

**RECORD OF PROCEEDINGS**

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTR0PT1

Held \_\_\_\_\_ APRIL 9, \_\_\_\_\_ 20 18 \_\_\_\_\_

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  
 Members absent: Rogoff  
 Officials present: Mayor Tomko, Bloom, Alunni, Dacek, Markowitz, Jamieson

Moved by Mrs. Evans, seconded by Mrs. DeBernardo that the absence of Ms. Rogoff be excused. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell. Nays: None.

**REPORT OF THE MAYOR**

Mayor Tomko swore in police officer Jonathon Thompson who has been promoted to full-time.

**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**

Regarding the R.I.T.A. litigation, Mr. Markowitz said the court of appeals denied the motions to stay the effect of the trial court decision so the law went into effect that requires us to pass what we passed last month so we are okay and the case will continue on in the court of appeals.

Mr. Markowitz said the CPAs are trying to get revenge on municipalities. They have asked the state to impose a prohibition on councils of government from informing anybody that they can file their net profit tax locally instead of in the gateway in the state system and there is a bill pending in committee that is being heard right now that would prohibit any money being spent by a council of government to inform any business in their community that they have the option to file locally versus with the state.

**CHAPTER 1146 AMENDED**

Mr. Markowitz placed on the floor Ordinance No. 2018-24 entitled:

AN ORDINANCE AMENDING AND REPLACING CHAPTER 1146, HISTORIC PRESERVATION REGULATIONS OF THE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS.

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Mr. Markowitz announced a public hearing for Monday, May 14, 2018. There was lengthy discussion, comments were heard, and questions were answered. Mr. Maersch said this ordinance will remain on readings.

### POSITION CLASSIFICATION AMENDED

Mrs. Lipp introduced Ordinance No. 2018-25 entitled:

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

Moved by Mrs. DeBernardo, seconded by Mrs. Evans that the requirement for reading an ordinance three times be suspended. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell. Nays: None. Moved by Mr. Maersch, seconded by Mrs. Evans that the ordinance be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell. Nays: None. Mrs. Lipp explained that the purpose is to add an additional police officer because of the school resource officer situation. This will change the number of full-time officers from seven (7) to eight (8). Moved by Mrs. DeBernardo, seconded by Mrs. Lipp that we affirm the Mayor's appointment. Carried. Ayes: DeBernardo, Evans, Grube, Maersch, Newell. Nays: None.

### SHADE TREE COMMISSION MEMBERS

Mrs. Lipp introduced Ordinance No. 2018-26 entitled:

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 544.14(a) TO INCREASE THE COMPOSITION OF THE SHADE TREE COMMISSION FROM SIX (6) MEMBERS TO SEVEN (7) MEMBERS AND ELIMINATING THE RESIDENCY REQUIREMENT.

Mr. Maersch said this says it is introduced by Mrs. Lipp, which I assume is because she is the Chairman of the Administration and Compensation Committee. Let's strike that and write Mayor and Council. Moved by Mr. Newell, seconded by Mrs. DeBernardo to amend 2018-26 to strike introduced by Mrs. Lipp and replace it with introduced by Mayor and Council. Carried. Ayes: DeBernardo, Evans, Grube, Maersch, Newell. Nays: None. Mr. Maersch said this is Ben Himes that is being appointed to the Shade Tree Commission. Mr. Markowitz said it eliminates the residency requirement for any of the mayoral appointees to the commission. Mrs. Evans said so we could have six or seven people on this committee and none of them would be required to be residents? Mr. Markowitz said other than the council representative, yes. Mr. Jamieson said this is a good thing because we have had several members that have moved out of the community, including Ben King who was the chairman, and they want to continue to volunteer their time and service. I would doubt that the Mayor would appoint everybody on the committee to be nonresidents. Mayor Tomko said this is the only committee of Council that actually gets out and does work and they do a lot of physical work. Mrs. Evans said couldn't they just serve as an advisor to the committee? There is no reason for them to have an official position. I don't know why that wouldn't be acceptable. Mayor Tomko said I don't see any harm or foul. The commission members are not in a position to make any policies. Anything that they do, in terms of the budget, has to be approved by Council and the administration. It is not a big deal with me.

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In my opinion we are just following past practice. Mr. Maersch said I can go both ways on this. I do share Mrs. Evans' concern. I don't love the precedent that we are setting. There is a reason that there are committees of Chagrin Falls Village Council and I feel that we should have those roles for residents. We do have more residents that would serve if there were roles available. The other side of the coin is that I tend to agree with the Mayor that this commission feels different than all the other ones, which are more policy based. Mr. Maersch said I could be talked into supporting this if we would change the caption to say that eliminating the residency requirement is for that commission only and adding language that shows that up to two commission members could be nonresidents. Mrs. Evans said isn't Mr. Himes an employee of the village? Mr. Markowitz said he is a part-time employee. Mr. Maersch said if Ben Himes is an employee of the village he can't serve on a commission. Mr. Markowitz said there is no Charter provision that prohibits an employee from being on a committee nor is there anything in title one. Mr. Maersch placed this ordinance on readings.

