

The meeting of the Council of the Village of Chagrin Falls was called to order at 8:10 p.m. by Mr. Patton.

Member present: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel
Members absent: None
Officials present: Mayor Brick, Bloom, Himes, Byron, Zugan, Lannon

APPROVAL OF MINUTES

Moved by Mrs. Evans, seconded by Mr. Newell that the minutes of the meeting held April 8, 2013 be approved. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None.

REPORT OF THE MAYOR

Mayor Brick said the Chagrin Falls Historical Society and Your Home Town have each agreed to donate \$1,250.00 that would be used to cover the village's fee to join the Heritage Home Program. Mayor Brick introduced Thomas Jorgensen, Chief Operating Officer of the Cleveland Restoration Society. Mr. Jorgensen addressed the specifics of the Heritage Home Program. Comments were heard and questions were answered. Moved by Mr. Patton, seconded by Mrs. Evans that the village join the Heritage Home Program. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None.

Regarding Resolution No. 2013-33, Mayor Brick said the most important change to the agreement is to permit the dispatch center to be located outside of the village. He said we are in the later stages of a negotiation with University Hospitals at their Bedford medical center for about 3,800 square feet of space that is built to withstand seismic shocks and meets all of our needs. They would give us that space for one dollar a year and they would pay for all of our utilities. It is really a marvelous deal for our dispatch program so that we could have a new state-of-the-art and safe facility, which would then enable us to take on new members; several of whom are very interested. I am just sure we are going to have new members. What that does, it not only improves the service it lowers our costs so that our costs in this type of a move will be reduced in the next couple of years, not increased. Although, it gets a little bit tricky. There is a capital cost because we have to buy about \$800,000 worth of new equipment. But, even taking that into account, you know if you just amortize that over ten years our costs are going to be lower and they could be considerably lower depending upon how many new members we get. I believe Gates Mills will be voting at their May meeting as to whether or not they are going to join our C.O.G. and it looks very positive. It is very good for them and it is very good for our C.O.G. It is one of these win-wins. We have in the original agreement how we calculated charges so we are incorporating that. We haven't changed anything, we are just documenting it and putting it in this agreement, which then would be a document that we could pass out to prospective communities that are interested in joining our Dispatch C.O.G. and it

would just give them a better picture of how it would operate for them. That is mainly what is going on in here. Mayor Brick said we would like to have this passed before May 21, 2013 so that we could enter into a lease agreement with University Hospitals because right now we couldn't. The overall goal of the C.O.G. is to be able to move into the new space before the end of the year. We have schedules that look like that is very doable.

Mayor Brick said we are having a community shredding event with Bentleyville on Saturday, April 27, 2013 from 9:00 a.m. to 12:00 p.m. at the middle school on Philomethian Street.

Mayor Brick mentioned that on Saturday evening is the "Back the Rec" Event and that will be held right here at our fire station.

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

TRANSFERRING AND APPROPRIATING FUNDS

Mr. Byron placed on the floor Ordinance No. 2013-28 entitled:

AN ORDINANCE TRANSFERRING FUNDS AND APPROPRIATING FUNDS.

Moved by Mr. Patton, seconded by Mrs. Evans that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Moved by Mr. Patton, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Patton said this is primarily house keeping in nature. We have received \$186,713.72 in estate taxes from Cuyahoga County and state law requires that these funds be placed first into our general fund and this legislation permits us to transfer the money from the general fund to the capital improvement fund.

CHAPTER 105 OF THE CODIFIED ORDINANCES AMENDED

Mr. Byron placed on the floor Ordinance No. 2013-29 entitled:

AN ORDINANCE AMENDING CHAPTER 105, PUBLIC CONTRACTS, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS, AND DECLARING AN EMERGENCY.

Mr. Patton put this ordinance on readings.

OHIO PERS PRE-TAX PLAN

Mr. Byron placed on the floor Resolution No. 2013-30 entitled:

A RESOLUTION APPROVING THE VILLAGE'S PARTICIPATION IN A "PRE-TAX" CONTRIBUTION PLAN FOR THE OHIO POLICE & FIRE PENSION FUND.

Mr. Subel put this resolution on readings.

ALL BIDS REJECTED FOR SOLON ROAD AND SOUTH FRANKLIN STREET

Mr. Byron placed on the floor Ordinance No. 2013-31 entitled:

AN ORDINANCE AMENDING CHAPTER 1165, HILLSIDE PROTECTION, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS AND REPEALING CERTAIN ORDINANCES.

Mr. Chess put this ordinance on readings and announced a public hearing for June 10, 2013.

NEW CHAPTER 1151 ENACTED

Mr. Byron placed on the floor Ordinance No. 2013-32 entitled:

AN ORDINANCE ENACTING NEW CHAPTER 1151, RIPARIAN BUFFER REGULATIONS, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS, AND AMENDING CERTAIN SECTIONS OF CHAPTERS 1355 AND 1357 TO PROVIDE APPROPRIATE CROSS-REFERENCES TO THE RIPARIAN BUFFER REGULATIONS, AND REPEALING CERTAIN ORDINANCES.

Mr. Chess put this ordinance on readings and announced a public hearing for June 10, 2013.

