



# AGENDA

## Chagrin Falls Village Council

Monday

June 26, 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 \*June 12, 2023
4. Administrative Reports
  - a. Mayor William Tomko
  - b. Finance Director Angela Gerye
  - c. Law Director Dale Markowitz
  - d. Chief Admin. Officer Robert Jamieson
  - e. Engineer Tim Lannon
  - f. Police Chief Amber Dacek
  - g. Fire Chief Frank Zugan
5. Council Reports
  - a. Committee Reports and Approval of Minutes
    1. Admin & Comp Gutierrez
    2. Facilities & Services Rockey
    3. Finance Rogoff
    4. Safety Drum
    5. Streets & Sidewalks Grube
    6. Utilities Corkran
  - b. Commission Reports
    1. Arts DeBernardo
    2. BZA Rockey
    3. Cemetery Grube
    4. Grove Hill Rogoff
    5. Merchant Liaison DeBernardo
    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)

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9. Legislative Docket: Disposition of legislation, including any public hearings on legislation

a. **Ordinance No. 2023-37**

**(Donation Policy)**

AN ORDINANCE OF THE VILLAGE OF CHAGRIN FALLS TO ESTABLISH A DONATION POLICY.

- Introduced by: Rogoff (Finance)
- 1<sup>st</sup> Reading (06/26/23)

b. **Ordinance No. 2023-38**

**(Codified Ordinances Revision - Walter Drane)**

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

- Introduced by: Mayor & Council
- 1<sup>st</sup> Reading (06/26/23)

c. **Resolution No. 2023-39**

**(Receive Donations for Veterans Flag Markers)**

A RESOLUTION TO RECEIVE DONATIONS AND GRANTS TO ACQUIRE FLAG MARKERS WHEN MILITARY VETERANS ARE BURIED AT THE EVERGREEN HILL CEMETERY AND GROVE HILL CEMETERY AND DECLARING AN EMERGENCY.

- Introduced by: Rogoff (Finance)
- 1<sup>st</sup> Reading (06/26/23)

d. **Ordinance No. 2023-40**

**(Establish Veteran Affairs Fund)**

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO ESTABLISH A VETERAN AFFAIRS FUND TO MANAGE DONATIONS, GRANTS, AND EXPENDITURES TO SUPPORT VETERANS' ACTIVITIES, WHICH INCLUDE, BUT NOT LIMITED TO, CEMETERY FLAG MARKERS FOR MILITARY VETERANS, AND SUPPLIES AND FEES ASSOCIATED WITH VILLAGE SPONSORED VETERAN EVENTS AND DECLARING AN EMERGENCY

- Introduced by: Rogoff (Finance)
- 1<sup>st</sup> Reading (06/26/23)

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

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11. Miscellaneous

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12. Adjournment Time

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**ORDINANCE 2023-37  
INTRODUCED BY: ROGOFF**

**4482**

**AN ORDINANCE  
OF THE VILLAGE OF CHAGRIN FALLS TO ESTABLISH  
A DONATION POLICY.**

WHEREAS, the Council desires to establish policies regarding donations offered to the Village, in order for the donors and Village officials to be able to determine when and the circumstances under which donations will be approved and received by the Village.

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

Section 1. The Council for the Village of Chagrin Falls does hereby adopt a Donation Policy as more fully set forth in the policy attached hereto and made a part hereof as **Exhibit "A"**.

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.

Section 4. 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

**ORDINANCE 2023-37**  
**INTRODUCED BY: ROGOFF**

I hereby certify that Ordinance No. 2023-37 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.

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Angela Gergye, Clerk of Council

**ORDINANCE 2023-37**  
**INTRODUCED BY: ROGOFF**

**EXHIBIT “A”**

**DONATION POLICY**

I. PURPOSE.

This Donation Policy applies to all solicited and unsolicited donations to the Village of Chagrin Falls (“Village”). This policy and the guidelines shall govern the acceptance of gifts by the Village and provide guidance to prospective donors when making a gift to the Village.