**COMMITTEE REPORTS:****STREETS AND SIDEWALKS COMMITTEE**

Mrs. Grube said we are getting ready to start on the Walters Road project. We are looking at possibly as early as next week. There are going to be some significant impacts to traffic during this project so the village is working with both the school transportation and the South Russell Police Department to let everybody in the surrounding area know. They will be working four ten-hour days, which then allows them to make up time if they get a rainy day. Mr. Jamieson said traffic will be all outgoing in one direction only.

**FACILITIES AND SERVICES COMMITTEE**

No report.

**PLANNING AND ZONING COMMISSION**

No report.

**SAFETY COMMITTEE**

Mr. Newell said regarding the crosswalk signage and stop lights, I am seeing pedestrians being a little more frustrated with the changes than I did previously particularly at Main Street and Orange Street. I think it is because they are not pushing the button because they are standing there watching that whole intersection go through two or three cycles and they are wondering when they will be able to cross. Mrs. DeBernardo said it does only work when you push the button. Mr. Maersch asked where we are in the whole scheme of light timing? Mrs. DeBernardo said I thought we had arrived at where we wanted to be so if that intersection is not working in the way that we want it to work and if residents are complaining then I think it is functioning the way it was intended to function so if that is a problem then we need to have that discussion.

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**UTILITIES COMMITTEE**

No report.

**BOARD OF ZONING APPEALS**

Mr. Maersch announced a meeting for Tuesday, April 24, 2018 at 8:00 p.m.

**ADMINISTRATION AND COMPENSATION COMMITTEE**

No report.

**FINANCE COMMITTEE**

Mr. Maersch acknowledged receipt of the Summary Financial Statements for March 31, 2018.

**PARKS COMMISSION**

Mrs. Grube said the serpentine path is going in right now towards the library from the park.

**SHADE TREE COMMISSION**

Mrs. DeBernardo said First Energy is going to be donating two hundred and fifty small Dogwood saplings to the village. Mayor Tomko said the thought is to give one hundred of them to residents and then use the other one hundred and fifty throughout the village. Mrs. DeBernardo said the Arbor Day celebration will be on Saturday, April 21, 2018 in Riverside Park. She said the information the Eagle Scouts surveyed has been put into an interactive Google Map so you can click on any tree that we have and see all the information on the tree.

**ARTS COMMISSION**

No report.

**PARKING COMMISSION**

Mr. Newell announced a meeting for Thursday, April 26, 2018 at 5:00 p.m.

**CEMETERY COMMISSION**

Mrs. Lipp announced a meeting for Wednesday, April 11, 2018 at 9:00 a.m.

**REPORT OF THE CHIEF ADMINISTRATIVE OFFICER**

Mr. Jamieson announced a Planning and Zoning Commission meeting for Monday, April 16, 2018 at 7:30 p.m.

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**REPORT OF THE ENGINEER**

No report.

**REPORT OF THE POLICE CHIEF**

Chief Dacek mentioned that Michael Baldwin is now serving as the school resource officer at Gurney School.

**REPORT OF THE FIRE CHIEF**

No report.

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

None.

**MISCELLANEOUS**

Mr. Maersch said a resident on Olive Street, Gary Haberny, asked me what would be required for him to host a Sunday evening family bike ride through Chagrin Falls in the Summer months on Sundays. I talked to the Mayor, Mr. Markowitz, and Chief Dacek and we determined that for liability reasons we wouldn't want to do that. Mayor Tomko said as long as you do it with the rules of the road and have an assembly point and a deassembly point roped off we can do that. We just didn't want to get into an official sponsorship.

Mrs. DeBernardo asked Chief Dacek what the procedures are for broken meters in town? She said we have had some residents complain/ask what they are supposed to do if they park at a spot and the meter is broken? Mr. Maersch said these are the meters that are across from the Methodist Church. People park there and apparently there is a meter there that is broken and somebody got a ticket two days in a row and the parking officer said hey, tough luck it is broken so you are just going to get a ticket anyway. Chief Dacek said the difficulty with broken meters is if somebody calls us and says the meter is not registering money and there is something wrong with it. We usually take their plate number and call the parking officer to check the meter and say do not issue a ticket. Occasionally what happens is somebody sees the meter is broken, parks there anyways, goes away and comes back and has a ticket. They are angry and come over to talk to me and I will say go check the meter. Sometimes the officer goes over there and the meter is broken so we dismiss the ticket. Sometimes the officer goes over there and the meter is working fine.

Mrs. Lipp said 2018-14 having to do with appointing substitute members to the BZA and the ARB had been put on hold while Mr. Markowitz was out of town. The other thing that I was wondering about was that back in January we discussed having a general meeting to set goals and that sort of thing. Mr. Maersch said I sort of got a little more push back from Council than I anticipated so I just sort of did it the old way and I reached out to everyone who had a committee that I thought needed

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to study something and just did it that way. I think it is a great idea and I would do it in a second. I will look for time to do that.

## ADJOURNMENT

Mr. Maersch adjourned the meeting at 8:11 p.m.



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President of Council



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Clerk of Council