

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held DECEMBER 10, 20 12

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

### APPROVAL OF MINUTES

Moved by Mrs. Evans, seconded by Mr. Newell that the minutes of the meeting held November 26, 2012 be approved. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None.

### REPORT OF THE MAYOR

Mayor Brick said to register for the reverse 911 you can do it on the website or by calling the police department. A reminder to register will be sent out with one of the water bills.

Mayor Brick announced his appointments to the following commissions and board:

#### Architectural Review Board

Lisa Fredrickson Reappointment (3-year term)

#### Planning and zoning commission

Patty Baker Reappointment (4-year term)

#### Shade Tree Commission

Terry Round Reappointment (3-year term)

#### Parks Commission

Anne deConingh Reappointment (3-year term)

#### Arts Commission

Scott Lax Reappointment (3-year term)

#### Parking Commission

Rick Brown Reappointment (3-year term)

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

## 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

## APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES

Mr. Patton introduced Ordinance No. 2012-55 entitled:

AN EMERGENCY ORDINANCE MAKING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF CHAGRIN FALLS DURING AND FOR THE YEAR ENDING DECEMBER 31, 2012, REPEALING ORDINANCE NO. 2012-09.

Moved by Mr. Patton, 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 Mr. Patton, seconded by Mrs. Evans that the ordinance be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Patton said this is a final appropriation for the year 2012. The State law requires us to adopt the final appropriations in December even though we don't have the actual expenditures yet. The amounts stated in the ordinance are based on actual November numbers projected through December based on our past history and to account for any unforeseen expenses such as large amounts of road salt or perhaps excessive street department overtime in December. These numbers are inflated so they are reasonably safe. However, the actual expenditure amounts for 2012, which we won't know until January, will be substantially lower than the amounts as reflected in the ordinance.

## POSITION CLASSIFICATION AND SALARY SCHEDULE AMENDED

Mr. Subel introduced Ordinance No. 2012-56 entitled:

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND SALARY SCHEDULE FOR VARIOUS POSITIONS WITHIN THE VILLAGE OF CHAGRIN FALLS, AND DECLARING AN EMERGENCY.

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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. Lutz that the ordinance be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Subel said the Administration and Compensation Committee met and are recommending a 1 ½% pay rate increase that will become effective later this month. This 1 ½% pay rate increase includes the prosecutor and fire employees but not the Mayor and Council.

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

Mr. Patton introduced Resolution No. 2012-57 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.

Moved by Mr. Patton, seconded by Mr. Chess that the resolution be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Patton said we have been reviewing this protocol for well over a year. We've had several presentations made to Council including a presentation by Jack Schron and several by Ed Jerse. He summarized the details of the protocol. Comments were heard and questions were answered.

### MERRI E. NEWMAN EASEMENT

Mrs. Evans introduced Ordinance No. 2012-58 entitled:

AN ORDINANCE ACCEPTING AN EASEMENT FOR ROADWAY PURPOSES FROM MERRI E. NEWMAN, 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 Mr. Newell that the ordinance be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mrs. Evans said this is another easement on Cleveland Street for the sidewalk from Cleveland to North Street. It is at the corner of Bell and Cleveland Street. There is a cost involved, it is \$3,000 to the village and it's similar in language to the other two easements that we passed earlier this year.

### VARIANCE REQUEST - PERMANENT PARCEL NO. 932-02-005

Mr. Holdren introduced Administrative Order No. 2012-59 entitled:

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## FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A VARIANCE REQUEST OF MICHAEL & KATHY CORKRAN FOR PERMANENT PARCEL NO. 932-02-005.

Moved by Mr. Holdren, seconded by Mrs. Lutz that the administrative order be adopted. Carried. Ayes: Chess, Holdren, Lutz, Newell, Patton. Nays: Evans, Subel. Mr. Holdren explained the specifics of the variance request. He said the BZA unanimously approved the variance request. Mr. Holdren said in paragraph seven, it says "the BZA found that the new dwelling construction site is fourteen feet above the river level and ten feet above the Sandy river level". That was referring to the level after the super storm Sandy so I think we want to just take out that whole line. Mr. Byron said for the purposes of clarification it is sufficient to say that the new dwelling is fourteen feet above the ordinary river level. I will make the amendment if that is acceptable to everybody to indicate that. Comments were heard and questions were answered. Bobbi Wheeler, 4 Church Street, spoke in opposition to the variance request.

### STREETS AND SIDEWALKS COMMITTEE

No report.

### FACILITIES AND SERVICES COMMITTEE

No report.

### PLANNING AND ZONING COMMISSION

No report.

### SAFETY COMMITTEE

No report.

### UTILITIES COMMITTEE

No report.

### BOARD OF ZONING APPEALS

Mr. Holdren announced a meeting for Tuesday, December 18, 2012 at 8:00 p.m.

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## 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 November, 2012.

## PARKS COMMISSION

No report.

## SHADE TREE COMMISSION

Mrs. Lutz reported that they are planting a lot of trees and cutting down some old trees.

## ARTS COMMISSION

Mrs. Evans reported that they met last Tuesday and their guest was Ivan Schwarz, Executive Director of the Greater Cleveland Film Commission. He and his assistant will be working with us and give us sample legislation and some sample permits that we can review and perhaps put into our Charter and ordinances.

## PARKING COMMISSION

No report.

## REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

No report.

## REPORT OF THE ENGINEER

No report.

## REPORT OF THE POLICE CHIEF

No report.

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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)**

Terry Kileen, Manager of External Affairs from First Energy/The Illuminating Company, introduced himself as the village's new representative.

**MISCELLANEOUS**

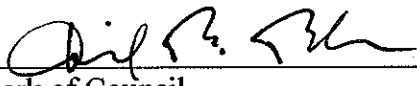
Mr. Patton announced that the organizational meeting will be held on Wednesday, January 2, 2013 at 9:00 a.m.

**EXECUTIVE SESSION**

Moved by Mr. Patton, seconded by Mrs. Evans to adjourn into executive session for the purpose of discussing the appointment and compensation of public officials. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Patton said I anticipate that we will be in executive session for no more than fifteen minutes and I do not anticipate that we will have any further discussion from Council when we come out of executive session.

**ADJOURNMENT**

Mr. Patton adjourned the meeting at 8:52 p.m.

  
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President of Council  
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Clerk of Council