

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

JUNE 27,

20 11

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: Evans, Jacobs, Lutz, Patton, Subel, Williams  
 Members absent: Milko  
 Officials present: Mayor Brick, Himes, Bloom, Alunni, Cockrell, Byron

Moved by Mr. Subel, seconded by Mrs. Lutz that the absence of Mr. Milko be excused. Carried. Ayes: Evans, Jacobs, Lutz, Patton, Subel, Williams. Nays: None.

### APPROVAL OF MINUTES

Moved by Mr. Williams, seconded by Mr. Jacobs that the minutes of the meeting held June 13, 2011 be approved. Carried. Ayes: Evans, Jacobs, Patton, Subel, Williams. Abstain: Lutz. Nays: None.

### REPORT OF THE MAYOR

Mayor Brick reminded everyone that the suggested priorities for the Village for the next three months are always available for moderation based on any things that come up quickly, so just let me know if you have any suggestions on those. But, we've got plenty to do in the next three months.

Mayor Brick said I wanted everyone to know that the Village is, and really has been, very concerned about the stability of the slope on West Orange. As a condition of the variances that were granted the developer must engage a very qualified engineer to design slope retention system to protect his property and that of the adjacent properties. There has been considerable delay because the Village has really held the developer's feet to the fire on what does constitute an acceptable amount of investigation into the subsurface conditions. An agreement on the scope of testing has recently been reached and the developer is currently seeking proposals from geo-technical engineers to do this investigative work. No permits, other than the demolition of the Shibley apartment, have been issued on the western three lots where the slope retaining structures are required and where there was problems up on Cottage Street. The Village has been very concerned about the apparent structural failure at the Mitchell house since being notified about it in April and we had the property inspected with structural and geo-technical engineering consultants and, unfortunately, it appears that the house is not salvageable. Also, unfortunately, the Village engineering experts are as yet unable to establish the causes of these problems. The Village role is as a regulator and I can assure you and everybody that we will continue to hold the developer to the highest standards allowed by law in designing and building a property slope retention system. We are all hoping to make progress in this but it is going to take a little while. Some of these tests last as much as sixty days while they are taking engineering testing on the stability of the slope and such. It is very

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

JUNE 27,

2011

high on our priority list.

Mayor Brick said I hope everybody got their copy of the County Executive Ed Fitzgerald's recommendations for anti-poaching protocol. I think we had them sent out via e-mail maybe last week. I would like to suggest a meeting of the whole to convene before our July 11<sup>th</sup> meeting so we can discuss the recommended protocol and provide some feedback to County Executive Fitzgerald. If you have any suggestions on this particular recommended protocol he wants us to let him know and then at some point he will be expecting us to take a vote on it on whether we want to participate or not.

Mayor Brick said I am pleased to tell you that the Case Western Reserve Business School has agreed to take on another project for the Village next semester. The project is to develop quantitative measures for the five Village goals that are stated in the Mission Statement of the Comprehensive Plan. It seemed like a very nice academic project that if we could get some quantitative measures of how we are achieving our goals over the longer run that it just could be valuable for the Village. We are going to have five MBA students and a professor work on it in the Fall.

Mayor Brick said I hope to see you all at our Independence Day Commemoration Ceremony on the 4<sup>th</sup> of July in Triangle Park at 9:30.

## **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**

### **POSITION CLASSIFICATION AND SALARY SCHEDULE AMENDED**

Mr. Byron placed on the floor Ordinance No. 2011-35 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. Subel, seconded by Mr. Patton that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Evans, Jacobs, Lutz, Patton, Subel, Williams. Nays: None. Moved by Mr. Subel, seconded by Mr. Williams that the ordinance be adopted. Carried.

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

JUNE 27

20 11

Ayes: Evans, Lutz, Patton, Williams. Nays: Jacobs, Subel. Mr. Jacobs said I will be voting against this and the related ordinances for the same reasons that I stated last time when this set of ordinances and resolutions came before Council. It is my belief the increase in salary compensation should only offset the decrease in pension contribution keeping the total compensation neutral. This and its companion ordinances will cost the Village additional money during a time when residents are tightening their belts and state revenues are dropping off. Mr. Subel said I voted against this last time as well. It is going to cost the Village about \$12,000 a year forever. What this does is it gives the employees a fairly substantial pension increase at a cost to the Village. Mr. Patton said it is my understanding that this is just an amendment to the effective date of the ordinance that was previously passed.

