

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTHOPT1

Held

MAY 14,

20 18

The meeting of the Council of the Village of Chagrin Falls was called to order at 7:01 p.m. by Mr. Maersch.

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

APPROVAL OF MINUTES

Moved by Mr. Maersch, seconded by Mrs. Evans that the minutes of the meeting held March 12, 2018 be approved, as amended. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None.

Moved by Mr. Newell, seconded by Ms. Rogoff that the minutes of the meeting held March 26, 2018 be approved. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Newell, Rogoff. Abstain: Maersch. Nays: None.

Moved by Mr. Maersch, seconded by Mr. Newell that the minutes of the meeting held April 9, 2018 be approved. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell. Abstain: Rogoff. Nays: None.

REPORT OF THE MAYOR

Mayor Tomko reported that there are three promotions within the fire department. Chief Zupan announced that Captain Greg Krejci has been promoted to Assistant Chief, which now makes three assistant chiefs, Lt. Brian Foster has been promoted to Captain, and Fire Fighter Al Jefferson has been promoted to Lieutenant. Mayor Tomko swore in Lt. Al Jefferson, Captain Brian Foster, and Assistant Chief Greg Krejci.

Mayor Tomko reported that the village received the State's Small Government Grant under the Ohio Public Works Commission for the work that is planned on River and West Streets. Additionally, the village received a grant for the Greenbrier/Greenhaven project. We had originally cut back on this project because we could barely afford what we had forecasted. We are now evaluating expanding that project to complete the balance of the work now that we have the money.

Mayor Tomko reported that the library stairs replacement project is complete except for the hand railings, which will be installed after the Blossom Time Festival.

REPORT OF THE FINANCE DIRECTOR

No report.

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

None.

REPORT OF THE LAW DIRECTOR**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.

Mr. Maersch said I think the first thing we have to do is make a motion to amend to replace the version that is currently in our packets with the version that Mr. Markowitz sent around by email and the title of the document is Ordinance No. 2018 (amend Chapter 146-Historic Preservation Regs) DHM clean 5/10/18.

Moved by Mr. Maersch, seconded by Ms. Rogoff to amend the existing 2018-24 to replace Exhibit "A" with the Exhibit "A" that Mr. Markowitz sent around that I just read the title to. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None.

Mr. Markowitz said we have not done a new Exhibit "B", which is the striking and additions from what currently exists today. Mr. Maersch asked do we need that Exhibit "B" as part of the package? Mr. Markowitz said only because you requested us to do that so that you have what exists today versus what gets adopted.

Mr. Maersch said there are a lot of changes here and I think people have only had a couple of days to look at it. Mr. Clemens is here hopefully to give us his thoughts on this, which I think is going to be useful. I think I am going to propose that we have the public hearing tonight as publicized, take any public comment, and then leave this on readings until the next meeting. Mr. Maersch explained the changes, comments were heard, and questions were answered.

Mr. Maersch opened the meeting up to a public hearing. Comments were heard from George Clemens from the Architectural Review Board. There was general discussion and questions were answered. There were no further comments and Mr. Maersch closed the public hearing.

Mr. Maersch said this will remain on readings.

SHADE TREE COMMISSION MEMBERS

Mr. Markowitz placed on the floor Ordinance No. 2018-26 entitled:

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 544.14(a) TO INCREASE THE COMPOSITION OF THE SHADE TREE COMMISSION

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FROM SIX (6) MEMBERS TO SEVEN (7) MEMBERS AND ELIMINATING THE RESIDENCY REQUIREMENT.

After lengthy discussion, a motion was placed on the floor by Mr. Maersch and it was seconded by Mr. Newell to amend 2018-26. Mr. Maersch said it is going to be amended in three places. The caption is going to be amended after the words residency requirement, for two members. The first paragraph of Section 1 will be amended as follows: The last sentence currently reads "the Mayoral appointees shall not be required to be residents of the village" and I would strike the word "the" and replace it with two (2) of the six (6). The full sentence as amended would read two (2) of the six (6) mayoral appointees shall not be required to be residents of the village. Section 3, which is the red line, would also show the same strike and replace what I just recited, which is two (2) of the six (6) mayoral appointments shall not be required to be resident of the village. Carried. Ayes: Grube, Lipp, Maersch, Newell, DeBernardo. Nays: Rogoff, Evans. Moved by Mr. Newell, seconded by Mrs. DeBernardo that the requirement for reading an ordinance three times be suspended. Failed. Ayes: Maersch, Newell, DeBernardo, Grube. Nays: Lipp, Rogoff, Evans.

