

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

JULY 14,

2014

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, Lutz, Muscenti, Newell, Patton, Subel
 Members absent: Herdman
 Officials present: Mayor Brick, Bloom, Himes, Alunni, Brosius, Byron, Lannon

Moved by Mrs. Evans, seconded by Mr. Subel that the absence of Mr. Herdman be excused. Carried. Ayes: Evans, Lutz, Muscenti, Newell, Patton, Subel. Nays: None.

APPROVAL OF MINUTES

Moved by Mr. Newell, seconded by Mrs. Evans that the minutes of the meeting held June 23, 2014 be approved. Carried. Ayes: Evans, Lutz, Muscenti, Newell, Patton, Subel. Nays: None.

REPORT OF THE MAYOR

Mayor Brick said I would appreciate it if everyone would stand for a moment of silence to honor the memory of 8-year old Eli Sachar who died in a tragic automobile accident in the village last Saturday. We are planning to hold a memorial service for Eli in Triangle Park next Saturday, July 19, 2014 at 12:00 noon and all are invited.

Mayor Brick said I do hope everybody received the June financials, which show that we continue to be on budget. And, that you received a draft of the major village priorities for the next three months. Just let me know if you have any suggestions.

Mayor Brick said the village will be implementing a new version of reverse 911 called Code Red and everyone should be contacted in the next month or so to update and expand their contact information. This will be a new and improved emergency alert system.

Mayor Brick said the Mill Street sidewalk is well along and we are hoping to have an opening ceremony some time in August and that will depend on actually the completion of the construction. We should have plenty of advance notice.

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.

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REPORT OF THE LAW DIRECTOR**TAX INCREMENT FINANCING**

Mr. Byron placed on the floor Ordinance No. 2014-32 entitled:

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNER OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND AUTHORIZING AN AGREEMENT WITH THE CHAGRIN FALLS EXEMPTED VILLAGE SCHOOL DISTRICT AND A TAX INCREMENT FINANCING AGREEMENT WITH SPILLWAY, LLC, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTION 5709.40, 5709.42, AND 5709.43, AND DECLARING AN EMERGENCY.

Mr. Patton said this will remain on readings and we anticipate that we will vote on it at the August 11, 2014 meeting.

CHAPTER 1125 AMENDED

Mr. Byron placed on the floor Ordinance No. 2014-33 entitled:

AN ORDINANCE AMENDING CHAPTER 1125 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS BY ENACTING NEW SECTION 1125.09, KEEPING CHICKENS.

Mr. Byron announced a public hearing for Monday, July 28, 2014. Mr. Muscenti said this will remain on readings.

SECTION 505.15 AMENDED

Mr. Byron placed on the floor Ordinance No. 2014-34 entitled:

AN ORDINANCE AMENDING SECTION 505.15 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS TO LIMIT THE KEEPING OF CERTAIN ANIMALS IN THE VILLAGE AND TO PERMIT CHICKENS TO BE KEPT ONLY ON PARCELS ZONED IN AN R1-100 DISTRICT.

Mr. Muscenti said this will remain on readings.

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CHAPTER 1341 REPEALED

Mr. Byron placed on the floor Ordinance No. 2014-35 entitled:

AN ORDINANCE REPEALING CHAPTER 1341 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS TO ELIMINATE BUILDING CODE PROVISIONS MADE OBSOLETE BY CHANGES TO THE VILLAGE'S ZONING CODE.

Mr. Muscenti said this will remain on readings.

CODIFIED ORDINANCES AMENDED

Mr. Patton introduced Ordinance No. 2014-37 entitled:

AN ORDINANCE AMENDING SECTIONS 1111.04, 1113.04, AND 1149.03 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS TO MODIFY CERTAIN PUBLIC HEARING NOTICE REQUIREMENTS.

Mr. Byron announced a public hearing for Monday, August 25, 2014. Mr. Patton placed this ordinance on readings.

2015 ALTERNATIVE TAX BUDGET ADOPTED

Mr. Patton introduced Resolution No. 2014-38 entitled:

A RESOLUTION ADOPTING THE CHAGRIN FALLS ALTERNATIVE TAX BUDGET FOR FISCAL YEAR 2015, AND DECLARING AN EMERGENCY.