II. DEFINITIONS.

- (A) Donation: a contribution made to the Village without expectation of goods, services or significant benefit or recognition in return. Donations may be in the form of cash or in-kind contributions of products, services, investment securities, land with or without buildings and structures located thereon, or any combination thereof. A Donation may be unrestricted, where the donor has placed no limitation on its use, or restricted, where the donor has restricted its use to a specified purpose. Donations that, if accepted, would obligate the Village to enter into a service, procurement, or similar arrangement with a Donor, (but not including Donation Agreements where no service, procurement or similar arrangement must be incurred), shall not be considered a Donation. Grants to the Village from a local, county, state or federal agency are not subject to this policy.
- (B) Donation Agreement: An agreement between the Village and the Donor that details any restrictions on a Donation as well as the respective obligations of the Donor and the Village.
- (C) Donor: Any organization or individual who provides the Village with a Donation.
- (D) Established Fundraising: Donations extended to recurrent annual events, in-kind donations associated with annual events, or donations for the maintenance and upkeeping of donated materials by the original donor, such as, but not limited to, Memorial Day events, preplanned programs, and similar programs previously approved by Council.
- (E) Fundraising: Any activity conducted with the intent of generating Donations to the Village. Fundraising activities may include, but are not limited to, promoting an endowment program, program adoption or pledge drives, and contacting individuals, companies, foundations, or other entities with a request for a Donation to the Village.
- (F) Restricted Donation. A Donation that can only be used by the Village for a special purpose specified by the Donor, or a Donation specifically designated for a particular purpose, use, or location.
- (G) Supported Fundraising: Any Fundraising that has the support or approval of the Village, as evidenced by legislative approval enacted by the Village Council.

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**INTRODUCED BY: ROGOFF**

III. GENERAL PROVISIONS.

- (A) The Village welcomes unrestricted Donations as well as Restricted Donations that enhance Village services, reduce costs that the Village would incur in the absence of the Donation, or that otherwise provide a benefit to the Village.
- (B) The Village may decline any Donation without comment or cause.
- (C) Prior to starting any Supported Fundraising, as defined in Section II (G), of this Policy, Village Council approval shall first be required.
- (D) The Council President shall refer any Donation requests that require approval by the Village, or any proposed Supported Fundraising to the appropriate Council committee(s) to review the proposed Donation or Fundraising.
- (E) Donors shall not expect, nor shall the Village grant, any extra consideration to the Donor in relation to Village procurement, regulatory matters, or any other business, services, or operations of the Village.
- (F) No Village Council Member, Commissioner, Board Member, employee, or volunteer shall solicit Donations in excess of \$500 in money or in-kind services for any Supported Fundraising unless the Council for the Village of Chagrin Falls has approved a Fundraising plan for the Supported Fundraising. Before any Fundraising plan for a Supported Fundraising is approved by the Village, the proponents of the Fundraising plan shall submit a proposed Fundraising plan providing the information requested on the Fundraising Plan form attached hereto and made a part hereof as **Exhibit "A"**, or such amended form approved by the Chief Administrative Officer of the Village.
- (G) Donations must be directly related to providing goods or services to the public or for another valid public purpose.

IV. GUIDELINES FOR CONSIDERING WHETHER TO RECEIVE RESTRICTED AND UNRESTRICTED DONATIONS.

In determining whether to accept a Donation, the Chief Administrative Officer, or Village Council, as the case may be, shall consider the following criteria:

- (A) Is the Donation permitted under applicable ethics laws, rules, and regulations.
- (B) Does a Restricted Donation conflict with Village priorities, policies, programs, or ordinances.
- (C) Does the Donation in any way invoke future consideration, influence, or perceive to influence the day-to-day operations of the Village.
- (D) Does the Donation require long term maintenance and will the Village be able to fund any future maintenance, repair or replacement associated with the purchase, acquisition, or construction of a facility or program.

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**INTRODUCED BY: ROGOFF**

- (E) Is the Donation financially feasible based on the cost of the proposed Donation or project implementation, including installation and ongoing maintenance.
- (F) Does the Donation create any public safety or security issues or a potential danger to public health and safety.

**V. ACCEPTANCE OF REAL ESTATE DONATIONS.**

- (A) Gifts of real estate may include developed or undeveloped property or gifts subject to a life interest or reversionary right. Whenever Donations are made of non-residential property, a Phase I Environmental Assessment shall be required, and the results of the Phase I Assessment must first be approved by the Village Law Director. In addition, the Village Council shall approve all Donations of real estate and in the case of non-residential property, shall approve the environmental condition of the property before the Donation will be accepted. The cost of any environmental impact assessment shall be paid for by the Donor.
- (B) The Village shall obtain a Title Insurance Commitment the cost of which shall be determined between the Donor and the Village. The Village Law Director shall approve the condition of title before a Donation of real property will be accepted. The Donor must provide the Village with all available documents related to the condition of the property upon written request of the Village before a Donation of real property will be accepted.
- (C) In considering whether to accept a Donation of real property, the Village Council shall consider the following criteria:
  - (1) Is the property free from adverse environmental conditions.
  - (2) Is the property marketable and is the title acceptable to the Law Director.
  - (3) Does the Village have a use for the real property and is it accessible and useable by Village residents or the Village government.
  - (4) Are there any restrictions, reservations, easements, or other limitations associated with the use or sale of the property.
  - (5) Are there any carrying costs associated with the property other than insurance, such as storage fees, liens, mortgages, or other carrying costs.
  - (6) The Village may accept royalties from oil, gas, and other mineral interests when the gift is separated from ownership of the real property. The right to receive the royalties shall not include liabilities or other considerations that make receiving the gift inappropriate.
  - (7) The Village will not stipulate the value of any real property donated to the Village and it shall be the obligation of the Donor to determine such value for tax purposes. The Village will file IRS Form 8282, or its future equivalent, in the event of future sale or exchange of donated real property made within three (3) years from the date of the gift for any property that the Village determines to have a value of \$5,000 or more, or such other requirements hereafter established by the U.S. Congress in amending the Internal Revenue Code.
  - (8) The donated property cannot negatively affect public access or Village Services.