Mr. Maersch said suspending the requirement for three readings did not pass so this ordinance will remain on readings.

ORDINANCE NO. 2018-23 AMENDED

Mr. Newell introduced Ordinance No. 2018-27 entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 2018-23 TO ACCEPT
NORTHEAST OHIO PUBLIC ENERGY COUNCIL ENERGIZED COMMUNITY
GRANT AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mrs. Evans 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 Mrs. Grube that the ordinance be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mr. Jamieson said we had already passed legislation accepting the grant. The dollar amount listed that we thought we were getting originally was \$20,000 and once we went to fill out all the paperwork we found out that we are being awarded \$20,516 so this is just a clarification matter in the legislation.

CUYAHOGA COUNTY BOARD OF HEALTH CONTRACT

Mr. Newell introduced Ordinance No. 2018-28 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
WITH THE CUYAHOGA COUNTY BOARD OF HEALTH TO PROVIDE PHASE II
STORMWATER SERVICES IN 2018 AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mrs. Evans 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 Mrs. Evans that the ordinance be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mr.

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Newell said the Cuyahoga County Board of Health assists all communities in the county with stormwater management plans. We have had an ongoing contract with them to monitor for illicit stormwater discharge. They have been doing sampling and monitoring of dry weather flows and this is for twenty-five hundred dollars and change to go and do the services during the warm weather.

NATUREWORKS GRANT PROGRAM

Mayor Tomko introduced Resolution No. 2018-29 entitled:

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

Moved by Mr. Maersch, seconded by Mrs. Grube to amend the caption and after the words "funding assistance" I would insert "for a walking path connecting to the Ben King Arboretum". Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Moved by Mr. Maersch, seconded by Mrs. Evans that the resolution be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mayor Tomko said we are applying for a grant to do the walk on the south side of the river into the Vincent Street Arboretum and it is basically resubmitting what we submitted last year.

PARKMOBILE L.L.C. AGREEMENT

Mr. Newell introduced Ordinance No. 2018-30 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PARKMOBILE L.L.C. TO OBTAIN MOBILE PARKING SERVICES AND DECLARING AN EMERGENCY.

Chief Dacek said this is an app to pay for parking via a mobile device. It is another option for people to pay for parking. Parkmobile was recommended to us by the consulting company. The parking officers already have devices that they can log into to see if a parking space has been paid for through this program. There was discussion regarding the fees that are involved with this option.

Mr. Maersch placed this ordinance on readings.

UNITED STATES DEPARTMENT OF JUSTICE APPLICATION

Mrs. DeBernardo introduced Resolution No. 2018-31 entitled:

A RESOLUTION AUTHORIZING THE POLICE CHIEF TO SUBMIT AN APPLICATION WITH THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR FUNDING ASSISTANCE FOR REIMBURSEMENT OF BODY ARMOR PURCHASES PURSUANT TO THE

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FISCAL YEAR 2018 BULLETPROOF VEST PARTNERSHIP REIMBURSEMENT PROGRAM AND DECLARING AN EMERGENCY.

Moved by Mrs. Grube, seconded by Ms. Rogoff that the resolution be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Chief Dacek said we have received this grant for several years. They reimburse up to half, or a portion, of the bulletproof vests that we purchase.

ROAD SALT CONTRACT

Mrs. Grube introduced Ordinance No. 2018-32 entitled:

AN ORDINANCE AUTHORIZING THE VILLAGE'S PARTICIPATION IN THE
OHIO DEPARTMENT OF TRANSPORTATION WINTER CONTRACT (018-19)
FOR ROAD SALT AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mrs. Evans 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. Grube, seconded by Ms. Rogoff that the ordinance be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mr. Jamieson said this is the best manner in which to purchase road salt. Also, it is very nice that if there is a salt shortage O.D.O.T. will sometimes leverage their buying ability and move quantity from southern Ohio up to northern Ohio.

DRUG USE PREVENTION GRANT

Mrs. DeBernardo introduced Resolution No. 2018-33 entitled:

A RESOLUTION AUTHORIZING THE POLICE CHIEF TO SUBMIT AN
APPLICATION WITH THE OHIO ATTORNEY GENERAL FOR A DRUG USE
PREVENTION GRANT AND DECLARING AN EMERGENCY.

