word may and then replace the period after ordinance with the following: or in ten open paren 10 close paren equal annual installments at an interest rate to be determined in subsequent legislation. In following amendment in Exhibit A the last line of the chart Exhibit A strike through parcel number 932-13-016 the parcel owner Andrew Hosey 431 Bell Street. Strike through that whole line also under unit assessment strike out 784 and replace it with 798.00. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None.

Mr. Maersch said Mr. Markowitz, Mr. Bloom, Mr. Jamieson, and I are meeting after this meeting to talk about a plan to get on the same page with respect to pending legislation and agenda items because it is just too much mental work for me to make these amendments so we are going to try to do better at getting things squared away before we get them on our agenda.

Moved by Mrs. Evans, seconded by Mr. Newell that the requirement for reading a resolution three times be suspended. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Moved by Mrs. Evans, seconded by Mr. Newell that the resolution be adopted, as amended. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None.

Mrs. Grube said as part of the undertaking of improvements to the sewer, water lines, and repaving Walters Road is installing a sidewalk on the north side of the road which will go from our county line to Bell and be connected into the main thoroughfare to the village there. The

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assessment is over fifty-six properties on Walters Road and Hickory Hill since they will all have mutual benefit of the sidewalk. Originally they were sent a letter, last Spring, with the estimation of about \$1,500 per property and the numbers came in well below what we anticipated. We are now looking at just \$784.50. The Streets and Sidewalks Committee recommended that Council move forward with this so that the residents can be notified of the assessment to which point they get fourteen days to respond. If they object to it then we have a process that we will have to initiate at that point. Mr. Markowitz said there were two changes that the committee wanted us to talk about. One was I wrote it up as a one-time payment in year one and the committee would like the residents to have the option of ten annual installments. Secondly is that on the exhibit listing the fifty seven property owners to be assessed there was discussion as to whether parcel 932-13-016, owned by Andrew Hosey at 431 Bell which has double frontage, should be assessed. It already has a sidewalk on Bell so should that parcel be assessed or be removed from the assessment.

Mr. Maersch said Mr. Markowitz laid out the procedure for the Streets and Sidewalks Committee which is if we pass this tonight then the next step would be to allow Mr. Lannon to present us with an ordinance at the next Council meeting. That legislation would allow us to accept the bid and start the process of moving along. Anyone who is being assessed will get notice if we pass this legislation tonight and they have fourteen days to object and they have to file a written objection with the village hall. We didn't get unanimity on this so there is 30% of people that either didn't respond or are against it so we might get objections. Then Council has to name a three-person Equalization Board that I assume will then hold hearings and object to any number of things for any number of reasons. Mr. Markowitz said by statute they can really only object to the amount they are being assessed and how it is being apportioned between them and the other property owners. Then they make a report that goes back to Council and Council has to decide if it wants to approve the report. If Council doesn't approve the report Council has to have a hearing and make a final determination.

Mr. Maersch said I would feel more comfortable if we took the Hoseys off. It is not a deal breaker for me because I do understand that they do have frontage on Walters Road but they also have frontage on Bell Street and they have a sidewalk on Bell Street. Mayor Tomko said I think in fairness I would support your position. Mr. Maersch said my proposal would be to amend Exhibit A to strike the Hoseys. Section 4 has to be amended and then Section 7. So my proposal on Section 7 would be that we add the ability to for homeowners to pay in equal installments, ten equal annual installments, at an interest rate to be determined in subsequent legislation. When we sent the letters out that was the option that we provided and the residents expressed their support based on that.

## WASTEWATER TREATMENT PLANT IMPROVEMENTS

Mr. Newell introduced Resolution No. 2018-07 entitled:

A RESOLUTION AUTHORIZING THE VILLAGE ENGINEER TO PREPARE PLANS, SPECIFICATIONS, AND BID PROPOSALS TO COMMENCE THE PLANNING AND DESIGN FOR THE VILLAGE WASTEWATER TREATMENT PLANT IMPROVEMENTS, AND TO MAINTAIN COMPLIANCE WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY PERMIT REQUIREMENTS AND DECLARING AN EMERGENCY.