Moved by Mr. Patton, seconded by Mrs. Evans that the resolution be adopted. Carried. Ayes: Evans, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Patton said this is an annual housekeeping matter that Mr. Bloom prepares for the County Fiscal Officer and, despite the terminology, it is not a true budget and has no real actual effect on our 2015 budget, which we will adopt next year in February or March. The purpose of this is to provide information to the county so that they can use it to set our property taxes later this year.

CODIFIED ORDINANCES AMENDED

Mr. Muscenti introduced Ordinance No. 2014-40 entitled:

AN ORDINANCE AMENDING SECTIONS 1355.14 AND 1357.18 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS TO MODIFY THE TIME FRAME IN WHICH TO APPEAL TO THE BOARD OF ZONING APPEALS FOR THE VILLAGE.

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Moved by Mr. Muscenti, seconded by Mrs. Lutz that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Evans, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Moved by Mr. Muscenti, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Evans, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Himes said this came out of the Planning and Zoning Commission's review of the code for consistency. This is one item that is not a zoning code related item. It simply takes the building code time window of appeal from thirty days to ten days to be consistent with the rest of the code.

NECESSITY OF AN ELECTION DECLARED

Mr. Patton introduced Resolution No. 2014-41 entitled:

A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND CERTAIN EXISTING SECTIONS OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS, INCLUDING EXISTING SECTION 126.0501, RATE AND INCOME TAXABLE, IN ORDER TO PROVIDE FOR A THREE-EIGHTHS PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, TO A RATE OF ONE AND SEVEN-EIGHTHS (1.875%) PERCENT, BEGINNING JANUARY 1, 2015, SOLELY FOR THE PURPOSE OF PAYING COSTS AND DEBT CHARGES ASSOCIATED WITH DESIGNING, CONSTRUCTING, IMPROVING, AND MAINTAINING PERMANENT IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Mr. Patton placed this resolution on readings.

CODIFIED ORDINANCES AMENDED

Mr. Patton introduced Ordinance No. 2014-42 entitled:

AN ORDINANCE AMENDING EXISTING SECTION 126.0101, 126.0501, 126.0502, AND 126.1302 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS IN ORDER TO INCREASE THE INCOME TAX RATE FROM 1.5% TO 1.875%, BEGINNING JANUARY 1, 2015 WITH THE INCREASE TO BE USED SOLELY FOR THE PURPOSE OF PAYING COSTS AND DEBT CHARGES ASSOCIATED WITH DESIGNING, CONSTRUCTING, IMPROVING, AND MAINTAINING PERMANENT IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Mr. Patton placed this ordinance on readings.

Mr. Patton said we will not be addressing the Administrative Docket tonight. He announced a special Council meeting for Wednesday, July 23, 2014 at 7:00 p.m. to address the Administrative Docket as well as the resolution and ordinance addressing a tax increase.

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VARIANCE REQUEST - 49 WEST WASHINGTON STREET

Administrative Order No. 2014-43 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A VARIANCE REQUEST OF TODD GOLDSTEIN FOR PROPERTY LOCATED AT 49 WEST WASHINGTON STREET.

VARIANCE REQUEST - 119 AND 121 EAST SUMMIT STREET

Administrative Order No. 2014-44 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A VARIANCE REQUEST OF BARTOLOMEO AND AMANDA GIANNATTASIO FOR PROPERTY LOCATED AT 119 AND 121 EAST SUMMIT STREET.

VARIANCE REQUEST - 44 WEST ORANGE STREET

Administrative Order No. 2014-45 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A VARIANCE REQUEST OF RIVER WALK AT CHAGRIN FALLS, LLC FOR PROPERTY LOCATED AT 44 WEST ORANGE STREET.

VARIANCE REQUEST - 22 WEST ORANGE STREET

Administrative Order No. 2014-46 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A VARIANCE REQUEST OF ORANGE WEST PROPERTIES, LLC FOR PROPERTY LOCATED AT 22 WEST ORANGE STREET.

