

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

NOVEMBER 12,

2012

The meeting of the Council of the Village of Chagrin Falls was called to order at 8:00 p.m. by Mr. Patton.

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

APPROVAL OF MINUTES

Moved by Mrs. Evans, seconded by Mr. Chess that the minutes of the meeting held October 22, 2012 be approved. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None.

REPORT OF THE MAYOR

Mayor Brick said with the loss of the estate tax revenue and the defeat of the road levy we will probably have to compromise the maintenance of our roads. He said we are in the process of revising our five-year Capital Improvement Plan for the roads and I would hope to have a first pass to review hopefully at our December meeting. Right now I would expect that the major problems will be with our side streets and our sidewalks over some very long period of time. Of course, I am sure all of us want to be looking for new sources of revenue, revising our operating budget, looking for efficiencies, and maybe putting different priorities on different services. But, right now, I really don't expect that we can get significant enough sources that can be redirected towards our road maintenance. This is going to be something that we are going to have to work on and I just think we need all of the advice and suggestions that we can get to deal with this really, very challenging situation. This is something that we will be working on, I am sure, for the foreseeable future.

Mayor Brick said this is the time of the year when I will be making committee and board appointments so please let me know the names of any volunteers that you would like to recommend for any of the boards or committees.

Mayor Brick said in speaking with Ben and Tim this morning it appears that the replacement of the water pipes on South Franklin ran into some unanticipated problems that have delayed the project. So now the plan is to patch the street and open it for traffic before the end of the month. We won't re-pave it until next year; it is just too late to re-pave it the way we had originally intended.

Mayor Brick said we heard a lot about hurricane Sandy and it did remind me that we should be prepared for the worse, we avoided that here. We weren't the hardest hit by any means but maybe at some time we might be. So, we will be scheduling an emergency operations simulation hopefully before the end of the year to review our emergency operation plans and get a little experience on what we would do if indeed our community did have serious damage

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from a hurricane or tornado or something like that.

Mayor Brick said I passed out a revised copy of the Cuyahoga County business attraction and anti-poaching protocol. Over fifty communities in the county have signed it, including every community in the Chagrin Valley. I personally talked to every mayor in the area and I feel in a way it is a symbolic agreement to have communities self promote economic growth in the broader area. Our agreeing to this protocol would let the county and our neighbors know that we are in favor of a healthy economic environment. If you'd like, I'm sure, I think I could get Ed Jerse to come back to talk to us and discuss this plan with us again. I did talk with Jack Schron and I wouldn't say Jack is a big promoter of this but he did say that he felt that he could understand why we would agree to this protocol along with all the other communities in the valley. We may even ask Jack to come back too but I just talked to him about it the other night. I think he has larger issues than this protocol that he is concerned about because the protocol is pretty symbolic. Perhaps we could put this protocol back on the agenda at one of our future meetings. We will be one of the last communities in the county to agree to it. I am just a little concerned that the county may look at us as people who don't want to cooperate with anybody and I don't think that is our position at all.

Mayor Brick said I am looking forward to seeing you all on Friday, November 23, 2012 at about 6:45 p.m. for the lighting of the greens at the gazebo.

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

TRANSFER AND APPROPRIATE FUNDS

Mr. Patton introduced Ordinance No. 2012-52 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 Mr. Newell that the ordinance be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Patton

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said this ordinance simply permits the transfer of \$346,148.65 in the General Fund to the Capital Improvement Fund. These dollars represent the estate tax revenue which we have received during the months of September and October.

VARIANCE REQUEST - 106 WEST WASHINGTON STREET

Mr. Holdren introduced Administrative Order No. 2012-53 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT
REGARDING A VARIANCE REQUEST OF WINSTON & TRICIA
BREEDEN FOR PROPERTY LOCATED AT 106 WEST WASHINGTON
STREET.

Mr. Holdren tabled this administrative order until the Board of Zoning Appeals minutes can be completed.

Dale Markowitz, Thrasher, Dinsmore & Dolan, said I am representing Winston & Tricia Breeden. He said I have with me George Clemens, who is our project architect, and Winston Breeden. We respect that you haven't gotten your BZA minutes and want to table this. We have no objection to coming back on November 26, 2012. We thought it might be helpful before you see the minutes to get some idea of the project and the scope of what we are doing. The property is just a little bit down the road from here on West Washington at the end of the street. We came to the BZA for three variances for this project. We are demolishing the house that is in the front now but we are retaining the Williams office building that is about 140 or so years old and it has some nice architectural features that we are going to be keeping. Because of the size of that structure, we wanted to put up a gazebo and the gazebo and the office building exceed the 700 square feet. The BZA approved the location of the gazebo and in the buffer, which we are putting on stilts, but they said they didn't want us to exceed the 700 feet. We respect that, we are not going to challenge that. We are talking about 60 some square feet, we will just reduce the size of the gazebo. The other issue, which is purely an aesthetic one from the perspective of the BZA, is that we had a cupola on our house. We presented our plans to the ARB and they recommended approval at the preliminary stage and then we came back last Tuesday and they approved the plan with the cupola again recommending that we do build the cupola, although, they did approve an alternate plan without the cupola. We are seeking a 9 foot 4 inch variance. What is interesting, in a residential district you can exceed the 35 foot height limit for chimneys and they exempt antennas but your code didn't think to add cupolas. In your design regulations you spent a lot of time talking about roof features and they encourage the use of turrets and cupolas and things like that for roof features because it is a part of historic structures. So, to build this house with the cupola we had to exceed the height limit. Mr. Markowitz said when I was speaking to your law director about cupolas we were trying to find in the code if there was some provision for exempting cupolas and you actually do allow cupolas to exceed the height limit in parks and institutional districts. You can go 10 feet higher at the highest peak on the roof if you're like a village building or the old

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Windsor Hospital building. We think it is important to be able promote your historic structural elements particularly when they are in the design regulations of the historic district.