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Moved by Mr. Newell, seconded by Mrs. Evans that the requirement for reading a resolution three times be suspended. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mrs. Evans that the resolution be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mr. Newell said our wastewater treatment plant is operated under an EPA permit. The permit is renewed every three years. We have to submit plans by the end of this year to keep our permit renewed and then the EPA has one year to review the plans and comment. The plant was built in '72 so it is 45 years old. A lot of changes have come around in the technology and equipment but more importantly the EPA has made a lot of changes in regulations and they are very focused on the sanitary sewer overflow, which is what happens when you have heavy rains. Our plant, after 45 years, needs some repairs. We have been keeping an eye on this for the last few years and the time has come to start with the plans. Anything that the village engineer comes up with will come back through Council.

## COUNCIL STRATEGY DISCUSSION

Mr. Maersch said what I would like to see us do is get together as a group and talk about goal setting for our various committees. We have certain committees and commissions that just don't have goals. The Board of Zoning Appeals is a good example. Either we have people that are requesting a variance or we don't. The ARB is another example, although we don't have any members of the ARB. Almost every other thing that we have in terms of a committee or commission, sort of in my view, could use some guidance as to whether there is anything in particular that Council would like to charge them with reviewing, or studying, or dealing with. Certainly we have residents that are on there for a reason because they have skills and have their own things that they think those committees should be doing and that is perfectly fine but I think it might be interesting discussion for us to have. That is the first component of it and the second component of it is do we ask all those committees and commissions to schedule a meeting in January or February to talk about what they have to accomplish during the year? This sort of addresses what Ms. Rogoff often raises, which is why does it seem like everything is an emergency around here. It seems like everything shows up on our agenda and a lot of the stuff is things that we do every year and we could just see them coming and be a little bit more strategic about how to deal with it. Really being more strategic would sort of eliminate that; we'd see things coming. The second piece of what I am thinking is do we ask these committees to hold regularly scheduled meetings whether it is monthly or quarterly or every other month irrespective of whether they have any agenda items just to have a forum to discuss upcoming events or give the public a chance to show up and ask questions if that is the case.

Mr. Newell said I think some of the committees really don't have any agenda items and there wouldn't be any strategic planning or any reason to meet on a regular basis. It depends on the agenda that comes in the village hall.

Mr. Maersch said so utilities would be an example, right? But would utilities benefit from an early meeting to talk because the administration already knows and we passed legislation tonight on something that you are going to have to deal with this year, right? Mr. Newell said I intend to have some regular utility meetings to start discussing what we are going to be spending money on. Mayor Tomko said there will be lots of meetings regarding just what you approved tonight. Mr.

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Newell said I also invite anybody interested, you don't have to be on the committee, to get a tour so when we describe certain buildings you know what we are talking about. Mayor Tomko said that is a really good idea.

Mr. Maersch said okay, so utilities is a bad example but safety, right? I have in my head some things that I think the Safety Committee ought to be looking into. Parks is another example. I have some things in my head that I think Parks, and I would like to get your views on it, it is not like I want to go to the parks and say I think you should look at this. So that's the idea that I have here.

Mrs. DeBernardo said the Safety Committee met today and I have plenty of agenda items. I think pedestrian safety is an issue that a lot of people have been discussing in town. We just made some investments and some changes to the downtown light signalization so we wanted to review that. But I think that there are a number of issues that the Safety Committee will take up because residents have asked for them to be taken up. I don't know whether they need to be regularly scheduled; they will be happening throughout the year. I do think that it is a good idea though to get some advance notice of what is going to be on the agenda when they are happening so residents that are interested in those things can have the opportunity to show up. I know in the past a lot of times things come up at the last minute and the residents don't know. Mr. Maersch said so you don't like my idea of regularly scheduled meetings because you think it is going to take place and I probably agree with you there. What about my idea of getting all of Council together to talk about potential agenda items? Mrs. DeBernardo said it is an interesting idea but I think we are probably all the same as you. It differs between us but we all have a few things that we think oh, it would be nice if this committee did this or that but maybe that can be handled just by sending an email to the person on that committee and say I think your committee should look at this. Mr. Maersch said what if I do that and you guys all think that is a waste of time. In my view it would be useful for all of us to get together and have a strategy discussion on things that we think could improve the village. There are agenda items for safety that you haven't looked at that I would like to introduce as a concept but I don't think it is any one Council person's role to just inject an agenda item into a committee. Mayor Tomko said I think they can Karl. Mr. Maersch said because I would rather have a strategy discussion about the whole thing. Mrs. Evans said it would have to be a public meeting. Mr. Maersch said we would sit around a table, we would have the table set up like we would for any of our round table meetings, and we would sit around and go through each committee and go what do you think we should be doing with this.

Mrs. Grube said I think there is a value to collective minds and I think there is a value in doing that in transparent open meetings.