Moved by Mrs. Evans, seconded by Mrs. Grube that the resolution be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mrs. DeBernardo said this will provide drug education programming that the School Resource Officer would provide in the schools. Chief Dacek said this grant will reimburse us for a certain amount of the hours that he teaches the program.

COMMITTEE REPORTS:

STREETS AND SIDEWALKS COMMITTEE

No report.

FACILITIES AND SERVICES COMMITTEE

No report.

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PLANNING AND ZONING COMMISSION

Ms. Rogoff announced a meeting for Monday, May 21, 2018 at 7:00 p.m. at 218 Cleveland Street, Spillway South, and then reconvene at village hall.

SAFETY COMMITTEE

Mrs. DeBernardo reported that the committee discussed the Bell Street and Walters Road intersection pedestrian enhancements and we determined that we should put crosswalks in across Walters Road as well as across Bell Street. We are also recommending that we look at whether the traffic on the road justifies putting in a stop sign on Bell Street. We also looked at the North Street safety complaint. We looked at the speed on the roadway and decided at this time we are in agreement with the recommendation of the administration to leave the speed at 35 MPH. We looked at the accident data for the curve in the roadway and we did not find a sufficient record of accidents to indicate that there was a safety issue. We considered the issue of through trucks and the committee was open to the idea of posting a "no through trucks" sign further up on North Street since there is already one on Orange Street. We asked the Streets and Sidewalks Committee to take a look at the 2014 data on the North Street project and sidewalks there and review what the issue is with whether or not sidewalks or a shoulder would be justified in some future project on North Street.

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 date April 30, 2018.

PARKS COMMISSION

Mrs. Grube reported that the commission approved the bike parade for the 4th of July and the car show, provided that cars do not park on the pavers in Triangle Park.

SHADE TREE COMMISSION

Mrs. DeBernardo reported that the commission is hard at work with their air knifing program as well as many other programs in town.

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ARTS COMMISSION

No report.

PARKING COMMISSION

Mr. Newell reported that the commission discussed employees parking full-time on Main Street and North Franklin Street because they can not limit parking due to the noncompliance of the two-hour parking sign, which is now three hours. They were in agreement that we need to have the proper signage to indicate that this is three-hour limited parking. It was the recommendation of the Parking Commission to instruct the Mayor and the village administrator to purchase the signs and get them erected as soon as possible.

The commission also discussed parking meters. There was a strong support for parking meters and when we looked at the time frame it was going to be September or October before we could order and get them installed and we decided to do the signage at first and discuss meters at the next meeting.

CEMETERY COMMISSION

Mrs. Lipp announced a meeting for Wednesday, May 16, 2018 at 9:00 a.m.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

Mr. Jamieson reported that the Walters Road project is moving forward but it is too early to tell, at this point, if it will be completed by mid October.

REPORT OF THE ENGINEER

Mr. Lannon reported that bids are in for the road program.

REPORT OF THE POLICE CHIEF

Chief Dacek reported that they have a new vehicle for the parking officers. Parking signs have been ordered. And, they are currently in the process of hiring a part-time officer and possibly two part-time officers.

REPORT OF THE FIRE CHIEF

No report.

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

Jim Smith and Jeff Poprik, from the Chagrin Valley Jaycees, requested permission to use Riverside Park, and other facilities around town, for the 62nd annual Blossom Time Festival. They gave an

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update on the details of the Blossom Time Run (42nd annual). Moved by Mrs. Evans, seconded by Ms. Rogoff to approve the use of Riverside Park (and other facilities) by the Chagrin Valley Jaycees for the Blossom Time Festival. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None.

Lisa Gates, 509 North Street, said I wonder if there would be consideration of hiring part-time or full-time officers for the sole purpose of enforcing the speed limits around town? Regarding the speed limit review that is going to be taking place for speed limits throughout the village, I am interested in knowing about the process that is envisioned, the factors that are going to be considered, and the time table as far as when the process is going to start and when it is going to be completed. The third question is for the law director. Mr. Maersch instructed me to ask you this here, rather than by email, regarding your opinion on the Ohio Speed Limit Statute as applied to the segment of upper North Street from the county line to the Falls Road stop sign about a half mile segment. Could you briefly explain the basis for your opinion for the speed limit for this half mile stretch of road?

