

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held

AUGUST 13,

20 18

The meeting of the Council of the Village of Chagrin Falls was called to order at 7:02 p.m. by Mr. Maersch.

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

APPROVAL OF MINUTES

Moved by Mr. Newell, seconded by Ms. Rogoff that the minutes of the meeting held June 25, 2018 be approved. Carried. Ayes: DeBernardo, Grube, Lipp, Maersch, Newell, Rogoff. Abstain: Evans. Nays: None.

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

Moved by Ms. Rogoff, seconded by Mrs. DeBernardo that the minutes of the meeting held July 23, 2018 be approved. Carried. Ayes: DeBernardo, Lipp, Newell, Rogoff. Abstain: Evans, Grube, Maersch. Nays: None.

REPORT OF THE MAYOR

Mayor Tomko reported that we are in receipt of a letter, as of today, from the State of Ohio confirming the \$200,000 contribution of the State Capital Funds towards the wing walls for next year. A special thanks to Matt Dolan who fought for that for us and also to remember Jack Schron who got \$230,000 towards the wing walls out of the county towards that budget. We think the total cost will be about \$1,200,000 so that \$400,000 is a big help.

Mayor Tomko recapped the finances of the village at the half-year mark. He said the Financial Statement of the general village condition is good. Utilities has been a concern but you can see the very strong turnaround in the utility operations, which is attributable to the rate increases, and the renegotiation of the Cleveland contract which has been huge in the water and tight cost control. We have gone from combined losses of around \$300,000 to being in the black by almost \$500,000. The numbers for the health insurance are through July and this reflects annualized savings, over the previous healthcare, of \$136,000 but we shouldn't focus on that because the expenses on our side will be back end loaded but I think savings somewhere in the \$80,000 to \$100,000 range should be realistic. The current loss ratio is 31% and that is outstanding. Normally it is around 80% so we should stand in very good shape for negotiations of a rate increase this year. It is all good news and the employees are very satisfied; there are no complaints and we are saving a significant amount of money. Mayor Tomko said last year when we were talking about the Capital Budget I said I thought that for this coming year, 2019, we would have to spend between \$75,000 and \$100,000 on a new

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phone system and related hardware and software. We have found that by moving to a VOIP and cloud-hosted phone system we could avoid all expenditures of that money. As a part of the audit, we went through every telephone line that we had and found that we could eliminate quite a few. We are projecting a \$4,000 a month savings by terminating those lines. We have saved somewhere around \$100,000 in Capital Funds for next year and we are generating around just under \$50,000 in Capital Funds. Mayor Tomko thanked Debbie Bosworth for all of the work she has done with this vendor.

Condolences were expressed for the passing of Ted Sande, the village's Historic Consultant.

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**SUBMISSION TO THE ELECTORS - PROPOSED CHARTER AMENDMENTS**

Mr. Maersch introduced Ordinance No. 2018-54 entitled:

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF CHAGRIN FALLS TWO PROPOSED AMENDMENTS TO THE VILLAGE CHARTER TO ADD ALTERNATE MEMBERS TO THE BOARD OF ZONING APPEALS AND ARCHITECTURAL BOARD OF REVIEW AND AMENDING ARTICLE VII, SECTIONS 5 AND 9 OF THE CHARTER OF THE VILLAGE OF CHAGRIN FALLS AND REPEALING ORDINANCE NO. 2018-14.

Moved by Mr. Newell, seconded by Mrs. Evans that the requirement for reading an ordinance three time 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. Maersch said from time to time we have members of the ARB or the BZA who are not available for meetings and we have to cancel meetings and reschedule meetings, which is sort of inconvenient for our residents or anyone who is coming before the village to try to get something done. The theory is that we would establish three alternates for the BZA and three alternates for the ARB and then when one or more members of either of these boards can not attend somebody would go to the roster of alternates and pick someone.

NORTH MAIN STREET BRIDGE CONTRACT

Mr. Maersch introduced Ordinance No. 2018-55 entitled:

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AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE COUNTY OF CUYAHOGA, OHIO TO CONSENT TO THE COUNTY REHABILITATING THE NORTH MAIN STREET BRIDGE KNOWN AS BRIDGE NO. 00.12 OVER THE CHAGRIN RIVER AND DECLARING AN EMERGENCY.

