



AGENDA

Chagrin Falls Village Council

Monday

February 13, 2023

7:30 PM

| Village Hall | 21 W. Washington Street | 440-247-5050

This is a public meeting and all are welcome to attend. In-person meetings are held in Council Chambers at Village Hall.

Members of the public wishing to speak to agenda items must advise the Clerk of Council of their intent to do so by noon on the day of the Council Meeting.

1. Moment of Silence/Pledge of Allegiance
2. Roll Call and Action Concerning Absentees
3. Reading and Disposal of Minutes None
4. Administrative Reports

| | | |
|---|--|-----------------|
| a. Mayor | | William Tomko |
| 1. Swear in Police Officer, Brian Flohr | | |
| b. Finance Director | | Angela Gerye |
| c. Law Director | | Dale Markowitz |
| d. Chief Administrative Officer | | Robert Jamieson |
| e. Engineer | | Tim Lannon |
| f. Police Chief | | Amber Dacek |
| g. Fire Chief | | Frank Zugan |
5. Council Reports

| | | | |
|--------------------------|---------|-------------------------|------------|
| a. Committee Reports | | b. Commission Reports | |
| 1. Admin & Comp | Subel | 1. Arts | DeBernardo |
| 2. Facilities & Services | Rockey | 2. Board Zoning Appeals | Rockey |
| 3. Finance | Rogoff | 3. Cemetery | Grube |
| 4. Safety | Drum | 4. Grove Hill | Rogoff |
| 5. Streets & Sidewalks | Grube | 5. Merchant Liaison | DeBernardo |
| 6. Utilities | Corkran | 6. Parks | Drum |
| | | 7. Planning & Zoning | Rogoff |
| | | 8. Shade Tree | Rockey |
6. Presentation to Council None
7. Public Hearing None
8. Members of the Public to Speak to Agenda Items (not to exceed 5 minutes per speaker)
9. Legislative Docket: Disposition of legislation, including any public hearings on legislation
 - a. **Ordinance No. 2023-04**
(Mobile Food Units)
 AN ORDINANCE OF THE VILLAGE OF CHAGRIN FALLS TO ESTABLISH REGULATIONS FOR MOBILE FOOD UNIT OPERATIONS IN THE VILLAGE OF CHAGRIN FALLS.
 - Introduced by: Rogoff (Planning & Zoning)
 - 1st Reading (02/13/23)

b. Ordinance No. 2022-05

(Position Classification and Salary Schedule - K9)

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

- Introduced by: Subel (Admin & Comp)
- 1st Reading (02/13/23)

10. Members of the Public to Speak to Any Matter (not to exceed 5 minutes per speaker)

11. Miscellaneous - Riverside Park Playground

12. Adjournment Time

ORDINANCE 2023-04
INTRODUCED BY: ROGOFF

4449

**AN ORDINANCE
OF THE VILLAGE OF CHAGRIN FALLS TO
ESTABLISH REGULATIONS FOR MOBILE FOOD
UNIT OPERATIONS IN THE VILLAGE OF CHAGRIN
FALLS**

WHEREAS, the Planning and Zoning Commission, at their November 21, 2022 meeting recommended to Council to regulate mobile food units when operating in the Village of Chagrin Falls to add new Chapter 767: and

WHEREAS, Council desires to enact new chapter 767 to be added to the Codified Ordinances to regulate, at present, mobile food units on Village owned property, as more fully set forth in EXHIBIT "A" attached hereto and made a part hereof.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

Section 1. That Chapter 767, attached hereto as EXHIBIT "A", regulating the operation of mobile food units, as defined in new Chapter 767, is hereby adopted and the Codified Ordinances shall be amended to add new Chapter 767.

Section 2. The ordinances of the Village, to the extent inconsistent with the newly enacted provision herein regarding Chapter 767, attached hereto as EXHIBIT "A", are hereby repealed, except to the extent that such code sections are the subject of an enforcement action they shall be considered effective for the purposes of an enforcement for any violations that occurred prior to repeal.