VARIANCE REQUEST - 47 WEST COTTAGE STREET

Administrative Order No. 2014-47 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A VARIANCE REQUEST OF WEST COTTAGE, LLC FOR PROPERTY LOCATED AT 47 WEST COTTAGE STREET.

APPEAL - 305 SOLON ROAD

Administrative Order No. 2014-48 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING AN APPEAL OF TIM SCARL FOR PROPERTY LOCATED AT 305 SOLON ROAD.

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VARIANCE REQUEST - 269 BENTLEYVILLE ROAD

Administrative Order No. 2014-49 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A
VARIANCE REQUEST OF ROBERT AND MARY JO WEBER FOR PROPERTY
LOCATED AT 269 BENTLEYVILLE ROAD.

STREETS AND SIDEWALKS COMMITTEE

Mrs. Evans said we are sending a letter to all of the North Street residents confirming that we are going ahead with the North Street improvements.

FACILITIES AND SERVICES COMMITTEE

Mr. Patton reported that the committee addressed an application for a TREX liquor license for 22 West Orange Street. There will be further discussion.

PLANNING AND ZONING COMMISSION

Mr. Muscenti announced that the July 21, 2014 meeting has been canceled.

SAFETY COMMITTEE

No report.

UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

Mr. Himes mentioned that there will only be three board members available for the July 22, 2014 meeting so he has contacted the applicant to let them know and decide if they want to wait until the next meeting, which will be held on August 26, 2014.

ADMINISTRATION AND COMPENSATION COMMITTEE

No report.

FINANCE COMMITTEE

Mr. Patton acknowledged that Council did receive the monthly expenditure reports as well as the

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monthly statement of cash receipts and disbursements for the month of June, 2014.

PARKS COMMISSION

No report.

SHADE TREE COMMISSION

No report.

ARTS COMMISSION

Mrs. Evans reported that they met earlier this evening and they canceled Arts Day this year and they will pursue it next year.

PARKING COMMISSION

No report.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

Mr. Himes said you may recall that there was a fire at 291 North Main Street back in January and the neighbors have been very concerned that absolutely nothing has happened. The owner is either unable or unwilling to do anything there so we have been working with the prosecutor to get that situation and nuisance abated. At this point we have inspected the property and condemned the buildings on the property and they are scheduled for demolition tomorrow. The cost of that will be assessed to the tax duplicate.

Mr. Himes reported that, on a sad note, Ben King passed away. He said I just want to express my gratitude to him. He was the nicest guy on the planet and fantastic to work with. He worked on the Shade Tree Commission for forty years. He was responsible for about twenty-five hundred shade trees in the village. Every tree that passes over eight inches in diameter can be directly attributed to Ben King. I am happy we were able to get a tree planted in his honor while he was still here with us.

REPORT OF THE ENGINEER

No report.

REPORT OF THE POLICE CHIEF

Chief Brosius reported that he distributed the annual report for last year. He mentioned that Dick Goldsmith's retirement party will be held on Monday, July 21, 2014 at Bar 50/20 at 6:00 p.m.

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REPORT OF THE FIRE CHIEF

No report.

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

Anne deConingh, 50 East Orange Street, asked if the sidewalk on Cleveland Street on Dick Bodwell's property is going to be installed before the dedication of the Mill Street sidewalk? Mayor Brick said yes. She asked if the stone wall will be repaired also? Mr. Himes said we are going to do the stone wall as part of our road program this year. It probably would not be finished before the dedication.

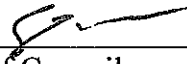
MISCELLANEOUS

Mr. Subel asked, I wonder if it is widely known if this Code Red or reverse 911 can be sent to mobile phones? Chief Brosius said yes it can. You can sign up for it on our website.

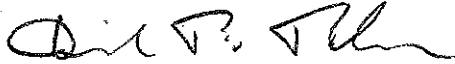
Mr. Patton recognized two Eagle Scouts from Troop 150 with the Federated Church who are here doing one of their requirements for citizenship and a community merit badge.

ADJOURNMENT

Mr. Patton adjourned the meeting at 8:27 p.m.



 President of Council



 Clerk of Council