Mr. Newell said a strategy meeting is a moving target; things change. When the weather gets warm there are more pedestrians and we go oh, we didn't think of that.

Mayor Tomko said I think it is a moving target. You can't sit here in January and think of everything that you should be doing through the whole year. Maybe what you are trying to get at is focus more on a mission statement for each committee but I don't have the slightest problem or reservation for any Council member or any resident asking a committee to look at something or consider something and that has been the past practice.

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Mrs. DeBernardo said I think you added miscellaneous to the Council agenda at the end. You always say if anyone has anything to offer that could be the time. I personally will have no issue if anybody wants the Safety Committee or any committee that I am involved in for you to email me or to say at a Council meeting could this committee look at that. Mayor Tomko said that is kind of where I am at.

Mrs. DeBernardo said we have on the website, from ancient time, a Comprehensive Plan for the village or a Strategic Plan. When was that done and is that a process that the village goes through? Mayor Tomko said what we had been doing in the past was updating that plan periodically and we had circulated it to the residents and asked for comments and had open meetings. Mrs. DeBernardo said is that something maybe we should revisit? Mayor Tomko said that is probably appropriate. Mrs. DeBernardo said direct the committees in terms of these goals for the village in general. Mayor Tomko said my experience having been through that, through it probably three or four times, is that you really don't get much feedback. You are lucky to get a 30% response rate. You could probably say right now who is going to come to the meetings.

Mr. Maersch said that is way more detailed than what I am saying. I am not trying to reinvent anything like that. I am merely trying to have us have one meeting a year where we talk about ideas we have. This is a way for all of us to sit in a room and talk about things that we would like to see committees work on that year.

Mrs. Lipp said so are you picturing more of a brain storming session where people would throw out ideas. Mr. Maersch said it is not even that. You guys are making this more than I want it to be. I will come to this meeting with a list of all the committees that we have and for at least three or four of them I will have something that I want to discuss with you guys that I think this committee should look at. I could send an email to every single person that chairs those committees but why would I do that? I would rather involve you guys in the discussion because you might look at me and go Karl, that is crazy; no one would do that.

Mr. Newell said we need a little tempering. Mr. Maersch said I am giving you that opportunity. That is what this is about. It is our ability as a group to shape the committees. They are implementing our vision of the village.

Mr. Newell said you just sold me.

Mrs. DeBernardo said I don't have an objection, I would obviously participate in such a meeting. I am not sure that we need to institute it like that it has to happen every year but if you want to call a meeting of the Committee of the Whole Council and this is the agenda item I would be happy to discuss each of the committees and I will of course have agenda items for every one.

Mr. Maersch said we got the proposed Capital Budget and we have to set a Committee of the Whole Council meeting. He announced a meeting for Tuesday, January 30, 2018 at 6:00 p.m.

## COMMITTEE REPORTS:

### STREETS AND SIDEWALKS COMMITTEE

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No report.

## FACILITIES AND SERVICES COMMITTEE

No report.

## PLANNING AND ZONING COMMISSION

Ms. Rogoff announced a meeting for Wednesday, February 21, 2018 at 7:30 p.m.

## SAFETY COMMITTEE

Mrs. DeBernardo reported that the committee discussed the light timing in the downtown area that has been changed recently to add a leading pedestrian interval (LPI), which is a protected period of time which allows a pedestrian to get into the crosswalk so that when a car is making a left hand turn they are more likely to yield because they will see the pedestrian in the crosswalk than if they both start at the same time. Everyone seems to think that the leading pedestrian interval is a great addition. There was some question about whether it could be longer and that is something that we may look into. What came up during the meeting was that the light timing on the far end of Triangle Park seems to be off and we are having traffic backups and some issues there so Tim is looking into it. There may have been some problems when we went to the new system so that the lights are no longer coupled the way they are supposed to work down the Washington Street area. They are working on it and hopefully we will have those lights back so that the traffic flows more normally on Washington/West Washington around South Franklin.

Mrs. DeBernardo reported that they discussed a proposal from the police department for a School Resource Officer. The feeling of the committee was that there is a lot of value to this position and let's figure out how we can pay for it.

Mrs. DeBernardo reported that snow clearing on sidewalks was discussed. We want to make an effort to inform residents at the start of the season that they should clear their sidewalks. It was something that used to be done routinely but somehow it has kind of fallen off. That piece of the snow clearing nobody seems to have an objection to try to do something low cost public education. We did talk about all the different possible ways that are usually put forward to try to get residents to clear snow and every single one of them has failure and problems and costs associated with it but we are open to ideas.

