# RECORD OF PROCEEDINGS

Minutes of CHAGRIN FALLS VILLAGE COUNCIL Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held DECEMBER 12, 20 16

The meeting of the Council of the Village of Chagrin Falls was called to order at 7:00 p.m. by Mr. Maersch.

| | |
|---|---|
| Member present: | Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff |
| Members absent: | None |
| Officials present: | Mayor Tomko, Bloom, Himes, Markowitz, Zugan, Dacek, Lannon |

## APPROVAL OF MINUTES

Moved by Mr. Newell, seconded by Ms. Rogoff that the minutes of the meeting held November 28, 2016 be approved. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None.

## REPORT OF THE MAYOR

Mayor Tomko reported that he was notified by John Finley that the centralized dispatch will probably be granting a 20% rebate of our initial capital contribution, which should be somewhere in the neighborhood of $25,000 to $30,000. That is on top of the 21% rebate that we got last year.

Mayor Tomko announced the promotion of officer Scott Safenovitz to sergeant and he was sworn in. Mayor Tomko gave an overview of his background.

Chief Dacek awarded "Officer of the Year" to Michael Baldwin. She gave an overview of his highlights throughout the year.

## REPORT OF THE FINANCE DIRECTOR

No report.

## MEMBERS OF THE PUBLIC TO SPEAK TO AGENDA ITEMS (NOT TO EXCEED TWO (2) MINUTES PER PERSON)

None.

## REPORT OF THE LAW DIRECTOR

## ZONING CODE AMENDMENTS

Mr. Markowitz placed on the floor Ordinance No. 2016-69 entitled:

> AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF CHAGRIN FALLS AND AMENDING SECTIONS 1111.01, 1111.02(a), (b) AND (c), 1111.04(d), 1111.05(b), 1111.06, 1111.07, 1111.08, 1111.09, AND 1111.11

# RECORD OF PROCEEDINGS

Minutes of CHAGRIN FALLS VILLAGE COUNCIL Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held DECEMBER 12, 20 16

REGARDING REVIEW OF DECISIONS OF THE BOARD OF ZONING APPEALS BY THE VILLAGE COUNCIL AND PROVIDING FOR USE VARIANCES WHEN AN UNNECESSARY HARDSHIP EXISTS.

Moved by Ms. Rogoff, seconded by Mr. Mitchell to amend the title of the ordinance to remove the notation for use variances. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Mr. Maersch opened up the meeting to a public hearing. No comments were heard. Mr. Maersch closed the public hearing. Moved by Ms. Rogoff, seconded by Mr. Mitchell that the ordinance be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None.

**CODIFIED ORDINANCE AMENDMENT**

Mr. Markowitz placed on the floor Ordinance No. 2016-71 entitled:

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1111.03 TO REQUIRE PRELIMINARY APPROVAL FROM THE ARCHITECTURAL BOARD OF REVIEW PRIOR TO OBTAINING A VARIANCE FOR THE ERECTION, ENLARGEMENT, AND/OR ALTERATION OF A BUILDING.

Mr. Maersch opened up the meeting to a public hearing. No comments were heard. Mr. Maersch closed the public hearing. Moved by Ms. Rogoff, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None.

**CODIFIED ORDINANCE AMENDMENT**

Mr. Markowitz placed on the floor Ordinance No. 2016-72 entitled:

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1115.04 AND ADDING A REQUIREMENT FOR THE ARCHITECTURAL BOARD OF REVIEW TO STATE REASONS TO SUPPORT ITS DECISION AS REQUIRED BY THE PLANNING AND ZONING CODE.

Mr. Maersch opened up the meeting to a public hearing. No comments were heard. Mr. Maersch closed the public hearing. Moved by Ms. Rogoff, seconded by Mr. Mitchell that the ordinance be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None.