### **OHIO POLICE AND FIRE PENSION FUND NOTIFIED OF PICK-UP METHOD**

Mr. Byron placed on the floor Resolution No. 2011-36 entitled:

A RESOLUTION ADVISING THE OHIO POLICE AND FIRE PENSION FUND OF THE METHOD OF THE "PICK-UP" OF EMPLOYEE CONTRIBUTIONS FOR EMPLOYEES OF THE CHAGRIN FALLS POLICE DEPARTMENT, TO PROVIDE FOR AN EFFECTIVE DATE OF JUNE 26, 2011.

Moved by Mr. Subel, seconded by Mr. Williams that the resolution be adopted. Carried. Ayes: Evans, Lutz, Patton, Williams. Nays: Jacobs, Subel. Mr. Subel said this is part of the package.

### **SUBSECTION (b) OF SECTION 149.20 EMENDED**

Mr. Byron placed on the floor Ordinance No. 2011-37 entitled:

AN ORDINANCE AMENDING SUBSECTION (b) OF SECTION 149.20 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS RELATING TO EMPLOYEE CONTRIBUTIONS TO OPERS AND OP & F, AND DECLARING AN EMERGENCY.

Moved by Mr. Subel, seconded by Mr. Williams that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Evans, Lutz, Patton, Subel, Williams. Nays: Jacobs. Moved by Mr. Subel, seconded by Mr. Williams that the ordinance be adopted. Carried. Ayes: Evans, Lutz, Patton, Williams. Nays: Jacobs, Subel. Mr. Subel said this is part of the package; I think we all know what it is.

### **CERTAIN SECTIONS OF CHAPTER 1355 AMENDED**

Mr. Byron placed on the floor Ordinance No. 2011.38 entitled:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1355 OF THE CODIFIED ORDINANCES RELATING TO EROSION AND

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

JUNE 27,

20 11

## SEDIMENT CONTROL; REPEALING CERTAIN SECTIONS OF CHAPTER 1355; AND DECLARING AN EMERGENCY.

Moved by Mr. Patton, seconded by Mr. Williams that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Evans, Jacobs, Lutz, Patton, Subel, Williams. Nays: None. Moved by Mr. Patton, seconded by Mr. Williams that the ordinance be adopted. Carried. Ayes: Evans, Jacobs, Lutz, Patton, Subel, Williams. Nays: None. Mr. Patton said we discussed this matter at the Utilities Committee meeting before the previous Council meeting, although we didn't take any official action on it. In 2005 we adopted Chapter 1355, which addresses erosion and sediment control, which can damage both public and private property. This ordinance updates that chapter and primarily addresses post-construction site control. These amendments to the chapter are required by the EPA.

### CERTAIN SECTIONS OF CHAPTER 1357 AMENDED

Mr. Byron placed on the floor Ordinance No. 2011-39 entitled:

#### AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1357 OF THE CODIFIED ORDINANCES RELATING TO COMPREHENSIVE STORM WATER MANAGEMENT; REPEALING CERTAIN SECTIONS OF CHAPTER 1357; AND DECLARING AN EMERGENCY.

Moved by Mr. Patton, seconded by Mr. Williams that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Evans, Jacobs, Lutz, Patton, Subel, Williams. Nays: None. Moved by Mr. Patton, seconded by Mr. Williams that the ordinance be adopted. Carried. Ayes: Evans, Jacobs, Lutz, Patton, Subel, Williams. Nays: None. Mr. Patton said this is a companion piece to Ordinance No. 2011-38. We also discussed this at the last Utilities Committee meeting. This addresses flood damage control by controlling run-off and it addresses controlling storm water run-off after soil disturbing activities including land development projects through storm water management, for example, the use of retention basins. This is required by the EPA.

### NEW CHAPTER 1359 ENACTED

Mr. Byron placed on the floor Ordinance No. 2011-40 entitled:

#### AN ORDINANCE ENACTING NEW CHAPTER 1359, ILLICIT DISCHARGE AND ILLEGAL CONNECTION CONTROL, TO PROVIDE FOR ILLICIT DISCHARGE REGULATIONS; AND DECLARING AN EMERGENCY.

