

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held AUGUST 13, 20 12

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, Zugan, Brosius, Byron, Lannon

APPROVAL OF MINUTES

Moved by Mr. Newell, seconded by Mrs. Evans that the minutes of the meeting held July 23, 2012 be approved. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None.

REPORT OF THE MAYOR

Mayor Brick announced his appointment of Bob Williams to the Board of Zoning Appeals for a term ending December 31, 2014.

Moved by Mr. Patton, seconded by Mrs. Evans to confirm Mayor Brick's appointment. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None.

Mayor Brick announced his appointment of Dick Goldsmith as a part-time police officer beginning September 1, 2012. He said officer Goldsmith has previously served with the village and he is the driving force behind the very successful *Your Life... Your Choice* Program. Over the years Mr. Goldsmith has donated thousands of hours of his time to this program.

Moved by Mrs. Evans, seconded by Mr. Subel to confirm Mayor Brick's appointment. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None.

Mayor Brick said after the boil alert that we had last month we discovered that not all of our residents are registered to receive emergency alerts. So, I am urging every household to register for the reverse 911 messages. This can be done on the village's website by clicking on the "Chagrin Valley Dispatch", which is right on the front, home page of the website. The more people we can get registered the safer it is going to be. This registration includes e-mail and cell phones because it is amazing that a lot of people no longer have what you call land lines.

Mayor Brick said I am delighted that the village is in the bidding process now for contracts for the third and final phase of the dam removal on the Spillway site. It is a very positive event and it seems to be going along just fine now. They hope to have that finished by the end of the year.

Mayor Brick said I would like to thank Rob and Letran Sherman for buying the Sears Adams

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house and starting its restoration. I would also like to thank Beth Skeel, Wendy Naylor, and the entire Sears Adams Committee for their help in saving this really iconic home in the village. I think it is really one of the better pieces of news I've gotten recently.

Mayor brick said I got a communication from the Cuyahoga County Board of Elections and they are now hiring poll workers to work on November 6th during the general election. Applications are available here in the village hall.

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

TAXICAB FRANCHISE GRANTED

Mr. Byron placed on the floor Ordinance No. 2012-28 entitled:

AN ORDINANCE GRANTING A TAXICAB FRANCHISE TO LADYBUG RANCH LLC AND DIANA COVERT FOR A HORSE CARRIAGE SERVICE.

Moved by Mrs. Evans, seconded by Mrs. Lutz 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 Mrs. Lutz that the ordinance be adopted, as amended. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mrs. Evans said there was a motion to amend the legislation, at the Streets and Sidewalks Committee meeting earlier this evening. In Section #1 it will read "Such use is limited to one, (1) horse-carriage". She said the Streets and Sidewalks Committee does recommend its passage to Council.

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH WALTER & HAVERFIELD

Mr. Subel introduced Ordinance No. 2012-35 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WALTER & HAVERFIELD LLP, EFFECTIVE FROM SEPTEMBER 1, 2012, THROUGH DECEMBER 31, 2012.

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Moved by Mr. Subel, seconded by Mrs. Lutz 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 Mrs. Evans that the ordinance be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Subel said this is a change of us moving from Ice Miller to Walter & Haverfield as our legal Counsel. Steve Byron will be working for Walter & Haverfield. Mr. Byron has assured us that all of our files will be transferred. Mr. Byron said the agreement is identical to the existing ordinance changing only the name and the dates.

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH RAY ARNOLD MASONRY

Mrs. Evans introduced Ordinance No. 2012-36 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH RAY ARNOLD MASONRY AND GENERAL CONTRACTING CO. FOR THE RETAINING WALL REPAIR PROJECT, AND DECLARING AN EMERGENCY.

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 Newell that the ordinance be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mrs. Evans said this is for the repairs to the east wall on Cleveland Street in front of the Miller household and it is a complete rebuild. Ray Arnold Masonry was the lowest bidder at \$17,437.84. Two other bids were received. The Streets and Sidewalks Committee recommended passage of this.

VARIANCE REQUEST - 26 SOUTH FRANKLIN STREET

Mr. Holdren introduced Administrative Order No. 2012-37 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A VARIANCE REQUEST OF SANPAL, LLC FOR PROPERTY LOCATED AT 26 SOUTH FRANKLIN STREET.

