



AGENDA

Chagrin Falls Village Council

Monday

October 23, 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 * Proclamation
 - 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 * June 12, 2023, July 10, 2023
 5. Streets & Sidewalks Grube * August 10, 2023
 6. Utilities Corkran * July 25, 2023
 - 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)

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

a. **Ordinance No. 2023-57**

(Amending Employee Policy and Procedures Manual)

AN ORDINANCE AMENDING THE VILLAGE OF CHAGRIN FALLS EMPLOYEE POLICY AND PROCEDURES MANUAL AND DECLARING AN EMERGENCY.

- Introduced by: Gutierrez (Admin & Comp)
- 2nd Reading (10/23/23), 1st Reading (10/09/23)

b. **Ordinance No. 2023-60**

(Prohibiting the Sale of Goods and Services on Public Property)

AN ORDINANCE TO PROHIBIT THE SALE OF GOODS AND SERVICES AT PUBLIC PROPERTY IN THE VILLAGE OF CHAGRIN FALLS, AND DECLARING AN EMERGENCY.

- Introduced by: Rockey (Facilities & Services)
- 1st Reading (10/23/23)

c. **Ordinance No. 2023-61**

(Proposed Charter Amendment for Additional Architectural Board of Review Members)

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF CHAGRIN FALLS A PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO PROVIDE FOR TWO (2) ADDITIONAL MEMBERS TO BE APPOINTED TO THE ARCHITECTURAL BOARD OF REVIEW.

- Introduced by: DeBernardo (President)
- 1st Reading (10/23/23)

d. **Ordinance No. 2023-62**

(Proposed Charter Amendment to Determine Method of Posting of Ordinances and Resolutions)

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF CHAGRIN FALLS A PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO DETERMINE A METHOD OF POSTING OF ORDINANCES AND RESOLUTIONS ADOPTED BY VILLAGE COUNCIL.

- Introduced by: DeBernardo (President)
- 1st Reading (10/23/23)

e. **Ordinance No. 2023-63**

(Proposed Charter Amendment to Determine Public Bidding)

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF CHAGRIN FALLS A PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO AUTHORIZE COUNCIL TO DETERMINE WHEN PUBLIC CONTRACTS MUST BE PUBLICLY BID.

- Introduced by: DeBernardo (President)
- 1st Reading (10/23/23)

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

11. Miscellaneous

12. Executive session to discuss pending legal matters

13. Adjournment Time

ORDINANCE 2023-57
INTRODUCED BY: GUTIERREZ

4502

**AN ORDINANCE AMENDING THE VILLAGE OF
CHAGRIN FALLS EMPLOYEE POLICY AND
PROCEDURES MANUAL AND DECLARING AN
EMERGENCY**

WHEREAS, the Village of Chagrin Falls has determined that it is necessary to amend the Village of Chagrin Falls Employee Policy and Procedures Manual (“Manual”) to revise the Funeral Leave policy and to rename it the Bereavement Leave; and

WHEREAS, the Village Council has determined that it should amend and restate the Manual in its entirety and maintain the separate acknowledgement signature form for employees to execute acknowledging receipt of the Manual, as revised.

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

Section 1. Attached hereto and made a part hereof as **Exhibit “A”** is the amended and restated Village of Chagrin Falls Employee Policy and Procedures Manual to be implemented and utilized by all Village employees regarding employee related matters. The amended and restated Manual attached hereto as **Exhibit “A”** shall be effective upon adoption of this Ordinance.

Section 2. Attached hereto and made a part hereof as **Exhibit “B”** is the acknowledgment signature form which shall be provided to each employee of the Village and signed by them acknowledging receipt of the Manual.

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 on the Village website and at least one social media account of the Village.

