

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. SHITROP11

Held SEPTEMBER 24, 20 18

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: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff
 Members absent: None
 Officials present: Mayor Tomko, Bloom, Alunni, Markowitz, Dacek, Jamieson, Lannon

APPROVAL OF MINUTES

Moved by Mr. Newell, seconded by Mrs. Evans that the minutes of the meeting held August 27, 2018 be approved. Carried. Ayes: DeBernardo, Evans, Grube, Newell, Rogoff. Abstain: Lipp, Maersch. Nays: None.

Moved by Mr. Maersch, seconded by Mr. Newell that the minutes of the meeting held September 10, 2018 be approved, as amended. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None.

REPORT OF THE MAYOR

Mayor Tomko reported that the village's new phone system is scheduled to be installed beginning on Thursday. The current phone system is barely operative. By doing what we have done, we have saved about \$100,000 in Capital costs that we had planned on for the last year. This requires no Capital cost and no expenditure of funds. We are projecting that it will have a monthly savings of around \$4,000 and that is stemming from the lower cost and the elimination of some unnecessary phone lines. Debbie Bosworth is largely to be credited for that.

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**TRAFFIC CONTROL MAP AMENDED**

Mr. Markowitz placed on the floor Ordinance No. 2018-59 entitled:

AN ORDINANCE AMENDING APPENDIX A TO TITLE 1 OF PART 3 OF THE CODIFIED ORDINANCES TO AMEND THE TRAFFIC CONTROL MAP PROVIDED FOR IN CODIFIED ORDINANCE SECTION 305.01 AND

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REPEALING RESOLUTION NO. 2018-58 WHEN IN CONFLICT WITH THIS ORDINANCE AND DECLARING AN EMERGENCY.

Mrs. DeBernardo said the Safety Committee would like to recommend that this remain on readings. We are ten days into the 30-day traffic all parking ban on May Court and we are seeing what the behavior is of the people that park in that area. We want to let this sit at least until our next meeting.

Mr. Maersch said this will remain on readings.

PARKING LEASES

Mr. Markowitz placed on the floor Ordinance No. 2018-63 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO PARKING LEASES WITH THE VALLEY LUTHERAN CHURCH AND THE CHAGRIN VALLEY LITTLE THEATER TO PROVIDE ADDITIONAL PARKING WITHIN THE BUSINESS DISTRICTS OF THE VILLAGE AND DECLARING AN EMERGENCY.

Mr. Maersch said this will remain on readings.

BUDGET COMMISSION AMOUNTS AND RATES

Mr. Maersch introduced Resolution No. 2018-64 entitled:

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION, OUTSIDE 10 MILL AMOUNT AND RATE, AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER.

Moved by Mr. Maersch, seconded by Mrs. Evans that the resolution be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mr. Bloom said this certifies the village's property tax rate to the county and they use this to put the bills together in December. This is actually a decrease from last year because we had a bond retirement amount for the Streetscape and that is gone now.

AUTHORIZATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S)

Mr. Newell introduced Resolution No. 2018-65 entitled:

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT APPLICATIONS TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE ALL CONTRACTS AS REQUIRED FOR THE WASTEWATER TREATMENT PLANT UPGRADES AND FOR THE EAST WASHINGTON STREET SEWER

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INFLOW AND INFILTRATION REDUCTION, AND DECLARING AN EMERGENCY.

Moved by Mr. Newell, seconded by Mrs. Evans that the resolution be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mr. Newell said a month or so ago we had some legislation that was related to the sewer plant upgrades and we have a deadline at the end of this year to submit plans. We are applying for some grants or some zero interest loans. Some infiltration inflow has been located at some key points and we are hoping to reduce that flow during rain events to reduce the costs of the upgrades that the EPA is going to require.

CODIFIED ORDINANCE SECTION 509.09 REPEALED

Mrs. DeBernardo introduced Ordinance No. 2018-66 entitled:

AN ORDINANCE REPEALING CODIFIED ORDINANCE SECTION 509.09 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS.

Moved by Mr. Maersch, seconded by Ms. Rogoff that the requirement for reading an ordinance three times be suspended. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Moved by Mr. Maersch, seconded by Mr. Newell that the resolution be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mr. Maersch said the ACLU sent us a letter on August 28, 2018 calling our attention to the fact that, in their view, 509.09 is unconstitutional because it contains some language around vagrancy and loitering and things that the U.S. Supreme Court had found unconstitutional. The recommendation from our law director and our chief of police was that we don't need this ordinance and that we should repeal it. Mr. Markowitz said the courts have held that the status of being poor and having no visible means of support can not be the basis for a criminal charge against somebody. That is why the courts have said these type of ordinances are not enforceable. Ours is not exactly the way some of those cases had it but it has enough language in there that you wouldn't want it to be enforced by the police department as the only means to eliminate a problem in the village in a given incident. We already have other ordinances that cover all the things that we would be worried about and we don't want to get sued over it because if we are wrong and we lose we could be liable for significant legal fees.