Section 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

Section 4. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

ORDINANCE 2023-04
INTRODUCED BY: ROGOFF

Section 5. That this Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED: _____, 2023

Angela DeBernardo, Council President

Submitted to the Mayor for
his approval on this

_____ day of _____, 2023

Approved by the Mayor

Mayor William Tomko

I hereby certify that Ordinance No. 2023-04 was duly enacted on the _____ day of _____, 2023, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

Angela Gergye, Clerk of Council

ORDINANCE 2023-04
INTRODUCED BY: ROGOFF

EXHIBIT “A”

CHAPTER 767
Mobile Food Units

- 767.01 Intent
- 767.02 Definition
- 767.03 Conditions for Mobile Food Unit Operation in the Municipality
- 767.04 General Conditions for Mobile Food Unit Operation in the Municipality
- 767.05 Permit Application Process
- 767.06 Permit Suspension and Revocation; Penalties

767.01 INTENT

The purpose of this chapter is to establish regulations for Mobile Food Units, also referred to as “Food Trucks,” and other mobile food vending vehicles, in order to prevent safety, traffic, parking and health hazards, as well as to preserve the peace, safety, and welfare of the Municipality.

767.02 DEFINITION

“Mobile Food Unit” means any apparatus or equipment that is used to cook, prepare, or serve food or beverages, and that routinely changes or can change location and is operated from a moveable vehicle or apparatus, including but not limited to motorized vehicles, trailers, and hand or pedal propelled carts. This definition does not include (i) any vehicle used to serve or sell pre-packaged ice-cream or other frozen confections operating in a Residential Zoning District which only stops to vend products; (ii) any “meals-on-wheels” type program vehicles delivering food to residents who need assistance with their daily nutrition; or (iii) any vehicle operating as part of a delivery service for food that is pre-ordered and delivered directly to a residence or business.

767.03 CONDITIONS FOR MOBILE FOOD UNIT OPERATION IN THE MUNICIPALITY

Mobile Food Units may operate in the municipality only if the Mobile Food Unit is (i) placed on Municipal owned or leased property, and/or Municipal streets, alleys and rights-of-way that is part of a Municipality-wide public event that has been approved by Council (“Public Event”), or (ii) operates completely on non-Municipal owned property for an event, sponsored by the property owner or resident of such property.

- A. Mobile Food Units at approved Public Events. Council may authorize Mobile Food Unit operation on property owned or leased by the Municipality including, but not limited to, parks, parking lots, streets, alleys, or other rights-of-way only in connection with and as part of a Municipality-wide Public Event.
 - 1. The presence and placement of any Mobile Food Unit shall be approved as part of the Public Event.
 - 2. The Mobile Food Unit operator or owner shall obtain a Mobile Food Unit permit (“MFU Permit”) from the Municipality.
 - 3. The placement of the Mobile Food Unit shall be approved by the Chief Administrative Officer and the Municipality Police and Fire Departments. No Mobile Food Unit shall operate in a location fewer than five feet from a driveway or alley and no fewer than ten feet from street intersections.
 - 4. The operator or owner of the Mobile Food Unit shall obtain an approved inspection certificate from the Municipal Fire Department.
 - 5. A Mobile Food Unit operating as part of a Public Event may only operate during the open times of the Public Event. A Mobile Food Unit shall not be left unattended; any Mobile

ORDINANCE 2023-04
INTRODUCED BY: ROGOFF

Food Unit that is found to be unattended shall be considered a public safety hazard and may be cited for violation of the Ordinances of the Municipality and impounded.

6. Unless specially allowed by terms of the Public Event or MFU Permit, no Mobile Food Unit shall be parked on Municipality streets, parking lots, public rights-of-way, park property, or other public property overnight. When allowed to park overnight, any Mobile Food Unit left without active attendance must be secured sufficiently to prevent access, use of equipment, and movement of the unit.
7. The Public Event organizer or Mobile Food Unit operator shall provide adequate trash containers to receive all garbage created by its operation in the Municipality and shall clear any litter from its area of operation at the end of each day.

767.04 GENERAL CONDITIONS FOR MOBILE FOOD UNIT OPERATION IN THE MUNICIPALITY

Any Mobile Food Unit operating within the Municipality shall comply with the following requirements:

- A. Display an appropriate, valid license from the Cuyahoga County Board of Health.
- B. When located on Municipal owned or leased property, and/or Municipal streets, alleys and rights-of-way, display the MFU Permit issued by the Municipality and all other licenses and certificates signifying compliance with state and county laws, ordinances, codes, orders, and regulations.
- C. Be subject to inspections during operation in the Municipality for compliance with local, state, and county laws, ordinances, codes, orders, and regulations.