ORDINANCE 2023-57
INTRODUCED BY: GUTIERREZ

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 this Ordinance must be immediately effective so that appropriate provisions can be made for a bereavement leave when necessary and to implement the bereavement leave policy as soon as possible; 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: _____, 2023

Angela DeBernardo, Council President

Submitted to the Mayor for
his approval on this

_____ day of _____, 2023

Approved by the Mayor

_____, 2023

Mayor William Tomko

I hereby certify that Ordinance No. 2023-57 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 2023-60
INTRODUCED BY: ROCKEY

4505

**AN ORDINANCE
TO PROHIBIT THE SALE OF GOODS AND SERVICES AT
PUBLIC PROPERTY IN THE VILLAGE OF CHAGRIN FALLS,
AND DECLARING AN EMERGENCY.**

WHEREAS, the Village has been receiving numerous complaints from residents, business operators and users of the Village parks that sales of goods and services are occurring from stationary places, including the bringing of tables and chairs and signage to display such goods and services available for sale at Village parks; and

WHEREAS, the Village Council has determined that Village owned public property should not be the situs of unregulated sales of goods and services and there is an abundance of available commercial space within the Village of Chagrin Falls to sell such services and goods on a competitive and fair basis with existing business establishments in the Village and in order to protect and preserve the peace and tranquility of the public parks and the effective and efficient public administration of Village business on Village owned public property.

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

Section 1. For the purposes of this Ordinance, Public Property shall mean the Village Hall, the Village cemeteries, the Village utility plant facilities, the Village public parks, and any other property owned by the Village of Chagrin Falls including the streets and sidewalks.

Section 2. For the purposes of this Ordinance, Public Sale means any sale and delivery or offer of sale of any goods, equipment, wares, merchandise, furnishings, furniture, services, substances, articles or things that are offered or kept for sale.

Section 3. No person shall engage in Public Sales on or at Public Property at any time, provided, however, at a short duration event that Village Council approves to occur on Village Public Property, and specifically authorizes a Public Sale as part of the event such Public Sale shall be permitted only in accordance with the terms and conditions imposed by the Village Council in approving a Public Sale at such event to occur on Public Property. Whenever any authorized Public Sale occurs on Public Property, the event operator(s) shall display, at all times during the event, a plaque, sign or similar notice issued by the Chief Administrative Officer that a Public Sale is permitted during the event occurring on Public Property. The goods, signs, equipment, displays, tents and other property used for the Public Sale shall be removed no later than the end of the event. The event operator(s) shall be responsible to ensure that all refuse and trash is removed from the Public Property at the end of each day and at the end of the approved event at any Public Property.

ORDINANCE 2023-60
INTRODUCED BY: ROCKEY

Section 4. Any approval issued for a Public Sale pursuant to this Ordinance may be revoked in writing by the Chief Administrative Officer in the event the person(s) conducting a Public Sale on Public Property are in violation of any of the provisions set forth in this Ordinance, or other Ordinances of the Village of Chagrin Falls or statutes of the State of Ohio. Any such revocation may be appealed to Village Council by submitting a written notice of appeal to the Clerk of Council within ten (10) days of receiving notice of revocation.

Section 5. Any person violating this Ordinance shall be guilty of a misdemeanor of the third degree.

Section 6. 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 7. 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 8. 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 is necessary needs to be immediately effective to stop unregulated Public Sales that are occurring on Public Property and are impairing the peace and tranquility of the public parks and may interfere with the efficient administration of Village government; 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: ____, 2023

Angie DeBernardo, Council President

Submitted to the Mayor for approval
on this __th day of ____, 2023

Approved by the Mayor

Mayor William Tomko

I hereby certify that Ordinance No. 2023-60 was duly enacted on the __th day of Month 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 2023-61
INTRODUCED BY: DEBERNARDO**

**AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF
THE VILLAGE OF CHAGRIN FALLS A PROPOSED
AMENDMENT TO THE VILLAGE CHARTER TO PROVIDE
FOR TWO (2) ADDITIONAL MEMBERS TO BE APPOINTED TO
THE ARCHITECTURAL BOARD OF REVIEW**