**ZONING CODE AMENDED**

Ms. Rogoff introduced Ordinance No. 2016-75 entitled:

AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF CHAGRIN FALLS AND AMENDING SECTIONS 1107.22 AND 1111.07 AND

# RECORD OF PROCEEDINGS

Minutes of CHAGRIN FALLS VILLAGE COUNCIL Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held DECEMBER 12, 2016

PROVIDING FOR USE VARIANCES WHEN AN UNNECESSARY HARDSHIP EXISTS.

Mr. Maersch said my concern is that I think we need to be as strict as possible. Because we've lived this long without having use variances in the code and no one has challenged; it would suggest that this is not an issue that comes up very often. It would be incumbent upon Planning and Zoning to take a look and ensure that whatever criteria we come up with, if we decide to go that direction, protects us against a free use of this provision that we are proposing for the code. Mr. Markowitz said I took all the leading cases that I could find on use variances and put all of the criteria that I could find into this provision so that if somebody is going to get a use variance they would have to meet all those provisions. Moved by Ms. Rogoff, seconded by Mr. Mitchell that we refer this to the Planning and Zoning Commission. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Mr. Maersch placed this ordinance on readings.

**CODIFIED ORDINANCES AMENDED**

Mr. Maersch introduced Ordinance No. 2016-76 entitled:

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 111.03 REGARDING AGENDAS FOR COUNCIL MEETINGS.

Mr. Maersch said I like the topic sentence from existing 1111.03 which says "The agenda set forth in this section shall be followed when practical by the presiding officer conducting regular meetings of Council". I think we can probably strike the last part. I would just like to have an out if it is not practical to follow the meeting agenda. The other thing I would like to consider is do we really need to put the "members of the public shall be permitted to speak not to exceed five minutes"? Mr. Himes said those were put in there at a time where we had residents abusing the right of the public to speak. As the presiding officer I think you can give them leeway to speak as long as you see fit without cutting them off. Mr. Markowitz said you have to have something in the code. Mr. Maersch placed this ordinance on readings and announced a public hearing for Monday, January 23, 2017.

**CEMETERY COMMISSION**

Mr. Mitchell introduced Ordinance No. 2016-77 entitled:

AN ORDINANCE CREATING A CEMETERY COMMISSION, AND ESTABLISHING RULES AND REGULATIONS FOR CEMETERIES IN THE VILLAGE OF CHAGRIN FALLS, AND PROVIDING FOR ENFORCEMENT OF ORDINANCES NECESSARY TO CARRY INTO EFFECT SECTION 759.02 TO 759.48, INCLUSIVE, OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

Mr. Mitchell said this is consistent with the Charter Review process and the desire of the voters. On December 2, 2016 the Facilities and Services Committee had a meeting where they reviewed it,

# RECORD OF PROCEEDINGS

Minutes of CHAGRIN FALLS VILLAGE COUNCIL Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held DECEMBER 12, 2016

discussed it, and suggested changes. The changes have been incorporated into this legislation. Moved by Mr. Newell, seconded by Mrs. Lutz that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None.

**ZONING CODE AMENDED**

Ms. Rogoff introduced Ordinance No. 2016-78 entitled:

> AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF CHAGRIN FALLS AND AMENDING SECTION 1125.04 REGARDING ACCESSORY BUILDINGS AND STRUCTURES.

Ms. Rogoff explained the amendments and placed this ordinance on readings. There was discussion, comments were heard, and questions were answered. Mr. Markowitz pointed out some typos in the legislation. Mr. Maersch announced a public hearing for Monday, January 23, 2017.

**COMPREHENSIVE STORMWATER MANAGEMENT REGULATIONS**

Mr. Newell introduced Ordinance No. 2016-79 entitled:

> AN ORDINANCE ADOPTING REGULATIONS FOR COMPREHENSIVE STORMWATER MANAGEMENT WITHIN THE VILLAGE OF CHAGRIN FALLS AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mrs. Lutz that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Mr. Markowitz said this is something that the Chagrin River Watershed Partners has worked with Ben on developing. It is a part of our Stormwater Management Program that we need to implement. Mr. Newell said the EPA has updated/changed their stormwater provisions or requirements and the village has been aware of this for a number of years. We have actually had some discussion on this earlier this year where we hired the County Health Department to do some monitoring of stormwater. Ben has been working with Tim Lannon on the master plan. This is basically making our chapter in our code to be in compliance with the new stormwater regulations.