Moved by Mr. Maersch, seconded by Mr. Newell that the requirement for reading an ordinance three time 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. Jamieson said this is a procedural requirement of the county in order to move forward with the execution of the bridge replacement project.

DUMP TRUCK EQUIPMENT PACKAGE CONTRACT

Mrs. Evans introduced Ordinance No. 2018-56 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CONCORD ROAD EQUIPMENT MFG., INC. TO ACQUIRE A DUMP TRUCK EQUIPMENT PACKAGE THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY.

Moved by Mr. Maersch, seconded by Mrs. Evans that the requirement for reading an ordinance three time be suspended. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Moved by Mrs. Evans, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mrs. Evans said at our June 11th meeting we approved an ordinance purchasing the truck chassis and cab and this ordinance is purchasing the equipment to put on the truck. Mr. Jamieson said it includes snow plow equipment, the combination dump bed/salt spreader, and warning lights. Mrs. Evans said the cost is \$111,940.79.

SANITARY SEWER DEVELOPMENT AGREEMENT

Mr. Newell introduced Ordinance No. 2018-57 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SANITARY SEWER DEVELOPMENT AGREEMENT WITH THE VILLAGE OF MORELAND HILLS AND CHAGRIN BOULEVARD RIVER DEVELOPMENT, LLC AUTHORIZING THE MAYOR TO ENTER INTO AN EASEMENT WITH CHAGRIN BOULEVARD RIVER DEVELOPMENT, LLC AND DECLARING AN EMERGENCY.

Mr. Markowitz said when we first got the request for this we were under the impression that all of the lots other than one, where a house is already built, would be connected to the sewer. I drafted a sanitary sewer development agreement that mandated that all the lots other than one tie in and that is what Moreland Hills wanted. Last week we got a description of the easement where the sewer line was going to go. I actually thought that the sewer line was going in the right-of-way, as did Moreland Hills and they were going to grant us an easement. We then learned that the sewer line

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is going outside of the right-of-way on private property. When we got that I called the developer and said I need to see a title commitment because I want to see who is entitled here. I think some of the lots are sold thinking that we were still doing seven of the lots. When we got the title commitment I realized only three lots are subject to the sewer easement.

Mr. Maersch placed this ordinance on readings.

COMMITTEE REPORTS:**STREETS AND SIDEWALKS COMMITTEE**

No report.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

Ms. Rogoff announced a meeting for Monday, August 20, 2018 at 7:30 p.m.

SAFETY COMMITTEE

Mrs. DeBernardo reported that the committee discussed a request for "No Through Trucks" signs on North Street. Residents did not feel that truck traffic was an issue. I made a motion to install such signs and it died for a lack of a second so we will not be recommending that the signs go up. We did recommend that the administration look into whether any signage or any type of improvements can be added at the curve to make it safer because there is some evidence of cars taking it too quickly. We also looked at the Bell/Walters intersection and we passed a motion to recommend to the administration that as this project at Walters Road wraps up that we put in crosswalks at all three crossings of the Bell/Walters intersection as well as a stop sign to complete that junction into a three-way stop instead of the current two stop signs and one road that has continuous traffic. We heard from a resident about making this community a permissive community for golf carts and there was discussion. No action was taken and discussion will continue.

UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

No report.

ADMINISTRATION AND COMPENSATION COMMITTEE

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No report.

FINANCE COMMITTEE

No report.

PARKS COMMISSION

Mrs. Grube reported that the Safe Routes Walk to School/Walk to Town Event is scheduled for Friday, September 28, 2018 and rain dates are scheduled for October 5th and 26th. She mentioned that they turned down a request by the Kronenberg family to have a family reunion dinner at the entrance of Riverside Park.

SHADE TREE COMMISSION

Mrs. DeBernardo reported that she will be attending a Public Officials Tree Commission training session on Wednesday.

Mrs. DeBernardo reported that interested parties who would like to fill a position on this commission should contact the Mayor.

Mrs. DeBernardo also reported that the commission is looking at doing a heritage tree identification throughout the village.

ARTS COMMISSION

Ms. Rogoff announced a meeting for Monday, August 20, 2018 at 6:00 p.m.

PARKING COMMISSION

No report.

