

The meeting of the Council of the Village of Chagrin Falls was called to order at 8:05 p.m. by Mr. Patton.

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

APPROVAL OF MINUTES

Moved by Mr. Newell, seconded by Mrs. Evans that the minutes of the meeting held May 13, 2013 be approved. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None.

REPORT OF THE MAYOR

Mayor Brick said I would really like to thank the Jaycees and the Valley Arts for a wonderful Blossom Time and secondly, a wonderful Art in the Park event. A lot of people volunteered their time and worked very hard. They were really wonderful events.

Mayor Brick said I would also like to thank Kathryn Garvey and the Safe Routes to School for securing another grant of \$168,000 to help finance even more sidewalks in the village. And, I believe that money will be used on Mill and Cleveland Streets and then some added sidewalks on Bell Street. That has to be worked out.

Mayor Brick said, just a little update for you, the potential new dispatch center at the Bedford Medical Center is continuing on schedule and we still hope to move in before the end of the year with almost a million dollars worth of state-of-the-art equipment. I think, truly, we are going to have the leading dispatch center in northeast Ohio. We plan to start providing dispatch services for Gates Mills this August. So, they've joined us, we have accepted them, and we will actually start doing their dispatch here in August and then, of course, they will move with us. So, the dispatch program I am pleased, and I have to say a bit relieved, to tell you is going well. In the future we are talking to several other communities that are very serious about coming in and this just makes it more efficient and reduces the cost for everybody.

Mayor Brick said we are in discussions with the Spillway Group on updating the development agreement, which we would want to move on if Spillway does in fact receive their Ohio Historical tax credits. We should know this by the end of the month. The Spillway people are optimistic that they are going to get this tax credit and be able to start reconstruction this summer. We do not have to do anything now but if they do get that tax credit then we will be addressing the updated development agreement and it is being kind of worked on now so we will have it right away and they can move right ahead, hopefully.

Mayor Brick said finally, as we were talking a little earlier, we expect to start the water line replacement on Solon Road no later than next week. It should be done within two months. Initially traffic will be maintained on Solon Road in both directions but we will be looking at what's happening and it is possible, maybe even likely, that at some point at least for a while there will be some detours. We will announce this and post it on our website so everybody will know when and if it happens. We are trying to avoid it but we just may not be able to depending on how the construction goes.

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

CHAPTER 1165 AMENDED

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 explained that the Planning and Zoning Commission has been going through the zoning regulations and after a couple of hillside issues the commission went to the village's engineer and geotechnical engineer and asked for recommendations to strengthen the hillside ordinance and that is what this ordinance is doing. Mr. Byron and Mr. Himes explained the specific changes.

Mr. Patton opened the meeting up to a public hearing.

Bobbie Wheeler, 4 Church Street, read a letter to Council expressing her anger with regard to variances that have been granted in the past.

Jim Weingart, 51 West Cottage Street, talked about the past history and the construction on West Orange Street.

Patty Weingart, asked if there is any time frame in this change to the ordinance as far as one's

ability to leave a slope open once it has been disturbed? Mr. Byron said there is an obligation to accomplish all earth moving and restore the site in the shortest practical period of time.

Kathy Goldman, Bentleyville Road, asked will this affect road construction, not just demolition? Mr. Byron said any construction on a hillside whether it be a road or private work would be subject to this regulation.

There were no further comments and Mr. Patton closed the public hearing.

Moved by Mr. Chess, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Chess thanked the Planning and Zoning Commission for doing a thorough job.

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 explained that they are moving the river buffer section from the building code to the zoning code. Reason being, if the river buffer is in the building code it is only subject to an increased flood factor. It does not have to go through the Duncan Factors and an applicant does not need to present practical difficulty.

Mr. Patton opened the meeting up to a public hearing.

Tony Martino, 10 Church Street, asked what the change is? Mr. Byron said the standard that exists now isn't being changed; it is being relocated from the building code to the zoning code. Mr. Martino talked about the Corcoran property across the river from him.

Bobbie Wheeler also talked about the Corcoran property and the ratio of size to property.

Mr. Byron said this ordinance relates to future applications.

