

The meeting of the Council of the Village of Chagrin Falls was called to order at 8:35 p.m. by Mr. Patton.

Member present: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel
Members absent: None
Officials present: Mayor Brick, Bloom, Himes, Zupan, Byron, Brosius, Lannon

APPROVAL OF MINUTES

Moved by Mrs. Evans, seconded by Mr. Herdman that the minutes of the meeting held April 14, 2014 be approved. Carried. Ayes: Evans, Herdman, Lutz, Newell, Patton. Abstain: Muscenti, Subel. Nays: None.

REPORT OF THE MAYOR

Mayor Brick said I want to let you know that you are all invited to our annual Arbor Day Ceremony this Thursday, May 1st at the grassy field area on Vincent Street at 10:00 a.m. He read an Arbor Day proclamation.

Mayor Brick said, as I am sure you are all aware, work is progressing on Solon Road and Mill Street. We are hoping Solon Road will be completed by Blossom, however, Mill Street will not be completed before Blossom but I am told the progress is good so it is moving on schedule.

Mayor Brick said I am told that Chief Brosius still has some tickets for the annual Saturday night VFW spaghetti dinner on May 10th at 5:00 p.m. at the Armory.

Mayor Brick said I am sure I will see all of you at Blossom Time starting Thursday, May 22nd.

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.

SECTION 765.061 OF THE CODIFIED ORDINANCES AMENDED

Mr. Byron placed on the floor Ordinance No. 2014-17 entitled:

AN ORDINANCE AMENDING SECTION 765.061 OF THE CODIFIED

ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS TO MODIFY
THE LOCATION RULES FOR SIDEWALK CAFES.

Moved by Mrs. Evans, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Mrs. Evans said this is an ordinance that changes the regulations that guide sidewalk cafés. The only thing that changed about the legislation is that there was a five foot clear and unobstructed passageway between any tables, materials or equipment, bike racks, lamp posts, sign posts, and any other fixtures or parts of the sidewalk. We are recommending changing that to three feet from the front of the building so any tables or chairs would be within three feet of the building front. The reason for proposing this change is that we have had many comments and criticisms of the fact that the residents of the village do not have a clear passageway to walk by the sidewalk café tables. In many instances there will be four people sitting and a stroller or a dog at the end of the table so people have maybe two feet to walk. They are the village sidewalks and the village residents really should be able to walk on their sidewalks.

Mr. Subel said, in my opinion, it's really not the merchants. I don't think that they are doing wrong, I think there are a lot of inconsiderate people. The same thing can happen even with this. We may not be able to solve the problem so I am just encouraging us to keep an eye out and maybe we can notify those merchants where people are having trouble getting by to let them know that if this doesn't solve it then we have to do something else.

Mrs. Evans said they can still have four people sitting at a table, it just needs to be a different configured table and it needs to stay within the three feet from the building front.

Mrs. Lutz said I don't think this should be construed in way as being against sidewalk dining; I think we are trying to protect it.

Mr. Patton said I would agree with that. When we discussed this originally we wanted to make this a friendlier town and we wanted to make it more inviting and attractive so we adopted the idea of permitting sidewalks, which are used for walking, for a limited amount of sidewalk dining. I think it is the responsibility of the restaurant owners to enforce this. Unfortunately we don't have the ability to enforce and it is still an enforcement issue but it does curtail it a bit. Unfortunately that is why we have to do this. I know, and I am sure it has happened to all of us, I've walked down in front of certain restaurants and I have had to walk between the tree and the curb because people are entirely blocking the sidewalk. You would think common sense would dictate that people won't do that and then if you have somebody who is elderly or you have somebody who has a stroller they can't get around the tables. I think this is an approach I think we have to take.

Mrs. Evans said Ben could do this on his own without us changing the legislation, according

to the legislation. It used to say the administrator may require more than five feet if necessary to protect the public safety. And I think there is a safety issue here if they can't get around the tables.

Mr. Himes said it remains an enforcement problem. Even if the restaurant has good intentions they still have to monitor their patrons. Mr. Patton said this is to their benefit.

Mr. Newell said I would like to compliment the efforts of Councilwoman Janis Evans on all this work she's done and I agree with all the comments said here earlier tonight. It is very unfortunate that we are talking ordinances for a common courtesy and we are also talking ordinances that in the real world we know they are not enforceable. I am just hoping that there is some press with this and maybe there is some emphasis on when there is a restricted passageway down the sidewalks that they don't complain to the councilman they complain to the business that is impacting the restriction. It would be nice if the community can kind of work amongst themselves instead of having to rely on ordinances and laws and nasty letters. We are all a community. We all should live together and respect each other's individual rights and freedoms and be polite. I don't see that in this ordinance but I am happy to see it at least get out in the open and as a topic and so, again, I thank all your hard work on this.

VARIANCE REQUEST - 144 ELM COURT

Mr. Herdman introduced Administrative Order No. 2014-24 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSIONS OF FACT
REGARDING A VARIANCE REQUEST OF MICHAEL AND ELIZABETH
MACIVER FOR PROPERTY LOCATED AT 144 ELM COURT.

Moved by Mr. Herdman, seconded by Mrs. Evans that the administrative order be adopted. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Herdman explained the specifics of the variance request. Mr. Newell said I drove by the property and I think this is an excellent opportunity to show the reason why we have the Board of Zoning Appeals and to help people out with this. It does not impact the neighbors in any way and I support the whole project.

STREETS AND SIDEWALKS COMMITTEE

Mrs. Evans reported that they addressed the North Street project update.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

Mr. Muscenti reported that they reviewed and discussed chickens and they are sending some information to the law director for his review. He also reported that they discussed signs and the sign ordinance defining murals and actually bringing murals into the sign legislation. The difficulty is making sure that they don't stifle the creativity of what it is they hold dear here.

SAFETY COMMITTEE

Mrs. Lutz reported that they discussed the fire department's need for a new ladder truck.

UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

No report.

ADMINISTRATION AND COMPENSATION COMMITTEE

No report.

FINANCE COMMITTEE

Mr. Patton announced a Committee of the Whole Council meeting for Tuesday, May 6, 2014 at 7:00 p.m.

PARKS COMMISSION

Mrs. Lutz reported that they talked about Blossom Time.

SHADE TREE COMMISSION

Mrs. Lutz said I would really like to recognize the Shade Tree Commission for the great work that they have been doing.

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

Chief Brosius reported that the *Your Life...Your Choice* program will be held at Parkside Church tomorrow. He also reported that regarding the spaghetti dinner, all the money that is put together from the VFW goes to this Chagrin valley and four scholarships were given out this year.

REPORT OF THE FIRE CHIEF

No report.

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

None.

MISCELLANEOUS

Mrs. Lutz mentioned that the "Building a Better Neighborhood" presentation will be on May 14th at the township hall. Channel 5 will be there and a member of the attorney general's office is coming to talk about identity theft and how to avoid it. And, somebody from the "Next Door" app is coming to explain the app.

ADJOURNMENT

Mr. Patton adjourned the meeting at 8:53 p.m.

President of Council

Clerk of Council