WHEREAS, Article VII, Section 9 of the Charter of the Village of Chagrin Falls provides for an Architectural Board of Review consisting of three (3) voting members and two (2) architect advisors all of whom are appointed by the Mayor and confirmed by Council; and

WHEREAS, the Council has determined that the number of members of the Architectural Board of Review should be increased to five (5) and two (2) of the members should be appointed by the Village Council, and one of the such appointees may be a member of Village Council; and

WHEREAS, this Council finds that it is appropriate to amend the Charter of the Village of Chagrin Falls to add two (2) additional members to the Architectural Board of Review; and

WHEREAS, pursuant to Article XVIII, Section 9 of the Constitution of the State of Ohio and the Charter of the Village of Chagrin Falls, this Council has the right, by a two-thirds (2/3) majority affirmative vote, to submit to the voters of the Village of Chagrin Falls, proposed amendments to the Charter of the Village of Chagrin Falls; and

WHEREAS, this Council finds and determines that it is in the Village's best interest to submit to the electors of the Village of Chagrin Falls a proposed amendment to the Charter as hereinabove summarized; and

WHEREAS, this Council chooses the date of March 19, 2024 for the election on the Charter Amendment proposal hereinafter set forth, which election is not less than sixty (60) days nor more than one hundred twenty (120) days from date of passage of this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO THAT AT LEAST TWO-THIRDS (2/3) MEMBERS OF COUNCIL CONCURRING:

ORDINANCE 2023-61
INTRODUCED BY: DEBERNARDO

Section 1. This Council hereby authorizes and directs the submission to the electors of the Village of Chagrin Falls, at an election to be held at the usual places of voting in said Village, on Tuesday, March 19, 2024, of the following proposal to amend the Charter of the Village as further provided below:

That existing Article VII, Section 9 of the Charter of the Village of Chagrin Falls be amended, in its entirety as follows:

Architectural Board of Review

The previously established Architectural Board of Review shall consist of five (5) voting members and two (2) architect advisors, three (3) of the voting members and the two (2) architect advisors have already been appointed by the Mayor and confirmed by Council for three (3) year terms, and the remaining two (2) members shall be appointed by Council, starting in 2024, for three (3) year terms, except that one (1) Council appointed voting member shall initially be appointed to a two (2) year term. Up to three (3) alternate members of the Board may be appointed by the Mayor and confirmed by majority vote of the members of Council for three (3) year terms, who shall serve whenever one (1) or more members are unable to hear a particular matter or are unavailable for a particular meeting. The alternate members shall either be residents of the Village or registered architects in the State of Ohio, and in the event the absent or conflicted member is an architect, then the alternate member appointment preference for a particular matter or meeting, shall be for any alternate member who is a registered architect.

At least one voting member and the two architect advisors of the Architectural Board of Review shall be architects, duly registered and authorized to practice architecture in and under the laws of the State, and shall have been actively engaged in the general practice of architecture as registered architects in the State for a period of not less than three years prior to their appointment to such Board; the architect member of the Board and the architect advisors may reside outside the Village. Four (4) members of the Architectural Board of Review shall be residents of the Village of Chagrin Falls and need not be architects. The architect advisors shall serve in an advisory capacity, only, and shall not exercise any authority of the Village. No voting member or architect advisor of the Architectural Board of Review shall participate in the review or approval of any work of which he or she or any partner or professional associate of his or hers is the author, or in which he or she or they have a direct or indirect financial interest. An architect advisor may present matters to the Board which he or she has authored, or in which he or she has a direct or indirect financial interest, but that advisor shall not serve in an advisory capacity to the Board for such matters.

