

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTR0P11

Held _____ JUNE 25, _____ 20 18 _____

The meeting of the Council of the Village of Chagrin Falls was called to order at 7:03 p.m. by Mr. Maersch.

Member present: DeBernardo, Grube, Lipp, Maersch, Newell, Rogoff
 Members absent: Evans
 Officials present: Mayor Tomko, Bloom, Alunni, Dacek, Markowitz, Jamieson, Lannon

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

APPROVAL OF MINUTES

Moved by Mrs. Grube, seconded by Mr. Newell that the minutes of the meeting held June 11, 2018 be approved, as amended. Carried. Ayes: DeBernardo, 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 I received an email this morning from William Hanna, attorney at Walter Haverfield, who has been assisting us on the small cell legislation. He asked us to agree to waive any conflict of interest in his firm representing the Chagrin Falls Excmpted School District in drafting a memorandum of understanding regarding the municipal resource officer that we are providing to the Village. I recommend that we agree to waive any conflict for that specific matter so that his firm can provide assistance to the Board of Education. As far as I know, there will be no legal work from our firm in dealing with that unless the Chief or somebody calls me on it but I don't see any real issue. Even if we do get involved I certainly would see no relationship between the work that they are doing for the school board and the work on the small cell legislation. I would ask that a motion be passed to waive the conflict of interest.

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Mr. Newell asked, what is the small cell legislation? Mr. Markowitz said it is a new law in Ohio that goes into effect at the end of July. It is to allow carriers to be able to put cellular communication facilities on poles in the village without having to go on big towers.

Moved by Mr. Maersch, seconded by Mr. Newell that we waive a conflict of interest for the firm of Walter & Haverfield to represent the Chagrin Falls School District in its contract work for a school resource officer with the Village. Carried. Ayes: DeBernardo, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None

Mr. Markowitz said the Ohio Municipal League, at 2:05 p.m. this afternoon, sent an email to Dave Bloom that was also sent to Mayor Tomko and myself. He said House Bill 602 is introduced by a state representative from Worthington Ohio who must have had experience in the townships with this issue where municipalities, on their sewer and water charges, tend to charge higher rates to nonresidents, including Chagrin Falls. If they pass this bill they will prohibit you from doing so and the penalty, if you disregard them, is that you will lose 20% of your local government fund distribution and you will be ineligible for state water and sewer development assistance, which is huge. And, if you impose conditions against another subdivision before furnishing water and sewer service you forfeit all of your local government fund and you are ineligible for state water and sewer development. If we were to do a JED agreement, with a township let's say or we did a JEDS with another community or municipality, and we said as a condition of that you couldn't do certain things or whatever and then we provided sewer and water service then we would lose all our money from LGF and couldn't get any state grants if we charged the higher rate.

Ms. Rogoff said what if we refuse to allow anybody outside of the village to tie into the sewer and water and just not take anybody else? Mr. Markowitz said then you don't take anybody else but you have to reduce the rates you are charging now for the people you are serving outside the village.

Mr. Markowitz said I would like a resolution of the Village Council to oppose House Bill 602 and to urge our legislators to vote not to allow it out of committee and if it gets out of committee to vote against its passage.

Mayor Tomko said we spent tax dollars on the water and sewer system that residents outside of the village don't contribute to. This is the most patently unfair thing I've ever come across. Mr. Markowitz said what you would have to do is raise the rates to everybody and then just stop using general funds to do anything for the utilities.

Moved by Mr. Newell, seconded by Mrs. Grube that we authorize the law director to compose a resolution that very strongly states our opposition to House Bill 602 and that he subsequently gets it to the Mayor for his signature and then we distribute it to our elected officials to protect our interest on the utility bills. Carried. Ayes: DeBernardo, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None.

Mr. Maersch said that was Resolution No. 2018-47.

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APPROPRIATIONS AMENDED FOR THE YEAR ENDING DECEMBER 31, 2018

Mr. Maersch introduced Ordinance No. 2018-42 entitled:

AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF CHAGRIN FALLS FOR THE YEAR ENDING DECEMBER 31, 2018 AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mr. Maersch that the requirement for reading an ordinance three times be suspended. Carried. Ayes: DeBernardo, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mrs. Grube that the ordinance be adopted. Carried. Ayes: DeBernardo, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mr. Bloom said in March we received a \$40,000 donation/gift from a local resident that is to be applied 100% to the cost of a school resource officer. Chief Dacek has asked that her budget be amended to reflect this donation/gift so that when we go forward throughout the year it won't look like she is over appropriating or overspending.

AUTHORIZATION TO ADVERTISE FOR BIDS TO REPLACE THE WATER METERS AND THE METERING SYSTEM

Mr. Newell introduced Resolution No. 2018-43 entitled:

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS TO REPLACE THE WATER METERS AND THE METERING SYSTEM FOR THE VILLAGE WATER UTILITY.

Moved by Mr. Newell, seconded by Mrs. DeBernardo that the resolution be adopted. Carried. Ayes: DeBernardo, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mr. Newell said this is a followup from our discussion at the last Council meeting and the Utilities Committee meeting beforehand. Basically we are all in agreement that getting new, updated meters to be able to continuously monitor the water usage is a good thing for the village.

