

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held SEPTEMBER 26, 2011

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, Zugan, Brosius, Byron, Lannon

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

### APPROVAL OF MINUTES

Moved by Mrs. Evans, seconded by Mr. Jacobs that the minutes of the meeting held September 12, 2011 be approved. Carried. Ayes: Evans, Jacobs, Lutz, Patton, Subel. Abstain: Williams. Nays: None.

### REPORT OF THE MAYOR

Mayor Brick asked for a moment of silence in honor of Dave Griffith, a former Council member, who passed away yesterday.

Mayor Brick said I am sure you got our August financial statements which show that we are performing somewhat ahead of budget and continuing to show a small surplus year to date. We can all thank our very diligent staff and a little luck.

Mayor Brick said there have been a lot of questions on the West Orange project so we have been organizing some information concerning that project on the Village's website. The first item that we put on the website is a summary of a short history of the West Orange project and a listing of the committee meetings that dealt with the project and a direct link to them. We will be adding more information in the future as we are able to get it organized.

Mayor Brick said I am happy to announce that the Village is again providing flu shots this year and this year it is in cooperation with CVS. It will be at Hamlet Village on Monday, October 24, 2011 from 9:00 a.m. to 12:00 p.m. The only thing we ask is that you must register the week of October 3<sup>rd</sup> just by calling the Village Hall at 247-5050.

Mayor Brick read a proclamation proclaiming October 7, 2011 as Walk to School, Walk to Town Day in Chagrin Falls.

### REPORT OF THE FINANCE DIRECTOR

No report.

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

SEPTEMBER 26,

2011

**MEMBERS OF THE PUBLIC TO SPEAK TO AGENDA ITEMS (NOT TO EXCEED TWO (2) MINUTES PER PERSON)**

None.

**REPORT OF THE LAW DIRECTOR**

**PLANNING AND ZONING COMMISSION'S UPDATE TO THE COMPREHENSIVE PLAN ADOPTED**

Mr. Byron placed on the floor Ordinance No. 2011-50 entitled:

AN ORDINANCE ADOPTING THE PLANNING AND ZONING COMMISSION'S 2011 UPDATE TO THE COMPREHENSIVE PLAN OF THE VILLAGE OF CHAGRIN FALLS.

Moved by Mr. Jacobs, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Evans, Jacobs, Lutz, Patton, Subel, Williams. Nays: None. Mr. Jacobs explained the updates.

**AMOUNTS AND RATES AS DETERMINED BY THE COMMISSION ACCEPTED**

Mr. Patton introduced Resolution No. 2011-57 entitled:

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE COMMISSION, WITH THE EXCEPTION OF THE GENERAL FUND, OUTSIDE 10 MILL AMOUNT AND RATE, AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Moved by Mr. Patton, seconded by Mrs. Evans that the resolution be adopted. Carried. Ayes: Evans, Jacobs, Lutz, Patton, Subel, Williams. Nays: None. Mr. Patton said this is our annual review of the property tax rates. It is to set the property tax rates for 2012. He said they have two options. The first option is in regard to adjusting the bond retirement, which is now at 2.90 mills and this rate is used to pay down the bonds for the waste water treatment plant as well as streetscape. This particular millage generates just enough revenue to pay the required principal and the interest payments and it is not recommended that we adjust that millage rate. The other option is in regard to the .60 outside millage, which is the millage associated with the operating levy for the police station that was passed by the voters. This generates approximately \$100,000 per year. Since this was actually passed by the voters we have to make an annual decision as to whether or not we want to actually collect that millage. If we were to remove this our total millage would be at 11.20, which is the same millage that we have had for the last two years. This legislation does not include that .60 millage for the police station operating levy.

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

SEPTEMBER 26,

20 11

Mr. Williams said in terms of that .60 mill levy regarding the police operating funds, I think the original spirit and intent of that was to provide extra operating capital for a new police station and I think last year because the police station levy itself did not pass that I am not comfortable taking those additional operating funds without that. I've also said that if there is some other specific operating related need over and above what the police station is using today that we should consider that but I haven't heard of any unusual or excess operating needs for the police station. My intent, in order to keep the tax payers in mind in this situation, is not to levy those additional funds if it is not really necessary.

Mr. Patton said this particular millage was for the operating costs of a new police station and since we don't have a new police station I am against collecting it.

## CUYAHOGA COUNTY BUSINESS ATTRACTION AND ANTI-POACHING PROTOCOL ADOPTED

Mr. Patton introduced Resolution No. 2011-58 entitled:

A RESOLUTION ADOPTING THE CUYAHOGA COUNTY BUSINESS ATTRACTION AND ANTI-POACHING PROTOCOL, AUTHORIZING THE MAYOR TO ENTER INTO THE BUSINESS ATTRACTION AND ANTI-POACHING PROTOCOL AGREEMENT AND DECLARING AN EMERGENCY.

Mr. Patton placed this resolution on readings.

## AUTHORIZATION TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION

Mrs. Evans introduced Resolution No. 2011-59 entitled:

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENTS AND/OR LOCAL TRANSPORTATION IMPROVEMENTS PROGRAMS AND TO EXECUTE ALL CONTRACTS AS REQUIRED FOR THE SOLON ROAD REPAIR PROJECT AND/OR THE SOUTH FRANKLIN STREET WATER MAIN PROJECT, AND DECLARING AN EMERGENCY.

