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# AGENDA

## Facilities & Services Committee

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Monday

April 11, 2022

6:30 PM

| Village Hall | 21 W. Washington Street | Chagrin Falls, OH |

This is a public meeting and all are welcome to attend.

In-person meetings are held in council chambers at Village Hall.

*Committee Members: Angie DeBernardo, Brian Drum, Andrew Rockey*

### Agenda Items

1. Ordinance 2022-14 – One-Time Waiver of Codified Ordinance Section 951.05
  2. Ordinance 2022-16 - Road Salt Contract
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**ORDINANCE 2022-14  
INTRODUCED BY: DEBERNARDO**

**4384**

**AN ORDINANCE  
GRANTING A ONE TIME WAIVER OF ENFORCEMENT OF  
CODIFIED ORDINANCE SECTION 951.05 TO THE  
CHAGRIN VALLEY JAYCEES TO PERMIT  
CONSUMPTION OF BEER AND WINE AT RIVERSIDE  
PARK DURING THE 2022 BLOSSOM TIME FESTIVAL.**

WHEREAS, the Chagrin Valley Jaycees (“Jaycees”) traditionally conduct a Blossom Time Festival, a Blossom Time Run, and Music Festival, in order to generate proceeds for the benefit of charities within the Chagrin Valley which provide significant benefits to the residents in the Village of Chagrin Falls and the Jaycees donate a significant amount of volunteer hours and provide a significant amount of revenue for promoting the welfare of the residents and businesses in the Village under controllable conditions and have provided for a significant amount of security during the Blossom Time Festival ;

WHEREAS, Codified Ordinance Section 951.05 provides that no person shall bring intoxicating liquor or beer into a park or drink alcoholic beverages or beer in a park at any time;

WHEREAS, the Blossom Time Festival is conducted with a significant amount of security provided by the Chagrin Falls Police Department, and off duty police officers, who are paid by the Jaycees;

WHEREAS, the Jaycees volunteers work a significant number of hours to prepare for and operate the Blossom Time Festival and during the festival the Jaycees have an administration tent and the Jaycees have requested they be permitted to bring beer and wine to Riverside Park to be dispensed only to Bona Fide Volunteers (hereafter defined) who volunteer to administer and operate the Blossom Time Festival and have requested that the Bona Fide Volunteers be permitted to consume beer and wine, but not spiritous liquor, inside the Jaycees sole administration tent at Riverside Park during the Blossom Time Festival;

WHEREAS, the Council for the Village of Chagrin Falls has determined that a one time waiver of enforcement of Codified Ordinance Section 951.05 is appropriate during the Blossom Time Festival so long as the conditions hereinafter set forth are complied with by the Jaycees;

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

**ORDINANCE 2022-14**  
**INTRODUCED BY: DEBERNARDO**

Section 1. Codified Ordinance Section 951.05 shall not be enforced against Bona Fide Volunteers of the Jaycees while operating the Blossom Time Festival at Riverside Park during the 2022 festival commencing at 5:30 p.m. on Thursday May 26, 2022 and ending at 10:00 p.m. on Sunday May 30, 2022 upon the following conditions which shall be complied with at all times:

a. Beer and wine, but not spiritous liquor, as all such terms are defined in Section 4301.01 of the Ohio Revised Code, may be brought to Riverside Park by Jaycee Bona Fide Volunteers, and may be consumed by Jaycee members who (i) volunteer a minimum of ten (10) hours to prepare for and/or operate the Blossom Time Festival in 2022; (ii) are not being compensated for such volunteer hours and (iii) are over the age of 21 (collectively, “Bona Fide Volunteers”) during the hours of 5:30 p.m. to 11:00 p.m. on May 26, 2022, from 2:00 p.m. to 11:00 p.m. on May 27, 2022, from 2:00 p.m. to 11 p.m. on May 28, 2022, and from 2:00 p.m. to 10 p.m. on May 29, 2022.

