

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held

JANUARY 23,

20 17

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, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff
Members absent: None
Officials present: Mayor Tomko, Bloom, Himes, Markowitz, Alunni, Dacek, Lannon

APPROVAL OF MINUTES

Moved by Mr. Newell, seconded by Ms. Rogoff that the minutes of the meeting held January 9, 2017 be approved. Carried. Ayes: Berkobein, Lutz, Maersch, Mitchell, Newell, Rogoff. Abstain: DeBernardo. Nays: None.

Moved by Mr. Newell, seconded by Mr. Mitchell that the minutes of the special meeting held January 12, 2017 be approved. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None.

REPORT OF THE MAYOR

Mayor Tomko mentioned that the annual Chili Cook-Off will be held on Saturday, January 28, 2017 at the Federated Church Family Life Center from 5:30 p.m. to 10:00 p.m. The proceeds from this event benefit various children's charities within the valley, including our police and fire Safety Town Program.

Mayor Tomko asked that Mrs. Lutz schedule a Safety Committee Meeting to discuss making changes to the parking code regarding some of the clarifications and changes in the ordinance. It will substantially reduce the amount of paper that the police department handles as well as their time commitments.

Mr. Maersch announced a special Council meeting for Tuesday, January 24, 2017 at 7:30 p.m. He said Mr. Markowitz will draft an ordinance that will authorize the Mayor to enter into a contract with Matt Stuczynski and authorize Mr. Stuczynski to go out and seek formal bids for the financing transaction and will also authorize the law director to work with a bond counsel to prepare legislation for our consideration if we do this financing transaction.

Mayor Tomko swore in new Council member Angie DeBernardo. Mr. Maersch said Mrs. DeBernardo will Chair the Administration and Compensation Committee, she will fill the seat on the Facilities and Services Committee, and she will fill the seat on the Finance Committee.

REPORT OF THE FINANCE DIRECTOR

No report.

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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 AMENDED

Mr. Markowitz placed on the floor 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 PROVIDING FOR USE VARIANCES WHEN AN UNNECESSARY HARDSHIP EXISTS.

Mr. Maersch said this will remain on readings pending a recommendation one way or the other from the Planning and Zoning Commission at which point we will set a public hearing within thirty days.

CODIFIED ORDINANCES AMENDED

Mr. Markowitz placed on the floor Ordinance No. 2016-76 entitled:

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

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

ZONING CODE AMENDED

Mr. Markowitz placed on the floor 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.

Mr. Maersch opened the meeting up to a public hearing. Ms. Rogoff explained the amendments. Mr. Maersch said he has significant concerns with this legislation especially in Section 1125.04(d)(3), play equipment. Mrs. DeBernardo agreed. Ms. Rogoff said I would request that Council refer this back to the Planning and Zoning Commission for modifications, adjustments, and further conversation. Mr. Maersch said I don't think the village should be in the business of

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regulating play equipment at all. Mr. Maersch further commented on the section for outdoor recreational fireplaces and that the ten foot rule should be looked at again. Comments were heard and questions were answered. Bob Darden, 51 Walnut Street, said, just to clarify, are we talking permanent structures that are cemented in the ground? I have a trampoline that is 15' in diameter, about 9' high, and about 3' feet from the property line. With this new legislation I would have to remove it? Mr. Himes said it would be a 10' setback requirement because of the height. Mr. Markowitz said if the Planning and Zoning Commission goes back and changes the definition so that it is not just equipment it is structures then the trampoline wouldn't be a structure.

Erinn Grube, 63 Hall Street, spoke against the regulation of play equipment.

Mr. Maersch closed the public hearing.

Moved by Mr. Maersch, seconded by Mr. Newell to table 2016-78 and refer it to the Planning and Zoning Commission for further study. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None.

PARKING VIOLATION SOFTWARE

Mr. Newell introduced Resolution No. 2017-02 entitled:

A RESOLUTION AUTHORIZING THE MAYOR TO SOLICIT BIDS FOR
PARKING VIOLATION SOFTWARE.

Moved by Mr. Newell, seconded by Mr. Mitchell that the resolution be adopted. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mr. Newell said at the last Council meeting the police chief did a flow chart that described the archaic and labor intensive process of issuing tickets and collecting fines. This is a resolution to get the bid process started for new software.