767.05 PERMIT APPLICATION PROCESS.

- A. No Mobile Food Unit, placed on Municipal owned or leased property, and/or Municipal streets, alleys and rights-of-way shall operate in the Municipality without a valid MFU Permit issued by the Municipality. The MFU Permit must be obtained from the Chief Administrative Officer by the owner or operator of the Mobile Food Unit.
- B. MFU Permits issued in accordance with this Chapter are not transferrable.
- C. Application for a MFU Permit shall be made to the Chief Administrative Officer on a form provided to the applicant at least five (5) business days prior to the date when the Mobile Food Unit will conduct business in the Municipality. The request for a MFU Permit shall contain:
 1. A completed application form;
 2. The permit fee of \$100 per Mobile Food Unit for each day or part of a day the Mobile Food Unit operates within the Municipality;
 3. Evidence that the Mobile Food Unit has obtained all required licenses to operate in Cuyahoga County, Ohio;
 4. A signed statement that the permittee shall defend, indemnify, and hold harmless the Municipality, its officers, and employees, from any and all claims for damages to property or death or injury to persons and the reasonable attorney fees incurred in defending any such claims which may occur in connection with an activity carried out under the terms of the permit; and
 5. Proof of liability insurance in the form of a certificate of insurance with limits no less than one million dollars (\$1,000,000) per occurrence, two million dollars (\$2,000,000) aggregate, five hundred thousand dollars property damage coverage (\$500,000.00) and the Village of Chagrin Falls is named on the certificate as additionally insured during a term at least equal to the term of the MFU Permit, as a condition of the MFU Permit.
- D. The CHIEF ADMINISTRATIVE OFFICER, Municipal Police Department, or Fire Department may request additional information prior to issuing a MFU Permit, in order to carry out the purpose of this Chapter.
- E. The CHIEF ADMINISTRATIVE OFFICER may approve the MFU Permit, approve the MFU Permit with conditions, or deny the MFU Permit if the CHIEF ADMINISTRATIVE OFFICER

ORDINANCE 2023-04
INTRODUCED BY: ROGOFF

determines that the application does not comply with this Chapter. If denied, the CHIEF ADMINISTRATIVE OFFICER shall transmit in writing or by electronic mail the reasons for the denial to the applicant.

767.06 PERMIT SUSPENSION AND REVOCATION; PENALTIES

- A. The CHIEF ADMINISTRATIVE OFFICER may temporarily suspend any MFU Permit if the location and/or operation of the Mobile Food Unit is in conflict with the public interest, for example if the area occupied by the Mobile Food Unit is needed for a public event, construction, repair, or any other public purpose.
- B. The CHIEF ADMINISTRATIVE OFFICER may revoke a MFU Permit upon finding any provision of this Chapter or condition of approval has been violated or if the Mobile Food Unit is not in compliance with any state, county, or local laws ordinances, orders, codes or regulations. Such action shall be effective immediately.
- C. An applicant may appeal denial or revocation of a MFU Permit as provided in Chapter 1111 of the Planning and Zoning Code of the Municipality.
- D. Whomever violates any of the provisions of this Chapter shall be guilty of a misdemeanor of the first degree. Each day such violation continues shall constitute a separate offense.

**ORDINANCE 2023-05
INTRODUCED BY: SUBEL**

4450

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

WHEREAS, this Council has the authority, pursuant to Article VII, Section 1 of the Charter of the Village of Chagrin Falls, to establish the organization of departments and the compensation of employees of the Village.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

Section 1. this Council establishes the various positions within the service of the Village and the salary ranges and hourly rates for each position are as follows:

| CLASS TITLE | |
|----------------------|---|
| PUBLIC SAFETY | |
| 1 | Police Chief 32 |
| 1 | Police Lieutenant 30 |
| 1 | Fire Chief 21 |
| 3 | Police Sergeant 27 |
| 9 | Police Officer 25 |
| 6 | Police Officer (Part-Time), Temp. Classification 25 |
| 1 | Police Secretary 20 |
| 1 | Police Detective - Part Time 18 |
| 2 | Police Clerks 18 |
| 2 | Police Traffic Officer - Part-Time 11 |
| 20 | Police Officer - Part-Time 17 |
| 2 | Police Clerks (Part-Time) 16 |
| 1 | Fire Prevention Officer 23 |
| 1 | Fire Prevention Officer 23 |