CEMETERY COMMISSION

Mrs. Lipp announced a meeting for Wednesday, August 15, 2018 at 9:00 a.m.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

Mr. Jamieson reported that we are currently advertising for bids for our five to seven-year refuse and recycling contract; bids are due in Friday. A lot of the material from the United States can no longer be exported to China and that has created a backlog across the country. Markets are trying to adjust and find out what to do with this material. We are going to be partnering with the county in coming up with some improved education efforts to our residents as to what can really be recycled.

REPORT OF THE ENGINEER

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Mr. Lannon reported that the waste water treatment plant operates under a five year permit and every five years the requirements get stricter. The current permit requires that the sand filters be replaced and the addition of an equalization base to eliminate sanitary sewer overflows. We would basically have to build an additional tank down by the current tank at River Run Park and about the same size. We are required to have plans complete by the end of this year. We agree 100% on the replacement of the sand filters because the current filters are rusted out and go into continual backwash mode during heavy flow conditions. We have an alternative plan for the equalization basin that we are going to approach the EPA with. The plan is to replace or rehabilitate the remaining portions of the original sewer system. We have rehabilitated about half of the original ten miles of sewers that were built in 1907. Our hope and goal is to rehabilitate those sewers that will reduce the amount of wet flow that gets into the sanitary system. After some period of time, hopefully in the five year range, we would show enough improvement that at that time we could build a smaller equalization basin.

Mr. Lannon reported on the Walters Road project and the Greenbrier project. Mr. Lillash reported on the drainage issue on West Cottage Street.

REPORT OF THE POLICE CHIEF

Chief Dacek reported on the Safety Town graduation, the School Resource Officer's training, a grant for a radio system, and the resurfacing of North Main Street.

REPORT OF THE FIRE CHIEF

No report.

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

Jeff Griff, Chamber of Commerce, mentioned that the Chagrin Falls Township has asked that the Chamber of Commerce take over the operation of the visitors center at the Town Hall. And, the Chamber is very excited to do so. He is requesting that the funds that the village was providing to Your Home Town Chagrin will now be provided to the Chamber.

Jeff Pope, 67 May Court, said the parking issue on May Court has progressively gotten worse. The street, Monday through Saturday, is typically packed with cars from employees of local businesses between 8:00 a.m. and 6:00 p.m. It is a safety issue. Mayor Tomko said we are interested in doing anything we can. There are some legitimate safety concerns at the curve.

Mr. Maersch said since this was brought up last Fall, we did notify the businesses, via a hand written letter, from East Washington Street and around the corner where South Main Street intersects with May Court. The Mayor has contracted with a number of churches and businesses for parking during the day. Mayor Tomko said I think we will have significantly more parking spaces available next Summer when the Philomethian school is largely complete as to the parking lot. Mr. Maersch said the problem is that we sent that letter out and showed them a map of available parking and they didn't do anything.

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Mr. Pope said we talked about making it a one-way street, having the restriction of no parking between 8:00 a.m. and 6:00 p.m. Monday through Saturday, and having resident permits to park on the street.

Chief Dacek said if you remove the cars of the employees and replace them with cars of residents are you actually addressing the safety issue or not? Trip Stewart, 126 May Court, said right now there are three cars parked on the street and during the day there are typically fourteen cars parked on the street and twelve of those fourteen cars are the same cars every day, six days a week. The bigger issue is that the school bus can't get down the street; she drives on the sidewalk. When the fire chief needs to send a truck down the truck will have to go over cars.

Lisa Pope, 67 May Court, said it didn't feel like a safety issue when residents parked on the street until this happened; employees started parking on the street.

Mr. Maersch said what drove that issue? Why has this changed? Tom Landy, 48 May Court, said two very high-traffic businesses; the hairdresser and the chiropractor and they both have their own parking lots. They have instructed their employees to park on May Court and not in their own parking lots.

There was discussion regarding no parking from 8:00 a.m. to 6:00 p.m. and permits for residents. Mr. Maersch said no parking from 8:00 a.m. to 6:00 p.m. I am 100% on board with making it no parking. Chipping away at that gives me concerns. Then we are getting into a situation where other streets are going to ask for the same treatment and we could put whereas clauses in the legislation and say May Court is narrow and all that other stuff. The second concern is that we are essentially creating another enforcement mechanism for parking in this town. We have too many parking tickets, in my view, that we write and we have too many parking violations. I just hate creating another mechanism to ticket people when we don't have to.