Moved by Mrs. Evans, seconded by Mr. Williams that the resolution be adopted. Carried. Ayes: Evans, Jacobs, Lutz, Patton, Subel, Williams. Nays: None. Mrs. Evans said this is a resolution to authorize the Mayor to submit an application to participate in an Ohio Public Works Commission grant and also for a water main on South Franklin Street that we are in desperate need of.

## RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

SEPTEMBER 26,

2011

**SECTION 1125.06 AMENDED**

Mr. Jacobs introduced Ordinance No. 2011-60 entitled:

AN ORDINANCE AMENDING SECTION 1125.06, LANDSCAPING REQUIREMENTS, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS BY ENACTING NEW SUBSECTION (f) RELATING TO MAINTENANCE OF LANDSCAPING AND REPLACEMENT OF LANDSCAPING.

Mr. Patton placed this ordinance on readings.

**STREETS AND SIDEWALKS COMMITTEE**

No report.

**FACILITIES AND SERVICES COMMITTEE**

No report.

**PLANNING AND ZONING COMMISSION**

Mr. Jacobs reported that the commission has been discussing Internet Café Regulations. He also reported that a group of merchants approached the commission and asked for some variances in terms of what they can display in front of their stores. The commission agreed that over the next period of time they were going to take a look at the regulations that regulated that. They did ask for, in the interim, just a waiver so that they can hang something from their doors possibly or put something in the alcove. While there was no formal vote the majority opinion was not to do that and to take a more deliberate look at. There was a minority opinion that hanging something from the door would not interfere with the aesthetics of the Village but in the end of the day the commission decided to study this in a more deliberate fashion.

**SAFETY COMMITTEE**

No report.

**UTILITIES COMMITTEE**

No report.

**BOARD OF ZONING APPEALS**

Mr. Williams announced a meeting for Tuesday, September 27, 2011 at 8:00 p.m.

## RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held SEPTEMBER 26, 20 11**ADMINISTRATION AND COMPENSATION COMMITTEE**

No report.

**FINANCE COMMITTEE**

No report.

**PARKS COMMISSION**

Mrs. Lutz announced a meeting for Tuesday, September 27, 2011 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 reported that we have received our new operating permit for the waste water treatment plant.

**REPORT OF THE ENGINEER**

No report.

**REPORT OF THE POLICE CHIEF**

Chief Brosius reported on a conceptual plan for a new central dispatch center.

**REPORT OF THE FIRE CHIEF**Chief Zupan reported that on Saturday, October 15, 2011 from 9:00 a.m. to 12:00 p.m. the fire department will hold their annual fire extinguisher refill for Village residents. He also reported that the Fire Department's 65<sup>th</sup> annual clam bake will be held on Saturday, October 8, 2011.

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

SEPTEMBER 26,

2011

Seating will be limited so reserve your tickets soon.

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

Maria Zeleznik, President of the Citadel Condo Association, spoke about the Solon Road culvert problem.

Jim Weingart said he owns property above the West Orange development. Knowing that recently we have had more rain and there is more erosion coming down from the hill affecting our property above the project, my question is what is the potential for the Council to negate the rest of the development from going in. Mr. Himes said that is more of a legal question. If they comply with the code I don't know how Council can intervene and then deny them a permit. They are working on compliance with the code and all the engineering requirements. Their instrumentation is installed and they are beginning to take some of the initial data off of the instruments. That will provide data for the design engineers to design the retaining wall. Mr. Weingart asked who they are getting the data from? Mr. Himes said they hired a professional, independent geotechnical engineering consultant firm out of Pittsburgh. Mr. Lannon said the Village geotechnical engineer has worked with them before and had good things to say about them. Mr. Weingart asked, if this engineer comes back and he says everything is okay with the hill there is nothing to stop the project from going forward? Mr. Himes said I am not certain that is his task really. They will be testing the slope, taking the boring holes, testing the soil, and taking various measurement that are necessary for the design work. They did install inclinometers which will show if and when the slope is moving and at what location. But the reason for that geotechnical investigation is so that the retaining wall can be designed. Mr. Himes said given the history of the structures that are on that slope and all of the slipping that you can see from the retaining wall at the bottom, which is leaning over towards the street to the various houses on the hill that have foundation and basement wall problems, I think there is some failure in that slope so the idea is that we get an engineer in there with all the data that he needs to design a retaining wall system that will hold the slope in place.

Mr. Subel said, so if that is completed then is there an legal way that the Village could keep the development from going, I think is the question. Mr. Byron said I don't believe so. The requests have been made under the Village's zoning code, the requests that have been under the building laws of the Village, and the approvals that have been granted including the variance to the hillside issue have certain requirements which need to be followed. This includes the evaluation of the stability of the slope and design a system that stabilizes that. If you attempted to withdraw the authority for them to do their project I think you would be basically buying the project back at whatever the cost would be.

Mr. Weingart asked, if I am here in five years and I have tremendous slope problems what happens? Mr. Patton said it would be a question of what was causing the problem. Mr. Byron

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

SEPTEMBER 26,

2011

said you would need to consult with your legal counsel regarding the protection of your property rights and you need to consult with engineers regarding if there is causation between the existing project or preexisting conditions on that slope.

Cynthia Porter and Angela Stewart, residents of the Citadel, also spoke about the Solon Road culvert problem.


Katherine Malmquest from the Chagrin Falls Library explained the improvements that will be done to the building in the next few weeks. She said the hours of operation will be different during this time.

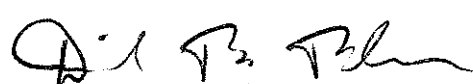
**MISCELLANEOUS**

None.

**ADJOURNMENT**

Mr. Patton adjourned the meeting at 8:37 p.m.

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

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