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**INTRODUCED BY: ROGOFF**

- (9) The property must be located within the Village, or any area outside the Village that is serviced by a Village supplied sewer and/or water service.

**VI. PROCEDURES.**

- (A) The Village Chief Administrative Officer may accept or reject unrestricted Donations of \$10,000 or less in cash. The Village Council shall approve or reject Donations of cash of more than \$10,000 in accordance with the guidelines set forth in this Donation Policy. The Chief Administrative Officer and Council may decline any Donation which in their discretion does not comply with this Donation Policy. Any Donation declined by the Chief Administrative Officer may be appealed to the Village Council for reconsideration.
- (B) The Village Council will determine appropriate recognition for a Donation at the time the Donation is accepted, taking into consideration the nature and value of the Donation. The name of a Donor, but no company logos, trademarks or the like, may be permitted on a sign, flyer or other materials related to the program or activity supported by the Donations. The agreed upon form of recognition shall be identified in the Donor receipt or in any Donation Agreement that only the Village Council shall approve when reviewing whether to accept or decline a Donation.
- (C) Established Fundraising for existing Village Donation programs shall not require Village Council approval unless in the opinion of the Chief Administrative Officer and/or Village Council the methods or targets of the Fundraising change in a material way.

**VII. PROHIBITIONS.**

- (A) No Village employee shall receive under any pretense, or seek, ask, or share in any fee, reward or other reimbursement or gratuity for the performance of official duties.
- (B) This prohibition shall apply equally to the receipt or solicitation by the employee's spouse, child, parent, parent-in-law, brother, sister, grandparent, or grandchild.
- (C) Whenever any gift, gratuity or Donation is offered to a Village employee and the Village employee cannot determine if acceptance would be prohibited or permitted, the employee shall submit the proposal through their Department Head to the Chief Administrative Officer who may consult with the Village Law Director. The proposal must include a description of the gift, the name of the Donor, when the gift will be received, and an explanation of the proposed disposition of the gift. The decision of the Chief Administrative Officer as to whether the gift is permitted or prohibited shall be final. Approval from the Village Council shall be required whenever any ~~gift~~ is offered to a Department Head, the Chief Administrative officer, or an elected official.



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**INTRODUCED BY: ROGOFF**

- (D) The prohibitions above shall not apply to solicitation or acceptance of anything of value from an existing friend or relative unrelated to any employee duties or Village business and based on a pre-existing personal or family relationship.

VIII. MISCELLANEOUS.

- (A) This Donation Policy shall not be construed to create any right for an individual or organization to make a Donation to the Village or to make a public improvement on Village property.
- (B) The Village reserves the right to deny any Donation if, upon review, acceptance of the Donation is determined to be not in the best interest of the Village.
- (C) The Village, in accepting any Donation, shall not be obligated to maintain, repair, or replace any program, facility or service created, maintained, or enhanced by the Donation.
- (D) The Village shall not establish the value of any Donation, unless required to do so by law.

**ORDINANCE NO. 2023-38  
INTRODUCED BY: MAYOR & COUNCIL**

**4483**

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

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, certain traffic and misdemeanor provisions should be revised to comply with current State law;

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

SECTION 1. That the ordinances of the Village of Chagrin Falls, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the May 2023 Replacement Pages of the Codified Ordinances are hereby approved and adopted.