SECTION 549.02 OF THE CODIFIED ORDINANCES AMENDED

Mrs. Lutz introduced Ordinance No. 2017-03 entitled:

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 549.02 TO
ADD PROVISIONS REGARDING PERSONS STOPPED FOR A LAW
ENFORCEMENT PURPOSE, ADDING PENALTIES, AND DECLARING AN
EMERGENCY.

Moved by Mrs. Lutz, seconded by Mr. Maersch that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Moved by Mrs. Lutz, seconded by Ms. Rogoff that the ordinance be adopted. Carried. Ayes: Berkobein, DeBernardo, Lutz, Maersch, Mitchell, Newell, Rogoff. Nays: None. Mr. Markowitz said the police chief and I were dealing with some code provisions and we happened to

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realize that this did not conform to the Ohio Revised Code and didn't provide for additional protection for police officers when they were stopping somebody carrying a concealed handgun. We thought it would be not only prudent, but compelling to add this to our Codified Ordinances and adopt it as an emergency.

STREETS AND SIDEWALKS COMMITTEE

Mr. Berkobein reported that approximately 66% replied yes to the Walters Road sidewalk survey and 34% replied no.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

Ms. Rogoff announced a meeting for Wednesday, February 22, 2017 at 7:30 p.m.

SAFETY COMMITTEE

Mrs. Lutz announced a meeting for Monday, February 13, 2017 at 6:30 p.m.

UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

Mr. Maersch announced a meeting for Tuesday, January 24, 2017 at 8:00 p.m.

ADMINISTRATION AND COMPENSATION COMMITTEE

No report.

FINANCE COMMITTEE

Mr. Maersch reported that the administration, Mayor Tomko, proposed that we consider entering into a financing transaction where we will essentially get a direct bank purchase bond in the amount of one million two hundred thousand dollars to accelerate our capital programs by getting a loan to cover what we are going to eventually get in the increased revenue from the income tax. The Finance Committee voted unanimously to recommend to Council that this legislation be drafted and passed.

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PARKS COMMISSION

Mrs. Lutz announced a meeting for Tuesday, January 24, 2017 at 8:30 a.m.

SHADE TREE COMMISSION

Mrs. Lutz reported that the Shade Tree Commission has been very active. They discussed a proposed budget prepared by the village engineer for a proposed trail along the Chagrin River behind the Ben King Arboretum. The budget request will be presented to Council in February. The \$50,000 the Shade Tree Commission received from the estate of Ben King will be used to assist in the funding of the trail. The earliest possible start date is Fall of 2017.

Mrs. Lutz also reported that Winter pruning is scheduled for January 30 and the first trees that will be pruned will be those that were planted in 2012 and 2013.

Mrs. Lutz further reported that Terry Rounds will continue efforts to find assistance for the creation of a FEMA approved Debris Removal Management Policy.

Mayor Tomko said we are looking at the arboretum path as a part of that whole library upgrade. He is meeting with the Jaycees at the February meeting to look at potentially getting their financial support for doing that and replacing the stairs with a ramp so that you could easily get a baby stroller up and down there.

ARTS COMMISSION

Ms. Rogoff announced a meeting for Monday, March 20, 2017 at 6:00 p.m.

PARKING COMMISSION

Mr. Newell announced a meeting for Wednesday, February 1, 2017 at 6:00 p.m. at the Township Hall.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

No report.

REPORT OF THE ENGINEER

No report.

REPORT OF THE POLICE CHIEF

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Chief Dacek reported they have officially put the body cameras into the field. Mayor Tomko said these are very important to protect the officers and the village and money well spent. About half of the money was donated to the village and the village paid the remaining balance.

Chief Dacek also reported that they are working on a Public Outreach Program. There will be a presentation at the Intermediate School regarding missing children on February 28, 2017 at 6:30 p.m.

Chief Dacek further reported that towards the end of March they are going to have a presentation at Hamlet with regard to scams and fraud.

REPORT OF THE FIRE CHIEF

No report.

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

None.

MISCELLANEOUS

None.

ADJOURNMENT

Mr. Maersch adjourned the meeting at 8:07 p.m.

President of Council

Clerk of Council