## UTILITIES COMMITTEE

Mr. Maersch said there has been a little bit of murmur lately about water bills and it won't seem to die down. I got two reports from the water department and it couldn't have been any more straight forward. One report had my usage and cubic feet per bill in dollars and one had a date range for that bill. I just took the cubic feet and divided it by the number of days in the billing cycle and then just compared cross cycles and it turns out that I am using the same amount of water. When you track it back and do the math it is due to the price increase. This whole thing about utilities is baffling to me because there is only about three things that it can be. Your bill may be higher because there are

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significantly more days in this billing cycle. There were eighty-five days in the last quarter and there are one hundred and twelve this quarter. That is a huge difference. It is either that or it is a rate increase or you are using more water because there is a leak. I don't know why people are calling the Public Utilities Commission, the Attorney General, and Carl Monday. Mayor Tomko said we have not had one person call the village. When they do call the village we schedule usually the same day or the next day somebody from the utilities department to go out to their house and do a comprehensive leak check. Mr. Maersch said I was told that 98% of leaks are found in the toilet. If you go to your water meter there is a thing that moves and it is red and black and if no water is running in the house it shouldn't be moving. If it is moving then you have a leak. Mr. Newell said if someone wants to challenge the accuracy of their water meter they can have it swapped out and put on a calibration unit.

## BOARD OF ZONING APPEALS

No report.

## ADMINISTRATION AND COMPENSATION COMMITTEE

No report.

## FINANCE COMMITTEE

No report.

## PARKS COMMISSION

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

## SHADE TREE COMMISSION

Mrs. DeBernardo reported that the village is rated in the top ten of the sixty-four Tree Cities in Northeast Ohio by the Urban Forestry of Northeast Ohio.

Mrs. DeBernardo reported that as for the electric company trimming the trees they know these guys and they say that they just don't know what the parameters they use for trimming the trees are and they are actually scheduling a time to walk around with them just to understand what the electric company needs to know when they trim the trees so that we can work out a better relationship. They say we have a good relationship with knowing when things are going to happen but they are hoping we can develop a better per tree and neighborhood relationship with the electric company for when this happens every four years.

Mrs. DeBernardo reported that the Mayor came to the commission and asked them to do three areas of planting or look at three areas for planting including the Greenbrier Subdivision entrance area, the wastewater treatment plant for some screening, and also evaluate Walters Road after the sidewalk project for what kind of trees can be planted there and they are already on that.

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## ARTS COMMISSION

No report.

## PARKING COMMISSION

Regarding the parking on May Court, Mr. Maersch said the Mayor, Mr. Markowitz, Mr. Jamieson, and I worked on a letter and it is ready to go. I am working with Your Home Town to get the addresses for the businesses that we would like to send this to. I expect that will go out this week.

## CEMETERY COMMISSION

Mrs. Lipp reported that the commission discussed the budget and they will be looking into the need to expand the cemetery in order to create additional grave sites. There are concerns that at the present rate they will not be able to continue offering graves in possibly three to four years. They are thinking of approaching it in different phases step by step. Mr. Maersch said there is \$14,000 in the Capital Plan.

## REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

No report.

## REPORT OF THE ENGINEER

No report.

## REPORT OF THE POLICE CHIEF

Chief Dacek reported that on February 7<sup>th</sup> and 8<sup>th</sup> the parking software company is coming in for training. We are hoping to go live with that software on the 9<sup>th</sup>. On February 28<sup>th</sup> we are having a "Coffee With a Cop" event at Hamlet, which is open to the public. The main topic is the 911 cellular app and there will be general open discussion.

## REPORT OF THE FIRE CHIEF

Chief Zugan reported that the Chagrin Valley Jaycees will be hosting their annual Chili Cook-Off on Saturday, January 27, 2018 at the Federated Life Center in Bainbridge Township from 5:30 p.m. to 10:00 p.m. Mayor Tomko mentioned that the Chagrin Valley Jaycees have been generous donors to our Safety Town program so he encourages people to attend their Cook-Off. Safety Town is operated with private contributions as opposed to tax dollars.

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

None.

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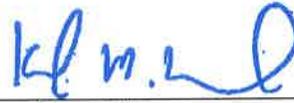
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**MISCELLANEOUS**

None.

**ADJOURNMENT**

Mr. Maersch adjourned the meeting at 8:07 p.m.



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President of Council



\_\_\_\_\_  
Clerk of Council