

The special meeting of the Council of the Village of Chagrin Falls was called to order at 7:15 p.m. by Mr. Patton.

Member present: Evans, Herdman, Lutz, Muscenti, Newell, Patton.
Members absent: Subel
Officials present: Mayor Brick, Himes, Zupan, Brosius, Byron.

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

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH RIVERWALK

Mr. Byron placed on the floor Ordinance No. 2015-15 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE LICENSE AGREEMENT WITH RIVERWALK AT CHAGRIN FALLS, LLC ENTERED INTO ON OR ABOUT MARCH 18, 2013.

Moved by Mr. Herdman, seconded by Mrs. Evans that the ordinance be adopted.

Mr. Herdman said we discussed this last week. I think there were points of verification that were sought and one was insuring that this meeting was noticed to all the residents who would have received notice if it were a BZA proceeding and I think that has been done. The second outstanding issue was the previous agreement that we are seeking an amendment to whether or not the licensee has indemnified the licensor for any damage resulting from the granting of the license.

Mr. Byron said specifically there is a maintenance obligation that is imposed upon the licensee to maintain the facilities that are constructed in the right-of-way. Mr. Muscenti asked, isn't that then transferred to the association at some point in time? Mr. Byron said if it is part of the common area. This facility is being constructed and this is not on the same parcel as the common area. Mr. Vitt said there is a correction. It is actually River Walk at Chagrin Falls II. That may be an issue with respect to the fact that the previous license was River Walk I, which has a license for the four foot projection. This is, in fact, River Walk at Chagrin Falls II and it is not part of a condominium association and River Walk II, they are not going to be conjoined to the previous six condominiums. These are two conforming single-family lots with single-family homes. Actually there are three, unit #48 is a where the wall is to be built and is a conforming lot for the dimensions and the zoning. Where it is not conforming is the new standard for hillside construction and having a slope stability factor of 1.3, it doesn't comply with that. So it is a conforming lot but a non-buildable lot. River Walk II is really everything to the west of the original condominium group of six units.

Mr. Byron said we need to have a different license agreement with River Walk II.

Mr. Patton asked, if you were to build this wall four feet back would it be the same height? Mr. Vitt said it would be the same height. Mr. Patton asked, is that wall going to be fifteen feet tall? Mr. Vitt said fourteen feet tall at the southeast corner and it is only about nine feet at the southwest corner.

Mr. Newell asked, if you moved it back four feet so it wasn't in the right-of-way does that affect the slope stability factor? Mr. Vitt said I would say it would probably come down a little bit to 1.15 instead of 1.2. Mr. Newell said I think slope stability is one of the major concerns. Mrs. Evans said I agree.

Mr. Patton said we will table this.

AUTHORIZATION TO REIMBURSE EMPLOYEES FOR DEDUCTIBLE EXPENSES

Mr. Patton introduced Ordinance No. 2015-17 entitled:

AN ORDINANCE AUTHORIZING AND DIRECTING THE REIMBURSEMENT TO CERTAIN EMPLOYEES FOR DEDUCTIBLE EXPENSES INCURRED IN 2014 AS A RESULT OF THE VILLAGE ENTERING INTO A CONTRACT WITH MEDICAL MUTUAL OF OHIO FOR HIGH DEDUCTIBLE HEALTHCARE INSURANCE COVERAGE EFFECTIVE DECEMBER 1, 2014, AND DECLARING AN EMERGENCY.

Moved by Mr. Patton, seconded by Mrs. Evans that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton. Nays: None. Moved by Mr. Patton seconded by Mrs. Evans that the ordinance be adopted. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton. Nays: None. Mayor Brick said we got actually what I would call a glitch in the start-up. The new HSA program started on December 1, 2014 and it had a \$3,000 deductible. It turns out that the glitch was that Medical Mutual then said the deductible started again on January 1, 2015. It turns out that two employees had to put in the entire \$3,000, and their costs even exceeded \$3,000. Then in January they had to do it again. Since it was absolutely not their fault and it was something we didn't know about until it occurred we want to try and reimburse those two employees for the additional \$3,000 that they had to spend. Since our last meeting I sent a letter to all employees describing the situation and stating the policy we had that we would look to reimburse anyone who had to spend an additional \$500 in December for a life threatening procedure that could not be deferred and we received no more. To the best of our knowledge no other employee had that particular problem. What we are trying to do here is essentially reimburse two employees who had to pay two deductibles in the beginning of this new program and to spare them that cost. It will be taxable income. We have been told already it will not happen again.

ADJOURNMENT

Mr. Patton adjourned the meeting at 7:32 p.m.

President of Council

Clerk of Council