There were no further comments and Mr. Patton closed the public hearing.

Moved by Mr. Chess, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes:

Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None.

AUTHORIZATION TO ENTER INTO AN AGREEMENT THE DEPARTMENT OF PUBLIC WORKS

Mr. Byron placed on the floor Ordinance No. 2013-36 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS FOR PREVENTIVE ROAD MAINTENANCE SERVICES.

Moved by Mrs. Evans, seconded by Mr. Newell that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Moved by Mrs. Evans, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes: Chess, Holdren, Lutz, Newell, Patton, Subel. Nays: Evans. Mrs. Evans said this was discussed in detail at the Streets and Sidewalks Committee meeting and the vote was two for it and one against it.

AUTHORIZATION TO ENTER INTO A CONTRACT WITH DELTA DENTAL

Mr. Subel introduced Ordinance No. 2013-40 entitled:

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT EXTENDING THE DENTAL PLAN PROVIDED TO ALL FULL-TIME VILLAGE EMPLOYEES WITH DENTAL DELTA DENTAL FOR THE PERIOD BEGINNING JULY 1, 2013 TO JUNE 30, 2014.

Moved by Mr. Subel, seconded by Mr. Chess 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. Subel, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Subel said this renewal is about a 4% reduction in the premium. He said this costs us about \$25,000 per year.

FIVE AND ONE-HALF MILL TAX LEVY RENEWAL

Mr. Patton introduced Resolution No. 2013-41 entitled:

A RESOLUTION DECLARING THE AMOUNT OF TAXES WHICH MAY BE RAISED WITHIN THE TEN MILL LIMITATION WILL BE INSUFFICIENT TO PROVIDE FOR THE NECESSARY REQUIREMENTS OF THE VILLAGE OF CHAGRIN FALLS, AND PROVIDING FOR THE SUBMISSION OF THE QUESTION OF THE RENEWAL OF AN EXISTING

FIVE AND ONE-HALF MILL (5.50) TAX LEVY, IN EXCESS OF THE TEN MILL LIMITATION, FOR CURRENT OPERATING SERVICES, AT THE GENERAL ELECTION TO BE HELD NOVEMBER 5, 2013, AS AUTHORIZED BY OHIO REVISED CODE SECTION 5705.19 AND 5705.191, AND DECLARING AN EMERGENCY.

Moved by Mr. Patton, seconded by Mrs. Evans that the requirement for reading a resolution three times be suspended. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Moved by Mr. Patton, seconded by Mrs. Evans that the resolution be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Patton said this operating levy will generate approximately \$975,000 a year in revenues. He said at the last Council meeting they passed a resolution asking the county fiscal officer to certify the total current tax valuation and the dollar amount that will be generated by that renewal levy. That information has been received and now this legislation will place the matter on the ballot in November. This is a renewal, not a tax increase.

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH MOTOROLA SOLUTIONS, INC.

Mrs. Lutz introduced Ordinance No. 2013-42 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNICATIONS SYSTEM AGREEMENT WITH MOTOROLA SOLUTIONS, INC., FOR THE PURCHASE OF HARDWARE AND SOFTWARE SYSTEMS AND EQUIPMENT FOR THE CHAGRIN VALLEY DISPATCH COUNCIL'S REGIONAL COMMUNICATIONS CENTER.

Moved by Mrs. Lutz, seconded by Mr. Newell that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Moved by Mrs. Lutz, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mrs. Lutz said a couple of years ago we applied for, and received, a grant for \$250,000 for communications systems, equipment, hardware, and software systems for the police department. We would like to move forward and make this purchase with Motorola and be reimbursed with this grant and then this equipment will be used by the regional dispatch service center. It should be installed before the end of the year. Mr. Subel asked questions about the ordinance that were answered.

PUBLIC ARTS POLICY ADOPTED

Mrs. Evans introduced Resolution No. 2013-43 entitled:

A RESOLUTION ADOPTING THE PUBLIC ARTS POLICY, AS

RECOMMENDED BY THE VILLAGE'S PLANNING AND ZONING
COMMISSION ON APRIL 15, 2013.

Mrs. Evans put this resolution on readings.