ORDINANCE 2022-05
INTRODUCED BY: SUBEL

PUBLIC SERVICE - UTILITIES DIVISION

| | |
|---|----|
| 1 Superintendent of Utilities | 29 |
| 1 Assistant Superintendent of Utilities | 27 |
| 2 Foreman | 24 |
| 7 Operators | |
| Certified II or III | 22 |
| Certified 1 | 21 |
| Non-Certified | 19 |
| 1 Clerk-Secretary | 20 |
| 1 Assistant Clerk - Secretary | 19 |
| 6 Laborer - Part-Time; Seasonal | 7 |
| 3 Laborer Special, Part-Time; Seasonal | 13 |

PUBLIC SERVICE - STREETS & SERVICES DIVISION

| | |
|--|----|
| 1 Street Superintendent | 28 |
| 1 Foreman | 24 |
| 7 Maintenance Technician | 19 |
| 10 Laborers Part-Time: Seasonal | 7 |
| 1 Laborer Special, Part-Time: Seasonal | 13 |

ADMINISTRATION

| | |
|--|----|
| 1 Chief Administrative Officer | 36 |
| 1 Finance Director | 32 |
| 1 Zoning and Building Inspector | 23 |
| 1 Administrative Assistant to CAO & Finance Director | 21 |
| 3 Finance Assistants (full-time; part-time) | 19 |

Section 2. this Council establishes the various positions within the service of the Village and the salary ranges and hourly rates for each position are as follows:

LAW DIRECTOR

Per other ordinance of Council

PROSECUTOR

For proceedings in litigation, including the prosecution of criminal cases:

| | |
|---------------------------------------|---------------------|
| Retainer | \$4,841.00 per year |
| Hourly Rate (duties outside retainer) | \$205.00 per hour |
| Civil Litigation | \$229.00 per hour |

ARCHITECTURAL BOARD OF REVIEW

| | |
|-----------|---------------------|
| 5 Members | \$50.00 per meeting |
|-----------|---------------------|

POLICE DEPARTMENT

| | |
|---------------|------------------|
| 1 K-9 Handler | \$175.00 per pay |
|---------------|------------------|

ORDINANCE 2022-05
INTRODUCED BY: SUBEL

FIRE DEPARTMENT

Up to 75 Firefighters

| | |
|---|---------------------------|
| (a) Firefighter | \$35.65 per call or drill |
| (b) Lieutenant | \$39.09 per call or drill |
| (c) Captain | \$43.25 per call or drill |
| (d) Assistant Chief | \$52.38 per call or drill |
| (e) Fire Chief | \$60.73 per call or drill |
| (f) For fire inspections, checks, and public education per hour | |
| *not to exceed four (4) fire drills per month | \$24.43 per hour |

ENGINEER

Separate contract, signed January 23, 2012, Ordinance No. 2012-01.

ASSISTANT ADMINISTRATOR

Separate contract, signed July 12, 2022, Ordinance No. 2022-36.

ASSISTANT FINANCE DIRECTOR

Separate contract, signed July 12, 2022, Ordinance No. 2022-34.

SPECIAL PROJECT MANAGER

Separate contract, signed July 12, 2022, Ordinance No. 2022-35.

Section 3. This Council hereby adopts and establishes the salary schedule for the current employees, covered by the position classification and pay plan as set forth above, which schedule is appended hereto and incorporated herein by reference.

Section 4. The compensation hereinbefore set forth shall be effective December 11, 2022 and shall remain in effect until amended hereafter.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

Section 6. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

Section 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the inhabitants of the Village and for the further reason that this Ordinance must be effective immediately in order to establish the position classifications and salary schedules necessary for the daily operations of the Village and its departments and the efficient administration thereof; wherefore, provided it receives two-thirds of the vote of all members of Council elected thereto, this ordinance shall take effect and be in full force from and after its adoption and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

ORDINANCE 2022-05
INTRODUCED BY: SUBEL

PASSED: __

Erinn Grube, Council President

Submitted to the Mayor for
his approval on this

Approved by the Mayor

Mayor William Tomko

I hereby certify that Ordinance No. 2023-05 was duly enacted on the 13th day of February, 2023, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

Angela Gergye, Clerk of Council