

RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

AUGUST 11,

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, Herdman, Lutz, Muscenti, Newell, Patton, Subel
 Members absent: None
 Officials present: Mayor Brick, Bloom, Zugan, Brosius, Byron, Lannon

APPROVAL OF MINUTES

Moved by Mrs. Evans, seconded by Mr. Newell that the minutes of the meeting held July 14, 2014 be approved. Carried. Ayes: Evans, Lutz, Muscenti, Newell, Patton, Subel. Abstain: Herdman. Nays: None.

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

Moved by Mrs. Evans, seconded by Mr. Patton that the minutes of the meeting held July 28, 2014 be approved. Carried. Ayes: Evans, Lutz, Muscenti, Patton, Subel. Abstain: Herdman, Newell. Nays: None.

REPORT OF THE MAYOR

Mayor Brick said I would like to invite the representative of the Dogwood Valley Garden Club to share some information with us. Kathy Goldman explained that the Dogwood Valley Garden Club originally purchased and hung the flower baskets throughout the village until the village took it over. She said they have continued to support the program by selling flowers in the Spring time. She presented \$5,000, from the Dogwood Valley Garden Club, to the village towards the hanging flower basket program. Mayor Brick thanked the Dogwood Valley Garden Club members for all of the great work that they do, and have been doing for years, to make our village really so beautiful and inviting. Mrs. Goldman also mentioned that they also plant all of the hay racks over the bridge, as a gift to the village. Council and the Mayor thanked the Club again.

Mayor Brick said we continue to actually be a bit ahead of budget, so that is very positive.

Mayor Brick said I hope I will see at least some of you tomorrow at the Chautauqua in Chagrin series at the Federated Church. The subject is the Life of Nelson Mandela.

REPORT OF THE FINANCE DIRECTOR

No report.

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

None.

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.

Moved by Mr. Patton, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes: Herdman, Lutz, Newell, Patton. Mrs. Evans recused herself. Nays: Muscenti, Subel. Mr. Patton said we have been working with Spillway with regard to their project here in Chagrin Falls. In January of 2009 the village entered into a development agreement with Spillway and that agreement was contingent upon three things: the re-zoning being approved by the voters, the village granting zoning and building approvals, and the enactment of a tax increment financing for ten years and seventy-five percent of the incremental increase of the tax valuation of the project, which is tonight's legislation. The first two conditions have already been met. The electors in the village overwhelmingly approved the re-zoning in February of 2009 and the site plan approval has been granted by the village. In regard to the legislation tonight, the village administration has recommended that council adopt this TIF agreement, however, the ultimate decision is up to this council. We've had numerous discussion in regard to the TIF over the last couple of years. As we have discussed, the TIF would permit us, over a ten year period, to take an amount which would represent seventy-five percent of the increase in taxes due to the increase in valuation and we could then use those monies to fund public purposes. Those funds would be shared with Spillway, with Spillway receiving fifty-five percent of the proceeds and the village receiving forty-five percent of the proceeds to pay for those public improvements that are addressed and described in Exhibit B of tonight's legislation and also more specifically, on page 3 of the TIF agreement and the valuation can be up to 1.285 million dollars. The other twenty-five percent increase in the tax of the original valuation would be taxed as if there were no TIF at all. The

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school board is in agreement with this TIF agreement. They did unanimously pass a resolution in support of this council adopting the TIF agreement. As we have further discussed, there is absolutely no debt being issued and, therefore, there is no risk to the village in entering into this project. It just makes good business sense that we would take advantage of any proceeds that we possibly could. Through this particular agreement and through Spillway any of the increase in the tax base would be due or the result of the actual work with Spillway in improving the property and therefore increasing the tax valuation. Comments were heard and questions were answered.

CODIFIED ORDINANCES AMENDED

Mr. Byron placed on the floor 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 said this will remain on readings.

ORDINANCE NO. 2014-50 AMENDED

Mr. Patton introduced Ordinance No. 2014-54 entitled:

AN ORDINANCE AMENDING SECTION 3(e) OF ORDINANCE NO. 2014-50,
PASSED ON JULY 28, 2014, TO REVISE THE PROVISION WITH RESPECT TO
PREPAYMENT OF THE BONDS AUTHORIZED BY THAT ORDINANCE, 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, Subel. Nays: None. Moved by Mr. Patton, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Patton said we addressed this ordinance at the last council meeting. It is my understanding that there is certain language in there that talks about us being able to prepay the bonds and it is my understanding that that can compromise our ability to get a better rate. Mr. Bloom said there was a call feature in the original ordinance that should not have been in there. It is only a four-year period we are talking about and the buyer would like that removed.

INITIATIVE PETITION WITHDRAWN FORM THE BALLOT

Mr. Patton introduced Ordinance No. 2014-55 entitled:

AN ORDINANCE TO WITHDRAW FROM THE NOVEMBER 4, 2014 BALLOT A
PROPOSAL SUBMITTED BY INITIATIVE PETITION TO ENACT A
RESOLUTION INDICATING INTENT TO JOIN THE CHAGRIN VALLEY JOINT

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RECREATION DISTRICT, 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, Subel. Nays: None. Moved by Mr. Patton, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Patton said we had previously passed legislation permitting the issue of the Chagrin Valley Joint Rec District to be placed before the voters this November. We have received correspondence from Sally Goss, as well as Michael Garvey, and they have asked that we actually remove this particular matter from the vote on November 4th.

STREETS AND SIDEWALKS COMMITTEE

No report.

FACILITIES AND SERVICES COMMITTEE

No report.

PLANNING AND ZONING COMMISSION

Mr. Muscenti announced a meeting for Monday, August 18, 2014 at 7:30 p.m.

SAFETY COMMITTEE

Mrs. Lutz reported that the committee is planning a meeting in September, to be announced, so that they can get a group together to study if improvements can be made to pedestrian safety.

UTILITIES COMMITTEE

No report.

BOARD OF ZONING APPEALS

Mr. Herdman announced a meeting for Tuesday, August 26, 2014 at 8:00 P.M.

ADMINISTRATION AND COMPENSATION COMMITTEE

No report.

FINANCE COMMITTEE

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Mr. Patton acknowledged that Council did receive the monthly expenditure reports as well as the monthly statement of cash receipts and disbursements for the month of July, 2014.

PARKS COMMISSION

No report.

SHADE TREE COMMISSION

Mrs. Lutz invited the Shade Tree Commission to give its power point presentation to Council in the near future.

ARTS COMMISSION

Mrs. Evans said I would like to encourage anybody who has not seen A Chorus Line at the Chagrin Valley Little Theatre to please go see it; it is a wonderful production. This weekend is the last weekend.

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.

REPORT OF THE FIRE CHIEF

Chief Zupan reported that back in February the ISO, Insurance Services Offices, visited the village for approximately two days and they did an extensive review of our fire department, the water department, and also our communications system, which is the new Chagrin Valley Dispatch Center. What ISO does is they give us a public classification rating and our last rating was in 1997, which we received a five. It is on a one to ten scale, the lowest number being better. Effective, August 1, 2014, our class is now a three. All of us should realize about a seven to ten percent decrease in our

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insurance premiums. He explained how they were rated.

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

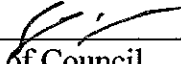
None.

MISCELLANEOUS

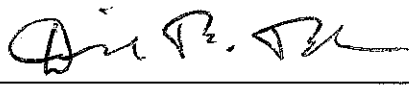
None.

ADJOURNMENT

Mr. Patton adjourned the meeting at 8:28 p.m.



President of Council



Clerk of Council