POSITION CLASSIFICATION AMENDED

Mrs. Lipp introduced Ordinance No. 2018-67 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. Maersch, seconded by Mrs. Evans to amend 2018-67 in Section 1 after "this Council establishes the various positions within the service of the Village and the salary and hourly rate ranges for each position as follows:". Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Moved by Mr. Maersch, seconded by Mr. Newell that the requirement for reading an ordinance three times be suspended. Carried. Ayes: DeBernardo, Evans, Grube, Lipp,

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Maersch, Newell, Rogoff. Nays: None. Moved by Mr. Maersch, seconded by Mrs. Evans that the resolution be adopted. Carried. Ayes: DeBernardo, Evans, Grube, Lipp, Maersch, Newell, Rogoff. Nays: None. Mr. Jamieson said we are proposing to add several part-time and seasonal positions to the utilities and streets departments due to fluctuations in their work load. Instead of delaying work or having issues in getting things accomplished we want to be able to have some flexibility in bringing in some seasonal people with some skills. Right now we use seasonal temp workers, Summer help type positions that we would like to increase in the streets department and we would also like to have a new category of a skilled part-time position that we could bring someone in with a CDL and somebody with special skills or needs that can fit into our salary schedule better than the old system where we just have the regular rate for our full-time skilled workers and then our seasonal rate for our college kids. We are proposing to add three skilled part-time people in the utilities department. We are proposing four seasonal Summer help positions for a total of ten in the street department and then one skilled part-time position in the streets department.

COMMITTEE REPORTS:**STREETS AND SIDEWALKS COMMITTEE**

No report.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

Ms. Rogoff announced a meeting for Monday, October 15, 2018 at 7:30 p.m.

SAFETY COMMITTEE

Mrs. DeBernardo reported that they are in the midst of a 30-day parking ban, which started on Friday, September 14th, and will be in effect until Sunday, October 14th. During the last Safety Committee meeting we discussed the current legislation that is before us and we feel at this time looking at the parking and how it is so far behaving that we could put that legislation aside to see if we need to actually put a detailed parking map in place. Certainly we don't see these kind of parking problems developing on Elm Court that we anticipated we would see if we blocked parking on May Court. We are suggesting a different strategy which would be to establish a day time parking window by banning all parking on May Court from 2:00 a.m. to 10:00 a.m. and from 2:30 p.m. to 4:30 p.m., which would coincide with the time the school busses go through. This would extend from Monday through Saturday since that is what we do for parking regulations throughout the village. We also considered extending the "no parking" from here to the corner to a further distance down the street so that the turn doesn't have as many cars blocking it when people are allowed to park. This idea is favored by the police chief.

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Mrs. Grube said we had a little bit of a disagreement on the timing of when to create the narrowed parking windows. I personally do not know that we should do this right now. I would like to have a conversation with Giovanni and I would like to see what is happening before we rush into the new legislation. I think the legislation and the impacts of it are going to last for a long time and the story will eventually dissipate about why this happened and I want to make sure we are not over legislating. I disagree with changing the "no parking" here to corner sign.

Mr. Maersch said the 30-day ban is what we should be doing because the testimony from the residents was we have never had this problem before. We have a salon and a chiropractor that have moved in and that have taken over our street for parking. I have always thought that we need to send a message to the business owners that they need to find themselves some alternative parking because they are a business and we just can't have people parking there. My hope is that after the 30-day ban, or when we get close to when the 30-day ban expires, one of us or somebody will walk over and talk to the owner of the salon and talk to the owner of the chiropractor and find out what alternate plans they made. And, assuming they did because their employees are parking somewhere, ideally we would have to legislate nothing because we fixed the problem.

Mrs. DeBernardo said I would love to think that is going to happen but I also try to figure out when would I really be comfortable that these parkers are not going to come back and that wouldn't be until next Spring because I think that when Winter comes if it is convenient to park there they are going to park there if it is still legal. So, I feel like I don't want to drop the ball and not do anything.

Mr. Newell said I am hoping that these two business owners have seen that they have pushed things a little too far and that it will self-correct itself without us having to do a specific ordinance for a specific street. I really don't care for writing ordinances to try to change people's behavior. I don't want anybody on May Court to have any impact from these business owners and employees parking in their front yards but if we can do it without legislation that would be ideal, in my viewpoint.

