

**RECORD OF PROCEEDINGS**

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held MARCH 24, 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, Zupan, Fagnilli, Brosius, Jamieson, Edwards, Lannon

**APPROVAL OF MINUTES**

Moved by Mrs. Evans, seconded by Mr. Newell that the minutes of the meeting held March 10, 2014 be approved. Carried. Ayes: Evans, Herdman, Muscenti, Newell, Patton, Subel. Abstain: Lutz. Nays: None.

**REPORT OF THE MAYOR**

Mayor Brick said Issue I is a renewal of the State Capital Improvements Program, which has helped local communities all over Ohio complete 11,500 road, bridge, sewer, and other infrastructure projects over the last twenty-seven years. He said he would like to ask Council to please pass a resolution supporting the passage of Issue I. It is a renewal so it is not a tax increase and it has helped our village. We have gotten several million dollars in grants from this program over many years so it seems like a very important step in continuing and trying to improve the infrastructure throughout the state and hopefully in Chagrin Falls. He said it is a bond program that has been in operation since 1988.

Moved by Mrs. Evans, seconded by Mr. Newell that we support Issue I, which is a renewal. It is bond related funding for local villages and governments. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None.

Mayor Brick said there was a sizeable discussion last week in the Plain Dealer that some communities do not post their agendas for Council and committee meetings on their website. I honestly don't know how they did it but they identified Chagrin Falls as one of these communities and they had a big graph in the paper and it showed the number of postings as zero for Chagrin Falls. This is not right. Our people are very diligent in putting out agendas for meetings. Over the years we have been doing this and if you go to our website it is very easy. You click on Village Government and then agendas and minutes and it will show you Council and all the committees. We normally send out the agenda for Council meetings on Friday, which is three and a half days before the meeting. Our policy for the Planning and Zoning Commission and the Board of Zoning Appeals is to put them out a week before the meeting. Mr. Newell said if you read the article, it specifically mentioned that Chagrin Falls does post it but on the chart they had zeros for the number of days before the posting. It was a mistake on their part.

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Mayor Brick said I recently sent you information on the official government network and when you have time I would appreciate getting your thoughts and advice on how we should interact with this group. They are just kind of getting started.

Mayor Brick said construction on the Mill Street sidewalk is still scheduled to start on April 7, 2014. We are expecting the final reconstruction efforts on Solon Road and they should start in early April. There will be some congestion there but I am sure Solon Road will be kept open. They have a lot of work to do on that part that hasn't been re-paved at all between Miles Road and Olive Street. When they finish that they will put a layer of asphalt over that and then there will be a final layer of asphalt all the way from Miles Road to the Solon City border and we will have one heck of a nice Solon Road by that time.

Mayor Brick mentioned that Wine by the Falls will be held on April 5, 2014 at the Chagrin Valley Country Club.

Mayor Brick mentioned that our next shredding event will be on April 26, 2014 at the Philomethian school parking lot from 9:00 a.m. to Noon.

### **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.

### **APPROPRIATIONS MADE FOR CURRENT EXPENSES AND OTHER EXPENDITURES**

Mr. Byron placed on the floor Ordinance No. 2014-15 entitled:

AN EMERGENCY ORDINANCE MAKING APPROPRIATIONS FOR THE  
CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF  
CHAGRIN FALLS FOR THE YEAR ENDING DECEMBER 31, 2014.

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 Mrs. Evans that the ordinance be adopted. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Patton said this addresses the budget. As you will recall, we had an extensive budget hearing on March 3, 2014 at which time we had the Mayor, Mr. Bloom, Mr. Himes, and all of the department heads present. We reviewed the various revenues and expenditures for the village and at that point in time we discussed any questions we had.

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Mr. Muscenti said this is the first time I have had the experience of trying to understand how the city collects and spends their money so there is a little bit of confusion with the accounting and the methodology. I do have a level of concern about the direction, especially the cash balances. I would ask that maybe we start the process sooner and maybe to the point where I think we should start looking at it immediately for the forthcoming year. I do think that we are in a situation where we are getting to the point where there is going to be some crucial decisions that are going to have to be made and I would rather be a part of a process that happens over time at any one point in time. Mr. Patton said that has been an ongoing concern for the last few years and we do have a regular budget review probably three or four times a year. We have also had recent discussions with the Mayor about establishing a committee to do further review. Mayor Brick said we have to look at a longer range. Mr. Muscenti said that would be, from my standpoint, and with a fresh pair of eyes and only being relatively new I would like to be a part of the process and I would be happy to do that. Mr. Patton said that is forth coming and we will also have a review of the capital budget as well probably within the next month or two. Mayor Brick said Ben and the staff are working on long-range capital needs and programs in our different categories, principally roads, utilities, and buildings so we will have a better idea of our long-range needs, which is where we are really having what you might call concern. The state has taken away almost a million three just in the last couple of years. That hits mainly our capital needs. Mr. Muscenti said I am certainly glad to hear and I would be more than happy to be a part of the process.