Michael Rose, 87 May Court, said one thing we are leaving out is the issue of tradesmen, contractors, electricians, roofers, etc. Every day on our block I would say there are at least a couple of trucks on the street who are doing work on people's houses. If you eliminate them by saying no parking between those hours that is going to create a problem.

Mayor Tomko said we have had that situation come up and we handled it by giving them a special dispensation to park during a construction period. But, that doesn't address the safety issue. If a contractor is parked there the concern is that school bus that needs go up onto the sidewalk. It is going to reduce it but it isn't going to eliminate it. Mr. Rose said the school bus on the sidewalk is more tied to the population of cars.

Ginger, 120 Village Circle, said if you ban parking on May Court they will park on Elm Court.

Mr. Maersch said this will be Resolution No. 2018-58 and the resolution will be to ban parking on the entirety of May Court and also on Elm Court from the intersection of May Court to Village Circle on both sides of the street between the hours of 7:00 a.m. to 6:00 p.m. In order for this to work we would need five of seven of us to support this as a concept. My motion will be to put in

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place for thirty days and then I will make a separate motion to refer this issue to the Safety Committee.

My goal here is to preclude the idea that people just move their cars down to the Elm Court portion but there is only one resident here from Elm Court and so I don't want to impose this restriction all the way around the corner without hearing from those people. So for thirty days we will just go to Village Circle and that should dissuade people from going further than Village Circle. If we get new information we can deal with it then. How soon can you put up signage? Chief Dacek said we can start on it tomorrow. Mr. Maersch said it is effective whenever the legislation becomes effective and then it gets implemented whenever the police chief can reasonably implement it.

Moved by Mr. Maersch, seconded by Mr. Newell that Council pass Resolution No. 2018-58, which would ban vehicle parking on both sides of May Court in its entirety and ban vehicle parking on both sides of Elm Court from May Court to Village Circle all between the hours on both of those streets from 7:00 a.m. to 6:00 p.m. and that this ban be in place for thirty days Monday through Saturday effective immediately, and declaring an emergency. The emergency is the following: there is limited sight distance with cars parked on May Court and Elm Court, there are kids that will be starting school and playing in the street and that is creating a safety issue, it is difficult for the services, the garbage refuse collection and some safety services to navigate that area of the street and that necessitates the emergency. Carried. Ayes: Grube, Maersch, Newell, Rogoff. Nays: DeBernardo, Evans, Lipp.

Mrs. Evans said I support all of you that are here and I understand your problem. I just would like to do this in a little more methodical way and I think Mr. Newell's suggestion for two weeks and do a comprehensive study is a much better idea and I would prefer that.

Mrs. DeBernardo said I am happy to hear this at the Safety Committee and I will set up a meeting this week if we want to do that. I am concerned that we are drafting this on the fly. I absolutely agree that we need to do something and need to put some pressure on them. I am not comfortable with this procedure.

Mr. Markowitz said the resolution passes but not as an emergency. The thirty day ban will be in effect thirty days from now.

Mrs. Lipp said I feel like it is a little bit hasty. I am not sure that is the first choice of the residents who came and I also think it is going to create some problems as far as the tradesmen go and as far as the lack of notice. It might be the final decision we make and it might be the best solution.

Mayor Tomko said I think that we've got the mechanism here. Mrs. DeBernardo or Mr. Newell could call a Parking Commission meeting and/or a Safety Committee meeting to hear these issues. We haven't seen all of your ideas you drafted. You can come back before the next Council meeting and you could either pass it as an emergency at that time or you could put something of a permanent nature in place at that time. I really think that it needs to be vented a bit. Mrs. Evans and Mr. Newell both said I agree.

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Mr. Markowitz said nobody has mentioned yet, the business owners. We should let them know that we passed this and that they better show up for that Safety Committee meeting if they want their input and maybe we will get a better solution because now they will know that we are serious and they are going to have to park in their lot or else they better come up with a better solution.

MISCELLANEOUS

Mrs. DeBernardo asked about the status of Parkmobile. Chief Dacek said we have to get them some paperwork for the financial transactions and, because of the way the meters are positioned, we are going to have to have different stickers on some of them and some signs.

ADJOURNMENT

Mr. Maersch adjourned the meeting at 8:49 p.m.

President of Council

Clerk of Council