Moved by Mr. Patton, seconded by Mr. Williams that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Evans, Jacobs, Lutz, Patton, Subel, Williams. Nays: None. Moved by Mr. Patton, seconded by Mr. Williams that the ordinance be adopted. Carried. Ayes: Evans, Jacobs, Lutz, Patton, Subel, Williams. Nays: None. Mr. Patton said this is a

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

JUNE 27,

20 11

companion to Ordinance No. 2011-38 and Ordinance No. 2011-39. It was also discussed at the last Utilities Committee meeting. This also addresses erosion and sediment control and amends Chapter 1359. We are only permitted to discharge storm water and this ordinance sets up a program to make sure we are not permitting any other discharges besides storm water and also provides the authority to carry out inspections and provide enforcement action.

### SECTION 351.17 AMENDED

Mr. Byron placed on the floor Ordinance No. 2011-41 entitled:

AN ORDINANCE AMENDING SECTION 351.17 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS TO AMEND THE WAIVER COSTS FOR VIOLATING THE PARKING CODE OF THE VILLAGE OF CHAGRIN FALLS AND REPEALING CERTAIN ORDINANCES.

Mr. Patton said this will remain on readings.

### ALTERNATIVE TAX BUDGET ADOPTED

Mr. Patton introduced Resolution No. 2011-42 entitled:

A RESOLUTION ADOPTING THE CHAGRIN FALLS ALTERNATIVE TAX BUDGET FOR FISCAL YEAR 2012, AND DECLARING AN EMERGENCY.

Moved by Mr. Patton, seconded by Mr. Williams that the resolution be adopted. Carried. Ayes: Evans, Jacobs, Lutz, Patton, Subel, Williams. Nays: None. Mr. Patton said this is a housekeeping matter that we address every year. Under House Bill 129 the County Budget Commission can waive the tax budget for any taxing unit, including Chagrin Falls, however, the Commission may request the taxing authority to provide certain information needed by the Commission to perform its duties including the setting of tax rates. This information is information we are required to submit. It is entitled the 2012 Chagrin Falls Alternative Tax Budget. It is really not a budget and approving it does not commit the Village to anything but it does assist the County to begin setting our preliminary tax rates for next year.

### STREETS AND SIDEWALKS COMMITTEE

Mrs. Evans reported that the Committee recommended to allow the Falls Walk development one more year to address their sidewalk issue. They approved the 4<sup>th</sup> of July Car Show and they discussed the road program.

## RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

JUNE 27,

20 11

**FACILITIES AND SERVICES COMMITTEE**

No report.

**PLANNING AND ZONING COMMISSION**

Mr. Jacobs reported that the Commission approved a driveway relocation at 101 Olive Street.

**SAFETY COMMITTEE**

No report.

**UTILITIES COMMITTEE**

No report.

**BOARD OF ZONING APPEALS**

Mr. Williams reported that the regularly scheduled BZA meeting for Tuesday, June 28, 2011 has been canceled; there are no agenda items.

**ADMINISTRATION AND COMPENSATION COMMITTEE**

No report.

**FINANCE COMMITTEE**

No report.

**PARKS COMMISSION**

Mrs. Lutz announced a meeting for Tuesday, June 28, 2011 at 8:30 a.m.

**SHADE TREE COMMISSION**

No report.

**ARTS COMMISSION**

No report.

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

JUNE 27,

20 11

## 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

No report.

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

None.

## MISCELLANEOUS

Mr. Patton announced a Committee of the Whole Council meeting for Monday, July 11, 2011 at 7:30 p.m.

Chagrin Falls Township Trustee, Tom Florkiewicz, reported that they had an open house at the Township Hall to celebrate the fact that the mezzanine was renovated and is now the permanent office of the Chagrin Valley Chamber of Commerce.

Ark Kvacek said the Cub Scouts are requesting the use of River Run Park again for their overnight on October 8<sup>th</sup> and 9<sup>th</sup>. The program will be the same as previous years.

Moved by Mr. Patton, seconded by Mrs. Evans that we permit the Cub Scouts to use River Run Park on the dates of October 8<sup>th</sup> and 9<sup>th</sup> for their annual camp out. Carried. Ayes: Evans, Jacobs, Lutz, Patton, Subel, Williams. Nays: None.

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held


JUNE 27,

20 11

## ADJOURNMENT

Mr. Patton adjourned the meeting at 8:24 p.m.

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk of Council