SECTION 2. That the following sections and chapters are hereby enacted, amended or repealed as respectively indicated in order to comply with current State law:

Traffic Code

- 303.081 Impounding Vehicles on Private Residential or Agricultural Property. (Amended)
- 303.082 Private Tow-Away Zones. (Amended)
- 303.083 Impounding Vehicles on Public Property. (Amended)
- 303.991 Committing an Offense While Distracted Penalty. (Amended)
- 331.35 Occupying Travel Trailer, Fifth Wheel Vehicle or Manufactured or Mobile Home While in Motion. (Amended)
- 333.01 OVI; Willful Misconduct; Speed. (Amended)
- 333.03 Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
- 333.09 Electronic Wireless Communication Device Use Prohibited While Driving. (Amended)
- 335.07 Driving Under Suspension or License Restriction. (Amended)
- 335.071 Driving Under OVI Suspension. (Amended)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Amended)
- 335.073 Driving Without Complying With License Reinstatement Requirements. (Amended)
- 335.074 Driving Under License Forfeiture or Child Support Suspension. (Amended)
- 337.10 Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm Machinery, Agricultural Tractors, and Animal-Drawn Vehicles. (Amended)

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**INTRODUCED BY: MAYOR & COUNCIL**

Traffic Code (Cont.)

- 337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)
- 337.22 Windshield and Windshield Wiper; Sign or Poster Thereon. (Amended)
- 341.01 Commercial Drivers Definitions. (Amended)
- 351.04 Parking Near Curb; Handicapped Locations on Public and Private Lots and Garages. (Amended)

General Offenses Code

- 501.01 General Provisions and Penalty Definitions. (Amended)
- 501.99 Penalties for Misdemeanors. (Amended)
- 505.071 Cruelty to Companion Animals. (Amended)
- 505.12 Coloring Rabbits or Baby Poultry; Sale or Display of Poultry. (Amended)
- 509.04 Disturbing a Lawful Meeting. (Amended)
- 509.11 Impeding Public Passage of an Emergency Service Responder. (Added)
- 513.01 Drug Abuse Control Definitions. (Amended)
- 513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended)
- 513.04 Possessing Drug Abuse Instruments. (Amended)
- 513.12 Drug Paraphernalia. (Amended)
- 513.121 Marihuana Drug Paraphernalia. (Amended)
- 517.08 Raffles. (Amended)
- 521.17 Spreading Contagion. (Added)
- 525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
- 525.15 Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 533.01 Obscenity and Sex Offenses Definitions. (Amended)
- 533.06 Voyeurism. (Amended)
- 533.08 Procuring; Engagement in Sexual Activity for Hire. (Amended)
- 537.03 Assault. (Amended)
- 537.06 Menacing. (Amended)
- 537.07 Endangering Children. (Amended)
- 537.15 Temporary Protection Order. (Amended)
- 545.05 Misdemeanor Theft. (Amended)
- 549.02 Carrying Concealed Weapons. (Amended)
- 549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)
- 549.12 Possessing Replica Firearm in School. (Amended)
- 549.14 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Added)

Fire Prevention Code

- 1519.04 Possession, Sale or Discharge Prohibited; Exceptions. (Amended)
- 1519.07 Manufacturing or Wholesale Sale Without a License; Prohibitions. (Added)
- 1519.08 Purchase to Comply with Law; Unauthorized Purchases. (Added)

**ORDINANCE NO. 2023-38**  
**INTRODUCED BY: MAYOR & COUNCIL**

SECTION 3. That the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4. 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 5. 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 6. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the Village and for the further reason that this Ordinance must be immediately effective so that the Village can administer and enforce traffic offenses and general offenses consistent with the Ohio Revised Code provisions at the earliest time possible; wherefore, provided it receives two-thirds (2/3) of the votes of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: June 26, 2023

\_\_\_\_\_  
Angie DeBernardo, Council President

Submitted to the Mayor for  
his approval on this

26<sup>th</sup> day of June, 2023

Approved by the Mayor

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

I hereby certify that Ordinance No. 2023-38 was duly enacted on the 26<sup>th</sup> day of June, 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

**RESOLUTION NO. 2023-39  
INTRODUCED BY: ROGOFF**

**4484**

**A RESOLUTION  
TO RECEIVE DONATIONS AND GRANTS TO ACQUIRE  
FLAG MARKERS WHEN MILITARY VETERANS ARE  
BURIED AT THE EVERGREEN HILL CEMETERY AND  
GROVE HILL CEMETERY AND DECLARING AN  
EMERGENCY.**

**WHEREAS**, the Village of Chagrin Falls seeks to properly identify and mark the graves of all 843 veterans buried at Evergreen Hill Cemetery and Grove Hill Cemetery (collectively “Cemeteries”) with conflict and/or service branch appropriate flag markers, and;