**EROSION AND SEDIMENT CONTROL REGULATIONS**

Mr. Newell introduced Ordinance No. 2016-80 entitled:

> AN ORDINANCE ADOPTING REGULATIONS FOR EROSION AND SEDIMENT CONTROL WITH THE VILLAGE OF CHAGRIN FALLS AND DECLARING AN EMERGENCY.

# RECORD OF PROCEEDINGS

Minutes of CHAGRIN FALLS VILLAGE COUNCIL Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held DECEMBER 12, 20 16

Moved by Mr. Newell, seconded by Mrs. Lutz that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Mr. Newell said this is a revision to our Chapter 1355 and it updates the regulations for erosion control and the quality of the water so that we are in compliance with the EPA Stormwater Regulations. Comments were heard and questions were answered.

**APPROPRIATIONS FOR EXPENSES**

Mr. Maersch introduced Ordinance No. 2016-81 entitled:

> AN EMERGENCY ORDINANCE MAKING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF CHAGRIN FALLS DURING AND FOR THE YEAR ENDING DECEMBER 31, 2016, REPEALING ORDINANCE NO. 2016–09.

Moved by Mr. Newell, seconded by Mrs. Lutz that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Moved by Mr. Maersch, seconded by Ms. Rogoff to amend 2016-81 to add a section that officially repeals Ordinance No. 2016-09. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Mr. Bloom said this is a routine thing that we do every year at this time; it is a State Auditor's requirement. Basically what it does is bring our actual spending for the year in line with the numbers that Council appropriates.

**CUSTODIAL SERVICES**

Mr. Mitchell introduced Ordinance No. 2016-82 entitled:

> AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BRIDGET BROWN (dba CLEAN SWEEP) FOR THE PURCHASE OF CUSTODIAL SERVICES IN 2017 AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mrs. Lutz that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Moved by Mr. Maersch, seconded by Ms. Rogoff to amend 2016-82 in section one to strike the duplicate of $25,000 leaving only one $25,000 in words and we will correct the parenthetical to put a decimal point after the six and strike the three trailing zeros and also strike the word thousand after ninety six. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays:

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11



Rogoff. Nays: None. Mr. Himes said we have used Clean Sweep for the last three years and they have provided exceptional service to us. They were the low bidder the first year with very low increases each year. This is actually a renewal at the same price as 2016, $25,896.00.

**PRISONER HOUSING**

Mrs. Lutz introduced Ordinance No. 2016-83 entitled:

> AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF BEDFORD FOR BOARDING OF PRISONERS AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mrs. Lutz that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Mrs. Lutz said we previously had a contract with Bedford Heights but that facility has been shut down. Currently we only use the Solon jail. We can only hold prisoners here in Chagrin Falls for six hours. There are times when Solon is full or maybe they are busy with their breathalyzer, we don't own one, and they don't want to handle it so we need another option so we are asking you to approve the use of the Bedford jail. It is $75.00 a day and we can opt out of our agreement and there is really no down side. Chief Dacek said we also have a contract with Geauga County but it would be nice to have a third option.

**POSITION CLASSIFICATION AND SALARY SCHEDULE AMENDED**

Mr. Muscenti introduced Ordinance No. 2016-84 entitled:

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

Moved by Mr. Muscenti, seconded by Mr. Newell that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Mr. Muscenti said a 3% increase, which was recommended by the Administration and Compensation Committee, totals about $113,000 of increased payroll cost and looking at our General Fund tax revenue I think that it does support the increase. It was unanimous that the Administration and Compensation Committee recommend to Council a 3% wage increase.