ORDINANCE 2023-61
INTRODUCED BY: DEBERNARDO

The purposes of the Architectural Board of Review are to preserve and protect the public health, safety and welfare by maintaining the high character of community development and protecting the real estate within the Municipality from impairment or destruction of value by regulating, according to proper architectural principles, the design, use of materials, finished grade lines and orientation of all new buildings, signs and structures, hereafter erected, and the moving, alteration, improvement, repair, adding to or razing in full or in part of the exterior of all existing buildings. Such regulations shall take into consideration the historical and architectural nature of existing buildings, signs and structures within the Municipality and the compatibility of proposed changes or proposed new buildings, signs and structures with such existing buildings, signs and structures. The Board shall exercise such other powers and duties as may be established by ordinance of Council. The Board may not act without a quorum present. A quorum shall consist of a minimum of three (3) voting members of the Board and, if none of the voting members of the Board quorum is an architect, one architect advisor must be present to establish the quorum.

Further, if these amendments are adopted, existing Article VII, Section 9 of the Charter shall be repealed.

The majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

Section 2. That the form of the ballot to be cast at the election for the proposed Charter amendment contained in Section 1 shall read and provide as follows:

<p style="text-align: center;">Proposed Charter Amendment</p> <p>A majority affirmative vote is necessary for passage</p> <p>Shall Article VII, Section 9 of the Charter of the Village of Chagrin Falls be amended to provide that Council shall appoint two (2) additional members of the Architectural Board of Review for a total of five (5) voting members of the Architectural Board of Review.</p>
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Section 3. If such amendment is approved by a majority of the electors of the voters thereon at such election, such amendments so approved shall be effective from and after the date upon which the Cuyahoga County Board of Elections certifies the results of such election.

Section 4. That the Clerk of Council is hereby authorized and directed to cause copies of the proposed Charter Amendment to be published in such manner as may be authorized by law,

ORDINANCE 2023-61
INTRODUCED BY: DEBERNARDO

and as required by Article XVIII, Section 9 of the Ohio Constitution by publication of the proposed Charter Amendment once a week for two (2) consecutive weeks on the same day of each week in a newspaper of general circulation in the Village.

Section 5. That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County.

Section 6. That the Board of Elections of Cuyahoga County is hereby requested to cause appropriate notice of such election to be duly given in accordance with law.

Section 7. It is hereby appropriated from the general fund of the Village, an amount sufficient to pay the cost of carrying out the directions of this Ordinance, including the cost of publishing notice of such election.

Section 8. 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 9. 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 10. That this Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED: ___, 2023

Angie DeBernardo, Council President

Submitted to the Mayor for
his approval on this

__th day of ___, 2023

Approved by the Mayor

Mayor William Tomko

I hereby certify that Ordinance No. 2023-61 was duly enacted on the 0th day of Month 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 2023-62
INTRODUCED BY: DEBERNARDO

4507

**AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORS
OF THE VILLAGE OF CHAGRIN FALLS A PROPOSED
AMENDMENT TO THE VILLAGE CHARTER TO
DETERMINE A METHOD OF POSTING OF ORDINANCES
AND RESOLUTIONS ADOPTED BY VILLAGE COUNCIL**

WHEREAS, the Village Council has determined that the place and manner of posting of ordinances and resolutions should be revised from the current provisions contained in Section 113.01 of the Codified Ordinances of the Village, which currently provides that publication of ordinances and resolutions shall be made once a week for two consecutive weeks on the same day of each week in a newspaper of general circulation in the municipality or in the case of posting a copy of the ordinance or resolution shall be posted for not less than fifteen (15) days in the municipal building; and

WHEREAS, Council has determined, based on changes made to publication or posting of ordinances and resolutions set forth in Amended Substitute House Bill No. 33, adopted in 2023, which allows publication by posting on the local government's website and social media accounts that the Village should provide for posting on the Village website; and

WHEREAS, the Village of Chagrin Falls does not currently have any social media accounts other than the Village Police Department and the Village Council does not want to share that website between the Police Department and other Village departments; and

WHEREAS, this Council finds that posting on the Village website is appropriate and will provide the most likely resource to permit Village residents and businesses to be aware of the adoption of such ordinances and resolutions; and