CHAGRIN VALLEY DISPATCH COUNCIL AGREEMENT

Mr. Byron placed on the floor Resolution No. 2013-33 entitled:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A RESTATED AND AMENDED AGREEMENT CONTINUING THE

CHAGRIN VALLEY DISPATCH COUNCIL, AND DECLARING AN
EMERGENCY.

Mr. Patton put this resolution on readings.

STREETS AND SIDEWALKS COMMITTEE

No report.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

No report.

SAFETY COMMITTEE

No report.

UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

Mr. Holdren reported that the April 23, 2013 meeting has been cancelled.

ADMINISTRATION AND COMPENSATION COMMITTEE

Mr. Subel announced a meeting for Monday, May 13, 2013 at 7:00 p.m.

FINANCE COMMITTEE

No report.

PARKS COMMISSION

Mrs. Lutz announced a meeting for Tuesday, April 23, 2013 at 8:30 a.m.

SHADE TREE COMMISSION

Mrs. Lutz reported that Arbor Day is April 26, 2013 and there will be a ceremony at Evergreen Hill Cemetery at 10:00 a.m. They will be planting Evergreen Trees.

ARTS COMMISSION

No report.

PARKING COMMISSION

No report.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

No report.

REPORT OF THE ENGINEER

No report.

REPORT OF THE POLICE CHIEF

No report.

REPORT OF THE FIRE CHIEF

Chief Zupan reported that on April 10th the Cleveland Clinic Hospital system honored ten firefighters for their heroism and bravery in the line of duty and they won an award.

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

Mark Puinno said he and his brother own a building to the left of the construction site where Mr. Vitt did his excavation. He said he does not think the Board of Zoning Appeals understands the severity of this situation. He believes that Mr. Williams and Mr. Fricke, after all these years, are not listening to them. He expressed his concerns to Council regarding this matter; the damage to his property. He asked Council to help him out and make this gentleman build the proper wall that stops this hillside from moving.

Mr. Patton asked, how is the design of this wall taking into consideration the contiguous

properties? Mr. Himes said the BZA, in response to the concerns of the neighbors going way back to the very first variance, set those conditions for soils reports and a geo-technical consultant and design. Without those our code has no requirements until this latest iteration of the hillside ordinance that is coming out of P&Z right now. The BZA set the criteria that required the developer to make a properly designed wall and the condition said it has to support not only his property but maintain the stability of the surrounding properties. That is part of what has taken so long. The original soils report was not sufficient so we had them go back and do further testing. They are at the point now where they are getting ready to submit their final designs to the engineer. Both Tim and I have passed on the concerns that the Punnos have. Our geo-technical engineer and their geo-technical engineer understand their concern and are taking it into consideration. Mrs. Evans asked, so it would also include properties next door as well as above? Mr. Himes said right.

Robert Vitt said our engineering firm is Rizzo and Associates out of Pittsburgh and they did say that we can only stabilize and control what is on our site. The slip zone that passes through the hillside and beyond our property that would be like me saying if I build a strong enough wall I can stabilize the portions of Bentleyville Road that are slipping into the valley. The point is, we know the slip plain extends beyond the limits of our property. In 2007, three years before I acquired this piece of property when it was under option with Larry Shibley, he had PSI do core drillings on this site that I currently own and the Punnos site. The slip zone does exist underneath their property and their house that the core drilling that was done of the west side of the their house indicated that the same slip zone continues going westerly along that entire yard. Rizzo and Associates had said that the wall that we can build on our property can keep any movement of his house from coming in our direction but specifically that is not the direction the house is moving, according to Rizzo and Associates. And we can not control the fact that that house is moving south. We are located to the east. It will not move east with this wall in place. The wall does go essentially to the right-of-way but it can't control movements beyond the limits of our property. Mrs. Evans said, and it can only be on your property. Mr. Vitt said yes.

Greg Morris asked if there is a timing limit as to when all the engineering gets in or when Mr. Vitt submits his plans? Mr. Vitt said we anticipate that we are about four weeks out for the submission of the plans and there is an approval process by the village and their consultant. Timing wise it is rather ideal because the contractors who do this type of work wouldn't want to do it until we get into the dry part, the later part of June and July. We want to be in the absolute driest time of the year when they do the work on that hillside. Mr. Morris asked what kind of guarantee is it that the wall will not allow the property to be moving east? Mr. Patton said that hill, it had been determined that it was at a 1.0 factor before this project started and it is now going to be a 1.3 factor, which is 10,000 times greater. The hill is going to be more stable with this wall than it was before.

Dan Beavers, on behalf of the Chagrin Valley Jaycees, asked for permission to use Riverside Park for Blossom Time from May 23, 2013 through May 26, 2013.

Moved by Mrs. Evans, seconded by Mrs. Lutz to allow the Jaycees to use Riverside Park for Blossom Time under the same terms and conditions as in previous years. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None.

MISCELLANEOUS

Mr. Patton reminded everyone that the *Your Life...Your Choice Program* will be held tomorrow at Parkside Church at 9:00 a.m.

Mr. Patton announced a Committee of the Whole Council meeting for Monday, May 13, 2013 at 7:30 p.m.

Mr. Patton announced that the regular Council meeting scheduled for Monday, May 27, 2013 has been canceled due to it being Memorial Day.

ADJOURNMENT

Mr. Patton adjourned the meeting at 9:03 p.m.

President of Council

Clerk of Council