**CODIFIED ORDINANCES AMENDED**

Mrs. Lutz introduced Ordinance No. 2016-85 entitled:

# RECORD OF PROCEEDINGS

Minutes of CHAGRIN FALLS VILLAGE COUNCIL Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held DECEMBER 12, 20 16

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 149.02(b) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS, ADDING MAINTENANCE AND CLOTHING ALLOWANCE FOR PART-TIME POLICE CLERKS AND REVISING THE TIME OF SERVICE ELIGIBILITY FOR SUCH ALLOWANCES.

Moved by Mrs. Lutz, seconded by Mr. Newell to amend the duplication of "no longer" in the second paragraph on page one. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Moved by Mrs. Lutz, seconded by Mr. Newell that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Mrs. Lutz explained the amendments.

**TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE**

Mr. Berkobein introduced Ordinance No. 2016-86 entitled:

A RESOLUTION AUTHORING THE MAYOR TO SUBMIT A TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR THE PURPOSE OF ACQUIRING FEDERAL FUNDS FOR CROSSWALK SAFETY IMPROVEMENTS IN THE DOWNTOWN AREA, AND DECLARING AN EMERGENCY.

Moved by Mr. Mitchell, seconded by Mrs. Lutz that the resolution be adopted. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Muscenti, Newell, Rogoff. Nays: None. Mr. Berkobein said we did this earlier this year, for putting the lights into the crosswalks around town in four different areas, but they ran out of money so we are just resubmitting the application.

**STREETS AND SIDEWALKS COMMITTEE**

No report.

**FACILITIES AND SERVICES COMMITTEE**

No report.

**PLANNING AND ZONING COMMISSION**

Ms. Rogoff announced a meeting for Monday, December 19, 2016 at 7:30 p.m.

# RECORD OF PROCEEDINGS

Minutes of CHAGRIN FALLS VILLAGE COUNCIL Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held DECEMBER 12, 20 16

**SAFETY COMMITTEE**

Mrs. Lutz reported that the committee had general discussion about pedestrian safety and they are working together with the Streets and Sidewalks Committee to create a better environment for pedestrians.

**UTILITIES COMMITTEE**

No report.

**BOARD OF ZONING APPEALS**

Mr. Maersch announced a meeting for Tuesday, December 27, 2016 at 8:00 p.m.

**ADMINISTRATION AND COMPENSATION COMMITTEE**

No report.

**FINANCE COMMITTEE**

Mr. Maersch acknowledged receipt of the summary of the financial statements for the month ending November 30th.

**PARKS COMMISSION**

No report.

**SHADE TREE COMMISSION**

No report.

**ARTS COMMISSION**

Ms. Rogoff announced a meeting for Thursday, January 19, 2016.

**PARKING COMMISSION**

Mr. Newell announced a meeting for December 13, 2016 at 4:00 p.m.

**REPORT OF THE CHIEF ADMINISTRATIVE OFFICER**

No report.

# RECORD OF PROCEEDINGS

Minutes of CHAGRIN FALLS VILLAGE COUNCIL Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held DECEMBER 12, 20 16

**REPORT OF THE ENGINEER**

No report.

**REPORT OF THE POLICE CHIEF**

None.

**REPORT OF THE FIRE CHIEF**

Chief Zugan thanked Council for passing the pay raise for all employees.

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

John Finley, Chagrin Falls Township Trustee, said the Chagrin Valley Dispatch approved a rebate capital contribution in 2017 to Chagrin Falls Village of $27,792.00. They also approved a 5% rebate capital contribution in 2018 of $6,948.00. Receiving these rebates are subject to two contingencies. One is that Euclid and Solon make their contributions in 2017 and that Euclid makes their contribution in 2018. The second is that the Chagrin Valley Dispatch signs a contract with Cuyahoga County for the Regional Enterprise Data of Sharing System, also known as REDSS. Under that contract the county will pay for capital improvements that will be needed. Mr. Finley said the village's annual contribution for 2017 is $165,583.04 and that is actually a reduction from last year of $14,594.04. The Mayor and Council thanked Mr. Finley and the Chagrin Valley Dispatch.

**MISCELLANEOUS**

None.

**ADJOURNMENT**

Mr. Maersch adjourned the meeting at 8:43 p.m.

President of Council

Clerk of Council