WHEREAS, pursuant to Article XVIII, Section 9 of the Constitution of the State of Ohio and the Charter of the Village of Chagrin Falls, this Council has the right, by a two-thirds (2/3) majority affirmative vote, to submit to the voters of the Village of Chagrin Falls proposed amendments to the Charter of the Village of Chagrin Falls; and

WHEREAS, this Council finds and determines that it is in the Village's best interest to submit to the electors of the Village of Chagrin Falls a proposed amendment to the Charter which would provide for the posting of all ordinances and resolutions required by law or ordinance to be published to allow posting on the Village website as the sole requirement for publication of such enactments and other actions of the Village; and

ORDINANCE 2023-62
INTRODUCED BY: DEBERNARDO

WHEREAS, this Council chooses the date of March 19, 2024 for the election on the Charter amendment proposal hereinafter set forth, which election is not less than sixty (60) days nor more than one hundred twenty (120) days from date of passage of this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO THAT AT LEAST TWO-THIRDS (2/3) MEMBERS OF COUNCIL CONCURRING:

Section 1. This Council hereby authorizes and directs the submission to the electors of the Village of Chagrin Falls, in an election to be held at the usual places of voting in said Village, on Tuesday, March 19, 2024 of the following proposal to amend the Charter of the Village as further provided below.

Existing Article IV, Section 8(c) of the Charter of the Village of Chagrin Falls be amended to add the following two (2) sentences:

All ordinances and resolutions, unless otherwise directed by Council, shall be posted for not less than fifteen (15) days on the Village website and proof of the publication and posting shall be made by the operator of the Village website and shall be filed with the Clerk of Council. Unless otherwise determined by Council, the operator of the official public notice website shall be the Clerk of Council.

The majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

Section 2. The form of the ballot to be cast at the election for the proposed Charter amendment contained in Section 1 shall read and provide as follows:

<p style="text-align: center;">Proposed Charter Amendment</p> <p>A majority affirmative vote is necessary for passage</p> <p>Shall Article IV, Section 8(c), Powers and Duties of Council, of the Charter of the Village of Chagrin Falls be amended to provide that all ordinances and resolutions, unless otherwise directed by Council, shall be posted for not less than fifteen (15) days on the Village website and to provide for proof of publication to be filed with the Clerk of the Council.</p>
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Section 3. If such amendment is approved by a majority of the electors voting thereon at such election, such amendment so approved shall be effective from and after the date upon which the Cuyahoga County Board of Elections certifies the results of such election.

ORDINANCE 2023-62
INTRODUCED BY: DEBERNARDO

Section 4. That the Clerk of Council is hereby authorized and directed to cause copies of the proposed Charter Amendment to be published in such manner as may be authorized by law, and as required by Article XVIII, Section 9 of the Ohio Constitution by publication of the proposed Charter Amendment once a week for two (2) consecutive weeks on the same day of each week in a newspaper of general circulation in the Village.

Section 5. That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County.

Section 6. That the Board of Elections of Cuyahoga County is hereby requested to cause appropriate notice of such election to be duly given in accordance with law.

Section 7. It is hereby appropriated from the general fund of the Village, an amount sufficient to pay the cost of carrying out the directions of this Ordinance, including the cost of publishing notice of such election.

Section 8. 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 9. 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 10. That this Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED: __, 2023

Angie DeBernardo, Council President

Submitted to the Mayor for
his approval on this

_th day of __, 2023

Approved by the Mayor

Mayor William Tomko

I hereby certify that Ordinance No. 2023-62 was duly enacted on the 0th day of Month 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 2023-63
INTRODUCED BY: DEBERNARDO

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORS
OF THE VILLAGE OF CHAGRIN FALLS A PROPOSED
AMENDMENT TO THE VILLAGE CHARTER TO
AUTHORIZE COUNCIL TO DETERMINE WHEN PUBLIC
CONTRACTS MUST BE PUBLICLY BID