b. All beer and wine that is consumed at the Riverside Park shall be dispensed and consumed solely within the Jaycee’s administration tent and no person shall consume beer and/or wine outside of the administration tent at any time.

c. Any beer and wine brought to the Riverside Park shall, at all times, be within the control of Bona Fide Volunteers of the Jaycees.

d. At all times when any beer or wine is provided to Bona Fide Volunteers, the Jaycees shall provide for at least one member of the Jaycees, who will not have consumed any beer, wine or any spiritous liquor, on each such day and will provide transportation services for any Jaycee members who consume beer or wine at Riverside Park and any Jaycee member, or off duty or on duty police officer who determines that a sober driver should take such member home, there shall then be at least one sober driver on call at all times when beer or wine may be consumed pursuant to this Ordinance.

e. The waiver of Codified Ordinance Section 951.05 shall only be for Blossom Time Festival during the calendar year of 2022 event and no further waiver shall be granted in any future year or any future event within any park within the Village unless authorized by an Ordinance adopted by the Council of the Village of Chagrin Falls. In the event the Police Chief and/or Mayor of the Village determines that the Jaycees have not complied with all conditions contained in this Section 1, one or both of them may declare this waiver void and the Jaycees shall immediately remove all beer and wine from Riverside Park, whether being stored or consumed at the administration tent and shall not disburse any further beer or wine during the 2022 festival, nor shall any beer or wine be consumed at Riverside Park after such determination is made by the Police Chief and/or Mayor.

f. Prior to commencement of the Blossom Time Festival in 2022, the Jaycees shall provide the Village with a liability insurance policy with a minimum of \$5,000,000.00 worth of coverage per claim, which coverage may be provided in part by an umbrella policy, to include a liquor liability coverage provision and a non-owned auto coverage and name the Village of Chagrin Falls as an additional insured and maintain such policy during the entire 2022 festival, which policy shall be on an occurrence basis.

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**INTRODUCED BY: DEBERNARDO**

g. Beer and wine may be consumed at Riverside Park during the 2022 festival only if a beer and wine permit for consumption at the Riverside Park is issued by the State of Ohio to the Jaycees prior to the time beer or wine may be consumed by Bona Fide Volunteers. A Jaycees Member shall notify the most senior officer of the Chagrin Falls Police Department on duty at the festival of the names, and hours they will be on site at the festival, of the sober drivers who will be able to transport Bona Fide Volunteers to their homes each day beer or wine will be consumed at the Riverside Park.

h. No person shall dispense beer or wine during the 2022 festival under the age of 21.

Section 2. The Jaycees, as a condition of the granting of the waiver of enforcement of Codified Ordinance Section 951.05 as provided for in this Ordinance, shall indemnify the Village of Chagrin Falls from and against claims, actions, damages, liability and expense in connection with loss, damage or injury or death to person or property occurring in, on or about, or arising out of the dispensing of beer or wine during the 2022 Blossom Time Festival, or the conduct or operation of the Jaycees Blossom Time Festival event in 2022 occasioned wholly or in part by any act or negligence of the Jaycees, its members, officers, employees or its agents, and contractors. The indemnity shall include the Village's reasonable attorney's fees, costs of discovery, consultants and expert fees related to discovery costs.

Section 3. This Ordinance is intended to be applicable only to the 2022 Blossom Time Festival to be held in May 2022 and is a one-time waiver of enforcement of Codified Ordinance Section 951.05.

Section 4. Nothing contained in this Ordinance shall be deemed to amend, repeal or be inconsistent with enforcement of Codified Ordinance Section 951.05 or any other ordinance, law, regulation or order of any governmental agency, except for the one-time waiver of Codified Ordinance Section 951.05 granted to the Jaycees, and nothing contained in this Ordinance shall be interpreted to create a defense to enforce any action for any violation of Codified Ordinance Section 951.05 that occurred on, before or after the effective date of this Ordinance.