Moved by Mr. Holdren, seconded by Mrs. Lutz that the administrative order be adopted. Carried. Ayes: Chess, Holdren, Lutz, Newell. Nays: Patton, Subel, Evans. Mr. Holdren explained the specifics of the variance request. There was discussion regarding the safety issues and having to back out into the alley. Mr. Patton said I am having problems determining whether or not there are special conditions and circumstances which exist which are peculiar to the land or structure involved which are not applicable generally to other lands or structures in the same zoning districts. And, as we know, we have a large office building district as well as a large retail business district. The other factor I am struggling with is whether the property in question will yield a reasonable return or whether there can be any beneficial use of the

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property without a variance. The end result is great but I am having a problem getting to the end result by applying our code and the law. Mr. Subel said the motivation is to help this person sell the building and I don't think that is covered under a hardship. The price is just too high.

Lauren Goldschmidt, the applicant, said my intention is to have a very low volume high-end boutique Chagrin Falls kind of practice. I don't intend on having a lot of chairs. I intend on keeping the charm of the little house. Typically the parking lot is empty. I would like to give undivided attention to one patient at a time, although I may have two chairs just in case there is an emergency. I don't anticipate even needing that much parking but I know that I plan to abide by all the city and state codes by putting in the handicapped restrictions. I would also like to keep the tenants in the building. Mrs. Lutz asked how many tenants are in the building? Ms. Goldschmidt said nobody is living in the building. There is just some office space that people use. I have also met all the neighbors and I plan on maintaining my job on the west side. She said the Nanny Governess School has told me I can use their parking across the street and their lot if I needed to. Mrs. Lutz asked how many staff members she would have. Ms. Goldschmidt said I would probably only have one staff member to start.

Mr. Himes said the code allows the Planning and Zoning Commission to approve off-site parking within 30 feet. The difficulty is that there is really no available space that is open for use by others. Every parking lot is spoken for.

STREETS AND SIDEWALKS COMMITTEE

Mrs. Evans reported that the committee discussed a request from the Chagrin Documentary Film Festival to put signs on the major streets coming into town promoting the film festival similar to the sidewalk sale signs that we have during the sidewalk sale days. She said they would like to put up flags, where we put the flags during Blossom Time and the 4th of July. They would like to put two American flags up and an international flag representing where the directors are from. This was passed by the committee.

Moved by Mrs. Evans, seconded by Mrs. Lutz to approve the signs on the major roads coming into town and the flags on the appropriate poles on Main Street. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

Mr. Chess announced a meeting for Monday, August 20, 2012 at 7:30 p.m.

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SAFETY COMMITTEE

No report.

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 July, 2012.

PARKS COMMISSION

Mrs. Lutz announced a meeting for Tuesday, August 28, 2012 at 8: 30 a.m.

SHADE TREE COMMISSION

No report.

ARTS COMMISSION

Mrs. Evans reported that the commission discussed filming in Chagrin Falls and they will be working on setting up some guidelines for either filming of television shows or films in the village. They also discussed public art. They will be working with the Parks Commission on establishing some guidelines for public art.

Mrs. Evans announced a meeting for Monday, October 1, 2012 at 6:00 p.m.

PARKING COMMISSION

No report.

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REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

No report.

REPORT OF THE ENGINEER

Mr. Lannon reported that the developer on West Orange Street submitted a geo-technical report along with a retaining wall design. He said after they were reviewed there were some discrepancies so they have sent those comments back to the developer. Mr. Lannon reported that the lighting project is complete in village buildings.

REPORT OF THE POLICE CHIEF

Chief Brosius reported that the safety town class has graduated after a two-week program. He thanked the Jaycees for funding this program each year.

REPORT OF THE FIRE CHIEF

Chief Zupan reported that they hosted the senior picnic last Tuesday. It was very well attended and it was a good time had by all.

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

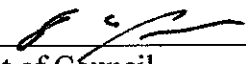
None.

MISCELLANEOUS

None.

ADJOURNMENT

Mr. Patton adjourned the meeting at 8:42 p.m.



President of Council



Clerk of Council