Mr. Maersch said just to pick up on what Mrs. Gates said, we started to have an extended discussion by email and me being tuned into the legal fees I thought, hey, if you came to the Council meeting Mr. Markowitz would be there.

Mayor Tomko said Karl, this discussion, per our Rules and Procedures, is limited to five minutes and it is 9:00 p.m. Mr. Maersch said I know it is.

Mr. Maersch said so, under the Ohio Revised Code, anything that is over a mile long is a through highway and has certain requirements on it. The issue that you are asking is does the fact that there is a stop sign at North Cleveland Street coming into town change that into a situation where we are mandated by state code to change the speed limit to 25 MPH. Mrs. Gates said not change it but what the speed limit is mandated because it is a half mile stretch of road. Mr. Markowitz gave us the advice that his reading of that code does not require us to have a 25 MPH speed limit but there are provisions of the code where we have the power to change the speed limit of that stretch if we wanted to. Mr. Markowitz said that is correct. Mr. Maersch said that is what the opinion is on that. Mrs. Gates said is that your opinion that the speed limit statute gives you discretion on how long the road is, how to treat the stop sign? Mr. Maersch said no, on whether that is a through highway and whether our municipality can regulate the speed limit; it gives us discretion. Mrs. Gates said to decide whether it fits the definition of a through highway? Mr. Markowitz said no. Mr. Maersch said to decide what the speed limit is going to be. Mrs. Gates said because it either is or is not a through highway? Can you say it is a through highway and then you could also say if you wanted that it isn't a through highway? Is that your opinion?

Mr. Maersch said we have to stop this; we can't do this. We've been around and around on this and I told you what the answer is. The answer is we can regulate it if we want to, that is all we need to do. When we do a study of speed limits around town if we want to change the speed limit on North Street we have the power to do it. That is the opinion of our law director, that is the end of it, there is no cross examining the law director, there is no dragging this out for any longer, and that is the issue. Mrs. Gates said Mr. Maersch, I am just doing what you told me to do. Mr. Maersch said and you did. I didn't say you come here and cross examine the law director. You

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told me that I could come to the meeting. I was talking to him on my email and you said stop talking to him and come to a meeting and ask him the questions if you want to talk to him. The other questions are still pending.

Mr. Maersch said enforcement of speed limits by hiring of a part-time officer. Have we ever talked about that? Chief Dacek said we have tried when we have the manpower available. If we have three people on I can assign an officer just to do traffic. All of the police officers that are out there are assigned to do traffic throughout their shift. Mrs. Gates said the question is, would you consider hiring somebody part-time for that specific purpose? Mayor Tomko said the answer is no.

Mr. Maersch said the next question is what is Council's process time table? What factors are they going to apply to address speed limits throughout the village? I don't know that we have a process. Mrs. DeBernardo said we do not have a process in place. My idea would be to get some more speed data from this season. We just started putting the speed meter back out on the roadways so I am thinking probably August and we will have a process in place before we meet for that.

Samantha Probst, 24 Philomethian Street, requested permission to be able to park on Philomethian Street during the Memorial Day weekend. Chief Dacek said Philomethian Street is a huge cut through for the squad during the parade and we will have to make sure that it will be able to get through. Mayor Tomko said I would defer to the police chief and the fire chief; whatever they decide is fine.

MISCELLANEOUS

Mr. Maersch said Mayor Tomko, Mr. Jamieson, Mr. Newell, and I attended the Chagrin Valley Chamber of Commerce lunch program today and the topic was autonomous vehicles and their use in the Chagrin Valley. It was Jay Schach's class from the high school and they did a phenomenal job. Mr. Mayor said it was absolutely first rate. Mr. Maersch said their idea, to summarize, is that there would be two autonomous buses that would run through town from end to end and access parking lots at either end. That would be a way to shuttle employees to work. Their economical model was based on the Parking Commission's study on what the demand was for employees. As a separate part of their proposal, they had five or six autonomous ubers where there is an app that any resident can pay a monthly fee for and have free access for an uber to show up at their house.

Mr. Maersch said my idea would be potentially have them come to Council and do the same thing as a special Council meeting or maybe even at a Parking Commission meeting. I thought it was an opportunity to have a community discussion about the future of parking and the future of parking needs.

ADJOURNMENT

Mr. Maersch adjourned the meeting at 9:06 p.m.

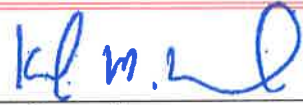
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President of Council



Clerk of Council