Mr. Maersch said I agree.

Ms. Rogoff said I think first of all this whole consideration was for a safety issue on May Court and the safety issue remains because it is a very narrow two-lane street. I guess I have less confidence in people's good nature of not parking there than everybody else. I don't mean that in a bad way, I just think that people are going to go back to parking there. I also think this would help with snow plowing in the Winter and I do think that there is not enough room for a large vehicle to comfortably turn into the street when there are cars parked from the end where the sign says "no parking from here to corner". You go in there and you come up against a car right away and if somebody is coming the other way you have to wait or move over and then you are head-to-head with somebody else. I think we should put it in place so that it is in place when the current ban expires.

Jenny Samoly, 75 May Court, thanked Council for the 30-day ban. She said it has been very pleasant to not have to worry about the cars parked on the street.

Mr. Maersch asked if the police department issued any tickets? Chief Dacek said we issued two tickets last week.

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Virginia Breckenridge, 120 Village Circle, said thank you, I agree with no parking. If it is a safety issue just that going ahead and that is the best thing to have done is just to say no parking. Let's just take this a step at a time to figure out and see what happens. It is nice to pull onto a street and not be immediately having a car that you can't see coming at you. About the corners and the curbs, everybody seems to park not only at the front of May Court but also on the end of May Court. A lot of people park up onto that curb where you get to a three lane intersection and one lane keeps going on to Elm Court. I don't know if that has ever been thought about, the no parking to curbs. If it got bad again, could you go to "no parking" again without having twenty people come to Council?

Mr. Maersch said we can do something at a Council meeting as long as we get five votes for people that will suspend the requirement for three readings for the legislation and then we get four votes to pass the actual legislation.

Jeff Pope, 67 May Court, said I concur. Thank you very much for what has happened so far, it has been great. As long as there is a commitment from you guys to help us out if this comes back up again I think we are all comfortable with that. We just want to see action when this is taking place and that happened in this case. I agree with over legislating the situation, there is no need for it.

Ray Lang, 186 Village Circle, said I was worried about when the ban went into effect whether people would move up on to Elm Court or Village Circle and in the last more than ten days no one has really done that. The problem did not move down the street.

Mr. Maersch said hopefully the 30-day ban will change behavior and we will be right back where you guys were a year or a year and a half ago.

UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

Mr. Maersch announced a meeting for Tuesday, September 25, 2018 at 8:00 p.m.

ADMINISTRATION AND COMPENSATION COMMITTEE

Mrs. Lipp reported that the committee met with Mr. Wirbel from CPI-HR regarding our employee health insurance program, which we initiated this year. If we were to continue it for next year it would be at a 6.2% increase. The reason for the meeting was just to share information as to how the program has performed for the first eight months of this year. Mr. Maersch said the projected savings for us on a \$600,000 expense was \$96,000 and it turns out that our employees and their health performed better than projected and we are now projecting a savings through the end of the year of \$110,000, which on a \$600,000 budget item is a significant amount of money.

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FINANCE COMMITTEE

No report.

PARKS COMMISSION

Mrs. Grube announced a meeting for Tuesday, September 25, 2018 at 7:15 a.m. at the playground in Riverside Park.

SHADE TREE COMMISSION

Mrs. DeBernardo reported that the commission met over by the water treatment plant. We had a resident complain about the water treatment plant mowing. The commission did suggest a new planting arrangement that will screen that area.

Mrs. DeBernardo announced a meeting for Thursday, October 11, 2018 at 8:30 a.m.

ARTS COMMISSION

No report.

PARKING COMMISSION

No report.

CEMETERY COMMISSION

Mrs. Lipp reported that the commission, along with Mayor Tomko and Mr. Jamieson, reviewed possible options for expansion.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

Mr. Jamieson reported that the streets and the paving program have been completed for the majority of the work. He also reported that the first phase of the Greenbrier waterline project is underway.

REPORT OF THE ENGINEER

Mr. Lannon reported on the Walters Road project and mentioned that it should be completed by the end of next week.

REPORT OF THE POLICE CHIEF

Chief Dacek reported that they received the signs for the Park Mobile App.

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REPORT OF THE FIRE CHIEF

No report.

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

None.

MISCELLANEOUS

Mr. Newell said I want to thank the residents for coming in and sitting through another meeting strictly for the purpose of giving us some feedback on the changes of the parking problem.

ADJOURNMENT

Mr. Maersch adjourned the meeting at 7:53 p.m.



President of Council



Clerk of Council