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

**ORDINANCE 2022-14**  
**INTRODUCED BY: DEBERNARDO**

PASSED: \_\_\_\_\_, 2022

\_\_\_\_\_  
Erinn Grube, Council President

Submitted to the Mayor for  
his approval on this

\_\_\_\_\_ day of \_\_\_\_\_, 2022

Approved by the Mayor

\_\_\_\_\_  
Mayor William Tomko

I hereby certify that Ordinance No. 2022-14 was duly enacted on the \_\_\_\_\_ day of April, 2022, 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.

\_\_\_\_\_  
David Bloom, Clerk of Council

**ORDINANCE 2022-16**  
**INTRODUCED BY: DEBERNARDO**

**4386**

**AN ORDINANCE**  
**AUTHORIZING THE VILLAGE'S PARTICIPATION IN THE**  
**OHIO DEPARTMENT OF TRANSPORTATION WINTER**  
**CONTRACT (022-23) FOR ROAD SALT AND DECLARING**  
**AN EMERGENCY.**

WHEREAS, the Ohio Department of Transportation ("ODOT") has created a consortium of governmental entities to band together to purchase road salt, for the purposes of controlling ice and snow on Ohio's Roads; and

WHEREAS, this Council finds and determines that it is appropriate for the Village of Chagrin Falls to purchase road salt with other organizations, through ODOT, in order to take advantage of economies of scale.

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

Section 1. That the Mayor is authorized to enter into an Agreement with ODOT, pursuant to the Resolution attached hereto and made a part hereof as **Exhibit "1"** in order to participate in bulk purchasing of road salt, and to enter into any additional agreements, or take any further necessary actions, to implement the road salt program(s) sponsored by ODOT for the 2022-2023 winter season.

Section 2. 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 3. 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.

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**INTRODUCED BY: DEBERNARDO**

Section 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the Village and for the further reason that this Ordinance must be immediately effective in order to obtain road salt pursuant to the ODOT contract and immediate action is necessary to meet ODOT's required deadline for submission; wherefore, provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force after the earliest period allowed by law.

PASSED: \_\_\_\_\_, 2022

\_\_\_\_\_  
Erinn Grube, Council President

Submitted to the Mayor for  
his approval on this

\_\_\_\_\_ day of \_\_\_\_\_, 2022

Approved by the Mayor

\_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor William Tomko

I hereby certify that Ordinance No. 2022-11 was duly enacted on the 11th day of April, 2022, 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.

\_\_\_\_\_  
David Bloom, Clerk of Council

**ORDINANCE 2021-16  
INTRODUCED BY: DEBERNARDO**

**EXHIBIT “1”**

**RESOLUTION AUTHORIZING PARTICIPATION  
IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2022**

**WHEREAS**, the Village of Chagrin Falls, Cuyahoga County (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and

b. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and

c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the road salt contract; and

d. The Political Subdivision’s electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically submitted salt quantities from its awarded salt supplier during the contract’s effective period; and

f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and

g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 29, 2022 by 5:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision’s participation agreement and/or a Political Subdivision’s request to rescind its participation agreement.

**NOW, THEREFORE**, be it ordained by the following authorized person(s) that this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract:

\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date

\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date

\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date

\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date

\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date

**THIS RESOLUTION MUST BE UPLOADED TO THE SALT PARTICIPATION WEBSITE BY NO LATER THAN APRIL 29, 2022.**

PLEASE NOTE: THE DEPARTMENT WILL NOT ACCEPT TYPED SIGNATURES. PARTICIPATION AGREEMENTS SUBMITTED WITH TYPED SIGNATURES WILL BE INVALID AND INELIGIBLE FOR APPROVAL. YOU CANNOT SUBMIT A WORD DOCUMENT VERSION OF THIS PARTICIPATION AGREEMENT. NO EXCEPTIONS.