WHEREAS, the Ohio General Assembly, in adopting Amended Substitute House Bill No. 33 in 2023 revised the requirement for public bidding and did not include certain villages in the provisions that increased the threshold before public bidding is required from \$50,000.00 to \$75,000.00; and

WHEREAS, the Village Council has determined that as a matter of local self government and efficient, expedient and practical benefits, due to the recent phenomenon of a lack of interest by companies bidding on public contracts, that the Village Council shall determine by ordinance the threshold before public bidding shall be required for public contracts in which the Village of Chagrin Falls is a party; and

WHEREAS, this Council finds that it is appropriate to amend the Charter of the Village of Chagrin Falls to authorize the Village Council to determine, by ordinance, the threshold before public bidding shall be required; and

WHEREAS, pursuant to Article XVIII, Section 9 of the Constitution of the State of Ohio and the Charter of the Village of Chagrin Falls, this Council has the right, by a two-thirds (2/3) majority affirmative vote, to submit to the voters of the Village of Chagrin Falls, proposed amendments to the Charter of the Village of Chagrin Falls; and

WHEREAS, this Council finds and determines that it is in the Village's best interest to submit to the electors of the Village of Chagrin Falls a proposed amendment to the Charter as hereinabove summarized; and

WHEREAS, this Council chooses the date of March 19, 2024 for the election on the Charter Amendment proposal hereinafter set forth, which election is not less than sixty (60) days nor more than one hundred twenty (120) days from date of passage of this Ordinance.

ORDINANCE 2023-63
INTRODUCED BY: DEBERNARDO

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO THAT AT LEAST TWO-THIRDS (2/3) MEMBERS OF COUNCIL CONCURRING:

Section 1. This Council hereby authorizes and directs the submission to the electors of the Village of Chagrin Falls, at an election to be held at the usual places of voting in said Village, on Tuesday, March 19, 2024, of the following proposal to amend the Charter of the Village as further provided below:

That existing Article IV, Section 8 of the Charter of the Village of Chagrin Falls be amended to add a new Subsection (h) which reads in its entirety as follows:

(h) The estimated or known amount of any expenditure or any proposed project, purchase, lease or provision of services when public bidding shall be required, intending to supersede any conflicting state statutory provision setting the threshold amount.

The majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

Section 2. That the form of the ballot to be cast at the election for the proposed Charter amendment contained in Section 1 shall read and provide as follows:

<p style="text-align: center;">Proposed Charter Amendment</p> <p>A majority affirmative vote is necessary for passage</p> <p>Shall Article IV, Section 8 be amended to provide that Council shall establish when public bidding shall be required for proposed projects, purchases, leases, or provision of services?</p>

Section 3. If such amendment is approved by a majority of the electors voting thereon at such election, such amendment so approved shall be effective from and after the date upon which the Cuyahoga County Board of Elections certifies the results of such election.

Section 4. That the Clerk of Council is hereby authorized and directed to cause copies of the proposed Charter Amendment to be published in such manner as may be authorized by law, and as required by Article XVIII, Section 9 of the Ohio Constitution by publication of the proposed Charter Amendment once a week for two (2) consecutive weeks on the same day of each week in a newspaper of general circulation in the Village.

Section 5. That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County.

ORDINANCE 2023-63
INTRODUCED BY: DEBERNARDO

Section 6. That the Board of Elections of Cuyahoga County is hereby requested to cause appropriate notice of such election to be duly given in accordance with law.

Section 7. It is hereby appropriated from the general fund of the Village, an amount sufficient to pay the cost of carrying out the directions of this Ordinance, including the cost of publishing notice of such election.

Section 8. 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 9. 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 10. That this Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED: ___, 2023

Angie DeBernardo, Council President

Submitted to the Mayor for
his approval on this

__th day of ___, 2023

Approved by the Mayor

Mayor William Tomko

I hereby certify that Ordinance No. 2023-63 was duly enacted on the __th 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