George Clemens said it doesn't have a big mass and it doesn't have any floor in it. It is really to bring light down into the landing of stairs so it is not a safety hazard from having people up so high that you can't get a ladder to them in case of fire or anything like that. I think it is really kind of a conflict between the desire to be able to authentically work with the styles that we all like about the village including this Queen Anne style. You've got a great house on South Franklin with a turret. Those elements are really tall and you don't necessarily want to say we like these styles but you just have to cut off the roof features. Mr. Clemens said the site is quite a large site so this is a good sized house but it is less than a third as big as you would be allowed to build on this site. The nice thing is that we are 20 feet below the level of Church Street. We are down below the neighbors but way below Church Street and we are 150 feet from this neighbor and 135 feet from this neighbor. It is even further to the cupola. One is 180, one is 200 feet away from the cupola. Mr. Clemens said Ted Sande was approving of this design.

Linda Shuster, 92 West Washington Street, said her concern is the ten windows that will be in the cupola and the light that will expand out. Mr. Clemens said I don't believe the cupola is higher than the second story windows on Church Street. It will have a twinkle effect but the Church Street base elevation is kind of a mid point of a second story window of this house.

Mr. Patton said for the record, I would like to indicate that the McClurgs who reside on South Franklin Street have decided to withdraw their request for a variance relative to their garage.

STREETS AND SIDEWALKS COMMITTEE

No report.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

Mr. Chess announced a meeting for Monday, November 19, 2012 at 7:30 p.m.

SAFETY COMMITTEE

No report.

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UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

No report.

ADMINISTRATION AND COMPENSATION COMMITTEE

No report.

FINANCE COMMITTEE

Mr. Patton acknowledged that Council did receive the monthly expenditure reports as well as the monthly statement of cash receipts and disbursements for October, 2012.

PARKS COMMISSION

Mrs. Lutz announced a meeting for Tuesday, November 27, 2012 at 8:30 a.m.

SHADE TREE COMMISSION

No report.

ARTS COMMISSION

No report.

PARKING COMMISSION

No report.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

Mr. Himes said we have had a number of concerned comments about dumpsters on Main Street, which are in the location of the two buildings that were burned. We have notified the builders that during the holiday season they can't have those dumpsters. By the end of this week they should be off of Main Street and not to come back before the first of the year.

REPORT OF THE ENGINEER

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No report.

REPORT OF THE POLICE CHIEF

No report.

REPORT OF THE FIRE CHIEF

No report.

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

George White said he was hoping to get an update on the geo-tech study and the slope retention system regarding the Vitt Riverwalk project. He read an e-mail from Al Lesser dated July 19th that was sent to Tim and Ben. He said Al was hired by Chagrin Falls to review the geo-tech study and to comment on the slope retention system. Mr. White asked several questions that were answered by Mr. Himes and Mr. Byron.

MISCELLANEOUS

Mr. Newell said as Mr. Mayor alluded to earlier in his report, he referred to tropical storm, hurricane Sandy, during the days of October 29th through November 1st. The Chagrin Falls community received over seven inches of rain. An average rain fall this time of year for this area is just over 3.5 inches. So, in four days we received twice as much moisture as we would normally receive in a month and compounded on that was the fact that the soil was already saturated. With all that moisture, we fared very well. The community had three phone call complaints of flooded basements. They were all investigated. Two of them were because of seepage through the foundation walls and one of them was a backed up drain that was the homeowner's responsibility. The really remarkable thing about it was there wasn't any water damage to any property during the event and the waste water treatment plant, which is designed to handle a million gallons of water a day, its average flow into the plant is about 600,000 gallons, and it received 3 million gallons going into it. The flow equalization chamber, which is over on the park on Solon Road, worked as designed. It did discharge about 500,000 gallons directly into the Chagrin River. The discharge was sampled and monitored and it was well within the limitations of our discharge permit. The waste water plant also operated way below the limits on the discharge permit parameters. Everything worked beautifully, the plant didn't receive any damage or any flooding, and a lot of that is a tribute to the efforts of the administration and the utilities department to monitor storm water infiltration into our combined sewers and sanitary sewers and that work has been on going since the middle 90's by lining pipes and replacing old lines. It worked very, very well and it is remarkable that we didn't have any damage. There were some power outages and some trees down but there wasn't any

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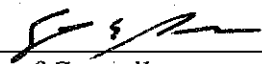
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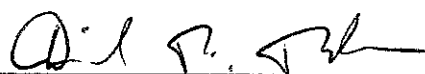
damage from the water, which is a real tribute to the efforts of the administration and the village as a whole and I think an excellent use of tax payer funds to do that kind of infrastructure repairs to prevent personal property damage.

ADJOURNMENT

Mr. Patton adjourned the meeting at 8:31 p.m.



President of Council



Clerk of Council