CEMETERY-PERPETUAL CARE FUND

Mayor Tomko introduced Ordinance No. 2018-44 entitled:

AN ORDINANCE ESTABLISHING A FUNDING MECHANISM FOR THE CEMETERY-PERPETUAL CARE FUND.

Mayor Tomko said the idea is to take a portion of the cemetery sales each year and allocate it to a Perpetual Care Fund that would allow us to formally accumulate monies to fund the future maintenance costs of the cemetery once the lots are all sold. The cemetery is a long-term liability, it is not an income source. We had done this in the past and had almost 1 million dollars in that fund but unfortunately that money was taken out and spent.

Mr. Maersch placed this ordinance on readings.

ALTERNATIVE TAX BUDGET ADOPTED

Mr. Maersch introduced Resolution No. 2018-45 entitled:

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A RESOLUTION ADOPTING THE CHAGRIN FALLS ALTERNATIVE TAX BUDGET FOR FISCAL YEAR 2019, AND DECLARING AN EMERGENCY.

Moved by Maersch, seconded by Ms. Rogoff that the resolution be adopted. Carried. Ayes: DeBernardo, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mr. Bloom said this has no effect on our budget at all. This is the information that the county requires every year to begin to set property taxes in the fall. The only really important page here is page #2, schedule 1 where we show the maximum rate authorized by fund and that is what they use to begin their process.

CODIFIED ORDINANCES REVISED

Mr. Maersch introduced Ordinance No. 2018-46 entitled:

AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mr. Maersch that the requirement for reading an ordinance three times be suspended. Carried. Ayes: DeBernardo, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mr. Maersch that the ordinance be adopted. Carried. Ayes: DeBernardo, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mr. Markowitz said as the legislature passes new laws they get all of the municipalities to conform to be consistent with the state code.

COMMITTEE REPORTS:**STREETS AND SIDEWALKS COMMITTEE**

Mrs. Grube reported that they discussed resident safety concerns on North Street. They are going to look at options for what could possibly be done there. Mr. Maersch said we had residents come to Council meetings and request that we re-look at the 2014 survey results and decide whether we thought there was reason to resurvey residents about pedestrian options. The committee voted three to zero to look into re-surveying. Potential options are sidewalks or adding onto the road with a pedestrian lane. Mrs. DeBernardo said we were clear that this would be assessed to the residents. Mayor Tomko said this was frightfully expensive when we looked at it last time.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

Ms. Rogoff reported that the commission discussed the issue of vacating Maple Lane. The two residents at the meeting were both in opposition to vacating Maple Lane.

Ms. Rogoff also reported that the commission reviewed Chapter 1115, Design Guidelines.

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SAFETY COMMITTEE

No report.

UTILITIES COMMITTEE

No report.

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, June 26, 2018 at 3:00 p.m.

SHADE TREE COMMISSION

Mrs. DeBernardo announced a meeting for Wednesday, July 11, 2018 at 8:30 a.m.

ARTS COMMISSION

No report.

PARKING COMMISSION

No report.

CEMETERY COMMISSION

No report.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

No report.

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REPORT OF THE ENGINEER

Regarding Walters Road, Mr. Lannon reported that the contractor has finished the sanitary sewers, which also included abandoning the Hickory Hill lift station.

REPORT OF THE POLICE CHIEF

Chief Dacek mentioned that North Franklin Street will be blocked off on the 4th of July for the car show. She also mentioned that Michael Baldwin has been through training for a single officer's response to active threats.

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 mentioned that the City of Solon has applied to the O.D.N.R. for grant money to complete the bike path trail from Carter Lumber to the Chagrin River. Mayor Kraus has asked us if we would be willing to pass a resolution of support for the funding because it is a multi-step process. It doesn't touch our property so there is really nothing for us to do other than understand that if the trail gets built in Solon, the Metro Parks builds the bridge, and the Metro Parks builds the trail then folks will be able to ride from Chagrin Falls to Solon, vice versa.

Mr. Newell said I read a newspaper article that talked about how they have never seen a higher opposition to a project by Solon residents to this bike path. There were a lot of people that were just vehemently opposed to having people going down the path in their back yards.

Mr. Maersch said this seems to be the same people who are well organized and vocal in opposition to anything that goes on in Solon. He said Solon owns this land and they bought this land for this purpose.

Moved by Mr. Newell, seconded by Mrs. DeBernardo that we authorize the law director to draft a resolution of support for Solon's O.D.N.R. funding. Carried. Ayes: DeBernardo, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None.

Mrs. DeBernardo asked for clarification on the "no solicitation rule". She said some communities have a "no knock" list, is that something that we investigated? Mr. Markowitz said our provision is essentially that if you don't want somebody knocking on your door you can put up a sign and then they can't knock on your door.

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ADJOURNMENT

Mr. Maersch adjourned the meeting at 8:01 p.m.



President of Council



Clerk of Council