

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHTROP11

Held

APRIL 24,

2017

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, Maersch, Newell, Rogoff
 Members absent: Lutz, Mitchell
 Officials present: Mayor Tomko, Bloom, Himes, Zupan, Markowitz, Dacek, Lannon

Moved by Ms. Rogoff, seconded by Mr. Newell that the absence of Mrs. Lutz and Mr. Mitchell be excused. Carried. Ayes: Berkobein, DeBernardo, Maersch, Newell, Rogoff. Nays: None.

APPROVAL OF MINUTES

Moved by Mr. Newell, seconded by Ms. Rogoff that the minutes of the meeting held April 10, 2017 be approved. Carried. Ayes: Berkobein, DeBernardo, Maersch, Newell, Rogoff. Nays: None.

REPORT OF THE MAYOR

Mayor Tomko reported that Village's application to the EPA was recommended for approval. This will fund approximately half of the remaining cost of the river erosion at the waste water treatment plant.

Jim Smith, Chagrin Valley Jaycees, requested permission to use Riverside Park, and other facilities around town, for the 61st annual Blossom Time Festival. Moved by Mr. Maersch, seconded by Mrs. DeBernardo to approve the use of Riverside Park by the Jaycees for the Blossom Time Festival. Carried. Ayes: Berkobein, DeBernardo, Maersch, Newell, Rogoff. Nays: None.

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**TRASH COLLECTION ON TWIN LAKES TRAIL AND WATER FALL TRAIL**

Mr. Maersch introduced Ordinance No. 2017-18 entitled:

AN ORDINANCE AUTHORIZING TRASH COLLECTION FOR THREE (3) RESIDENCES LOCATED AT 7450, 7460, AND 7440 TWIN LAKES TRAIL AND FIVE (5) RESIDENCES LOCATED AT 7430, 7440, 7450, 7460, AND 7470 WATER FALL TRAIL LOCATED IN THE VILLAGE OF CHAGRIN FALLS UPON THE CONDITIONS SET FORTH IN THIS ORDINANCE.

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Moved by Mrs. DeBernardo, seconded by Mr. Newell to amend 2017-18 in the third sentence to strike the following language in the caption "and five (5) residences located at 7430, 7440, 7450, 7460, and 7470 Water Fall Trail". Carried. Ayes: Berkobein, DeBernardo, Maersch, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Ms. Rogoff that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, DeBernardo, Maersch, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Ms. Rogoff that the ordinance be adopted, as amended. Carried. Ayes: Berkobein, DeBernardo, Maersch, Newell, Rogoff. Nays: None.

Mr. Markowitz said the initial request came from the property owners on Twin Lakes Trail but they thought that they would include Water Fall Trail because they have the same circumstances. Mr. Maersch said these residences have never been on the Village's contract. Waste Management, who services their streets which are in Russell Township in Geauga County, has been picking up their trash for many years and has stopped. Mr. Himes said at the Village's current contract rate with Kimble the addition of these 8 residences works out to approximately \$1,300 per year.

Mr. Markowitz said trash collection service will be provided but before that happens deed restrictions have to be recorded on all three properties on Twin Lakes Trail, which will memorialize what the Board of Zoning Appeals required back in 1977 for your subdivision, which is that you do not get sewer, water, roads, snow plowing, or leaf pick-up. This is just being provided for trash collection. I will prepare the document and you would all sign it and we will get it recorded and then the Chief Administrative Officer will direct the trash collection company to start providing the service.

Mr. Markowitz said the interesting thing is that the three residences on Twin Lakes Trail are agreeing to do this and they don't have any restriction on their property, even though they were supposed to, and the Water Fall Trail property owners do have a deed restriction recorded and apparently they are not in agreement that they should be bound by it. Mr. Maersch mentioned that 100% of the actual Twin Lakes Trail road is not in Chagrin Falls; it is in Geauga County so we wouldn't snow plow that anyway. Mr. Markowitz said we would continue to provide police and fire service.

ZONING CODE AMENDED

Ms. Rogoff introduced Ordinance No. 2017-19 entitled:

AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF
CHAGRIN FALLS AND AMENDING CHAPTER 1143, SIGNS, IN ITS
ENTIRETY.