**WHEREAS**, more than 535 veterans interred in the Cemeteries currently do not have flag markers, and;

**WHEREAS**, the Village of Chagrin Falls has worked with the American Legion, Veterans of Foreign Wars, Daughters of the American Revolution, Wreaths Across America, Chagrin Falls Historical Society and other civic organizations to recognize and honor veterans buried at the Cemeteries, and;

**WHEREAS**, the estimated cost for installing 535 bronze military flag markers, also known as grave markers, is approximately Twenty Thousand Dollars (\$20,000.00), and;

**WHEREAS**, individuals and organizations have expressed an interest and willingness in donating financial resources to obtain flag markers without expectation for name recognition in the form of signs, plaques, or markers, and

**WHEREAS**, the American Legion, Veterans of Foreign Wars, Wreaths Across America and Chagrin Falls Historical Society have committed to working together to raise the necessary funds to provide flag markers for 535 veterans and to donate funds that have been raised to the Village to be held and managed by the Village for future flag marker needs.

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

**SECTION 1.** That the Council for the Village of Chagrin Falls recognizes the importance of marking each veteran’s grave with an appropriate flag marker and is willing to receive funds raised by the American Legion, Veterans of Foreign Wars, Wreaths Across American, the Chagrin Falls Historical Society, and other individuals or organizations that are

**RESOLUTION NO. 2023-39**  
**INTRODUCED BY: ROGOFF**

willing to donate funds for such purpose, the Village Council has determined that an appropriate Village fund should be created to receive such funds from which expenditures would be made for flag markers.

**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 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 Resolution shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

**SECTION 4.** This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the inhabitants of the Village and for the further reason it is necessary to have this Resolution immediately effective so that funds can be raised from various organizations and veteran's graves can be marked, and so honored, at the earliest possible date; wherefore provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Resolution shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: June 26, 2023

\_\_\_\_\_  
Angela DeBernardo, Council President

Submitted to the Mayor for  
his approval on this  
27<sup>th</sup> day of June, 2023

Approved by the Mayor

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

I hereby certify that Resolution No. 2023-39 was duly enacted on the 26<sup>th</sup> day of June, 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.

\_\_\_\_\_  
Clerk of Council, Angela Gergye

**ORDINANCE 2023-40  
INTRODUCED BY: ROGOFF**

**AN ORDINANCE  
AUTHORIZING THE DIRECTOR OF FINANCE TO  
ESTABLISH A VETERAN AFFAIRS FUND TO MANAGE  
DONATIONS, GRANTS, AND EXPENDITURES TO  
SUPPORT VETERANS' ACTIVITIES, WHICH INCLUDE,  
BUT NOT LIMITED TO, CEMETERY FLAG MARKERS  
FOR MILITARY VETERANS, AND SUPPLIES AND FEES  
ASSOCIATED WITH VILLAGE SPONSORED VETERAN  
EVENTS AND DECLARING AN EMERGENCY.**

WHEREAS, the Village of Chagrin Falls owns the Evergreen Hill Cemetery and Grove Hill Cemetery and many military veterans who have served in the various service branches are buried in the Cemeteries; and

WHEREAS, various organizations have proposed to raise funds for flag markers in Cemeteries, and for other veteran affairs and events; and

WHEREAS, the Village of Chagrin Falls has determined that it is appropriate to create a new fund, captioned the Veteran Affairs Fund, subject to receiving approval from the Auditor of the State of Ohio, in order to be able to receive donations and contributions for various veteran activities and preservation of veterans' graves at the Village owned Cemeteries.

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

Section 1. The Director of Finance shall create a new fund for veteran affairs and obtain approval from the Auditor of the State of Ohio to create and utilize such fund to place contributions and donations into the fund to be used for veterans' graves at the Cemeteries in the Village of Chagrin Falls, and for other military veteran events and affairs sponsored or supported by the Village including, but not limited to, the payment of fees and expenses and to provide supplies related to promoting veteran affairs.

Section 2. That the Director of Finance provide a yearly accounting of the Veteran Affairs Fund to the Village Cemetery Commission in order to work with various organizations to continue to raise funds for veterans' graves at Village Cemeteries.

**ORDINANCE 2023-40**  
**INTRODUCED BY: ROGOFF**

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.

Section 5. 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 it is necessary this Ordinance to be immediately effective to help promote fundraising and to be able to receive funds to be placed into the new fund account as soon as approval is obtained from the Auditor from the State of Ohio; 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: June 26, 2023

\_\_\_\_\_  
Angela DeBernardo, Council President

Submitted to the Mayor for  
his approval on this

27<sup>th</sup> day of June, 2023

Approved by the Mayor

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

I hereby certify that Ordinance No. 2023-40 was duly enacted on the 26<sup>th</sup> day of June, 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