VARIANCE REQUEST - 111 EAST COTTAGE STREET

Mr. Holdren introduced Administrative Order No. 2013-44 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT
REGARDING A VARIANCE REQUEST OF HAROLD PRAY FOR
PROPERTY LOCATED ON 111 EAST COTTAGE STREET.

Moved by Mr. Holdren, seconded by Mrs. Lutz that the administrative order be adopted.
Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Holdren
explained the specifics of the variance request. He said the BZA unanimously approved the
variance request.

STREETS AND SIDEWALKS COMMITTEE

Mrs. Evans announced a meeting for Monday, June 24, 2013 at 7:30 p.m.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

Mr. Chess explained some details of the Public Arts Policy. He said in the future they will see
more information regarding their review of the code for consistency.

Mr. Chess announced a meeting for Monday, June 17, 2013 at 7:30 p.m.

SAFETY COMMITTEE

No report.

UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

Mr. Holdren announced a meeting for Tuesday, June 25, 2013 at 8:00 p.m.

ADMINISTRATION AND COMPENSATION COMMITTEE

No report.

FINANCE COMMITTEE

Mr. Patton reported that they reviewed the capital improvement budget tonight at the Committee of the Whole meeting.

PARKS COMMISSION

No report.

SHADE TREE COMMISSION

No report.

ARTS COMMISSION

Mrs. Evans reported that they had a meeting on June 3, 2013. They are planning an "Arts Day" for Sunday, August 25, 2013 from 10:00 a.m. to 1:00 p.m. in conjunction with the Farmer's Market in Triangle Park. Each of the nonprofit arts organizations will participate by highlighting their different projects.

PARKING COMMISSION

No report.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

Mr. Himes reported that in 2000 we received a van through Cuyahoga County to use for senior transport services. We entered into an agreement with Solon for them to operate the senior transport service. That van has now exceeded its useful life and Solon would like to trade it in. Solon will continue to run the senior transport for our residents.

Moved by Mr. Patton, seconded by Mrs. Evans to consider the van to be surplus property and transfer the same to the City of Solon. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None.

REPORT OF THE ENGINEER

No report.

REPORT OF THE POLICE CHIEF

No report.

REPORT OF THE FIRE CHIEF

Mr. Krejci reported that South Russell has decided to stay with the Chagrin Falls dispatch.

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

Brian Schwartz, 27 West Summit Street, commented on the hillside ordinance and hillside issues.

Bobbie Wheeler talked about the Corcoran property and the 200 tons of fill they brought in in order to pack it up against the high foundation. She said now that fill is on the trees that are surrounding the property and the trees are dying. Mayor Brick said we should look into that immediately. Mr. Himes said they have an approved grade plan so we will check for compliance.

Jim Weingart complained that the speed limit on East Washington Street is 35 mph. He asked why the speed limit isn't 25 mph? Mr. Byron said state law provides for a posted, prima facie, lawful speed limit in residential districts within a municipality. That state law is 35 mph. It is possible to get what they call a warrant from the state that says under certain conditions the speed limit should be slower; it should be lowered. Those are difficult to get. Mrs. Evans said they will do some research on it.

Kathryn Malmquest from the library reported on the on-going renovations to the property. She reported that Saturday is their ribbon cutting for their grand reopening. They will be having an ice cream social from 2:00 p.m. to 4:00 p.m. and everyone is invited.

MISCELLANEOUS

Mr. Patton announced that they will not be canceling their second meeting of the month for June, July, and August.

Mr. Patton mentioned that this is Mr. Chess' last Council meeting. On behalf of Council, Mr.

Patton thanked Mr. Chess for his service to the village and wished him the best on his future endeavors.

Mr. Patton said we have received seven applications to fill Mr. Chess' position: Nancy Rogoff, Karl Maersch, Justin Herdman, John Liber, Michael Read, Judy Kramer, and Thomas Muscenti.

Mr. Patton announced a meeting for Saturday, June 15, 2013 at 9:00 a.m. to start the interview process.

ADJOURNMENT

Mr. Patton adjourned the meeting at 9:08 p.m.

President of Council

Clerk of Council