Mr. Maersch asked if this addresses banners? Ms. Rogoff said no, temporary signs on public property are not addressed in this. Mr. Himes said banners can be set up by Council approval because it is really not a zoning regulation. Comments were heard and questions were answered. Mr. Maersch placed this ordinance on readings and announced a public hearing for Monday, May 22, 2017.

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CODIFIED ORDINANCES AMENDED

Mr. Newell introduced Ordinance No. 2017-20 entitled:

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTIONS 931.02 AND 917.04 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS AND ADDING SUBSECTION 917.04(j), REGARDING RECOVERY FOR UTILITY CHARGES WHICH WERE INCORRECTLY NOT ASSESSED TO A PROPERTY OWNER.

Moved by Mr. Maersch, seconded by Mr. Newell that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, DeBernardo, Maersch, Newell, Rogoff. Nays: None. Moved by Mr. Newell, seconded by Ms. Rogoff that the ordinance be adopted. Ayes: Berkobein, DeBernardo, Maersch, Newell, Rogoff. Nays: None. Mr. Berkobein said how long is the statute on how far back we can collect? Mr. Himes said our water regulations do give us the authority to go back and back charge where it is warranted and the code says that the water regulations have the effect of an ordinance. This puts it in the ordinance book as well so that we are covered. Ms. Rogoff said how far back can we go? Mr. Himes said six years. Mr. Newell said he is absolutely impressed with the efforts from Mr. Markowitz.

OHIO DEPARTMENT OF TRANSPORTATION WINTER CONTRACT

Mr. Berkobein introduced Ordinance No. 2017-21 entitled:

AN ORDINANCE AUTHORIZING THE VILLAGE'S PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION WINTER CONTRACT (018-18) FOR ROAD SALT AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mr. Berkobein that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Berkobein, DeBernardo, Maersch, Newell, Rogoff. Nays: None. Moved by Mrs. DeBernardo, seconded by Mr. Newell that the ordinance be adopted. Ayes: Berkobein, DeBernardo, Maersch, Newell, Rogoff. Nays: None. Mr. Newell said if we don't participate in this program we are going to pay two to three times more per ton for road salt.

STREETS AND SIDEWALKS COMMITTEE

Mr. Berkobein announced a meeting for Wednesday, May 10, 2017 at 6:30 p.m.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

Ms. Rogoff announced a meeting for Monday, May 15, 2017 at 7:30 p.m.

SAFETY COMMITTEE

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UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

No report.

ADMINISTRATION AND COMPENSATION COMMITTEE

No report.

FINANCE COMMITTEE

No report.

PARKS COMMISSION

No report.

SHADE TREE COMMISSION

No report.

ARTS COMMISSION

Ms. Rogoff announced a meeting for Monday, May 15, 2017 at 6:00 p.m.

PARKING COMMISSION

Mr. Newell announced a meeting for Wednesday, May 3, 2017 at 7:00 p.m.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

Mr. Himes reported that the sidewalk contractor is making repairs on sidewalks that were authorized under last year's repair program. Due to his schedule and the weather he didn't get them done last year.

REPORT OF THE ENGINEER

No report.

REPORT OF THE POLICE CHIEF

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Chief Dacek reported that the Safe Routes to School Bike-A-Palooza will take place on Saturday from 12:00 p.m. to 3:00 p.m. at the Intermediate School parking lot.

REPORT OF THE FIRE CHIEF

Chief Zupan reported that they are having a Lieutenant/Captain promotion on Wednesday so he anticipates that the Mayor will be swearing in some new officers probably in June.

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

None.

MISCELLANEOUS

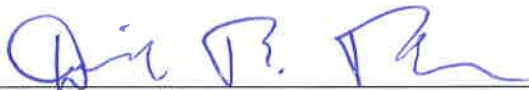
Mr. Berkobein said Mr. Cohn's driveway is moving forward.

ADJOURNMENT

Mr. Maersch adjourned the meeting at 7:56 p.m.



President of Council



Clerk of Council