Mr. Herdman said I would volunteer too and the reason being that I was very impressed that the work you Mayor and Steve and Dave and Ben have done on the budget. I think that it is a lot of work, obviously, so I am more than willing to roll my sleeves up and help out on the long-range planning as well. I would be very happy to do that.

Mr. Newell said I am not quite new at this, this is the third time I have been through a budget review process and I have expressed some of my concerns to few of you, sometimes numerously. The concern that I have, I am very impressed with the efforts of the administration to put together the budget and I understand that the general budget is really a lot of fixed costs and if there are any variations Council approves those so it is kind of up to us to keep track of our spending. I think our finance director does an excellent job at helping us project the actual revenues and we hit that part of it each year very closely. My concern isn't so much in the general budget. Actually with the general budget this year somehow with all their adjustments it is \$30,000 less if you take out the transfer in and outs and the passthrough. My concern is we overlook that number. We are not looking at the full picture. The money transferred into the other funds, from the general fund, is substantially less and, as we just mentioned, the capital funds have been hurting and some of our capital projects have been deferred because of lack of funds. I think that when we do a budget review we should incorporate long-range planning, two or three-year, five-year planning so that we know we can't just do a snapshot of what we are going to spend in 2014 at the end of the third quarter 2014. We really need to know where our programs go and it is a little disheartening to me to do a capital improvement budget a month, two months after approving the annual budget. The annual budget includes the capital improvement projects. Mayor Brick said no, these are just place holders that are

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on here. You separately approved the capital budget. Mr. Newell said but it is part of the capital budget. The general funds helps support some of the capital funds like the street fund and the capital improvement funds. So, by approving the general fund, we are kind of approving what allocations were given to some of the capital funds. Mayor Brick said we increased those. We have been able to cut in some areas in the general fund to permit us to have more money for the capital fund. Although, it is nowhere near the million three. Mr. Newell said I guess to sum up my concerns is that last year our total funds dropped by \$600,000 and this year it dropped by 1.3 million. Some of that funding reduction or some of those fund reductions is really we have had some carry over of the income from the estate tax, the revenues from the estate tax, and we have been able to kind of squirrel some of it away and we are eating it up. Mayor Brick said yes, we are. Mr. Newell said now, not only are we eating that up, we are deferring some of our capital improvement projects and our street maintenance projects. So we are eating it up without doing our annual road program that we like to do. I think it is time we address it. Mayor Brick said the available cash balances are being targeted to matching funds so that we can have some very major road programs in the next year and a half but we need matching funds. We are talking matching over two million dollars in grants and that then will pretty much exhaust our cash balances so you are very right. We have a problem.

Mr. Patton said these are some of the things that we will be reviewing in the committee that I had previously discussed that the Mayor is going to establish.

Mr. Newell said I would like to see next year, if we could, that we kind of look at two or three year projections of the capital expenditures in our annual budget. Mayor Brick said the normal format for capital expenditures, it will be five-year and next month we will be looking at a five-year projection. You don't approve it all but you see five years and approve one year and then, as a matter of fact, you approve them individually as they come about.

Mr. Patton said as far as our operating budget, we do review that with each of the department heads and I think that our department heads do a really good job as far as trying to keep their expenditures as low as they possibly can and still provide a certain level of service to our community. We can look at various things, whether or not we want to cut services or whether or not we want to seek other sources of revenue so we can maintain those. Those are the kind of things we need to look into.

Mr. Newell said I think that needs to be done in more than just the capital improvement budget. If there is one thing I think that the efforts that the administration to reduce the general fund expenditures, they have reduced those and it hasn't really been made public. We've not replaced certain employees that have left, we have reduced our annual cost of trash collection, and the list goes on, and on, and on. My big concern is that we don't discuss the projects that we haven't been maintaining. We are deferring payment for programs that are going to cost and I really want to get that in the record. Mr. Patton said Jim, we have had extensive discussions about that previously about our road levy and that not passing and the effect. Mr. Newell said that was a year and a half ago and we haven't discussed it since. Mr. Patton said we are going to be discussing that but, the point of the matter is, do you want to go back to the voters every election? Mr. Newell said I don't think the

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answer is to go back to the voters. I don't want to have that be an automatic default. We need to look at all of our expenses. Mr. Patton said I am not suggesting that as a possible default.

Mr. Subel said I appreciate what has been said here. The only thing I would add is I wouldn't wait to have something in place by next year. I think there is a real sense of urgency; we have to get started on this now. I am glad that we are going to form a committee but I think there has to be a huge sense of urgency. Our balances have dropped significantly. We are talking about the salt building and I don't think we have money for that.

Mr. Patton said it is absolutely transparent; we get the numbers on a regular basis from Dave. We also have budget reviews intermittently during the course of the year to review the budget so I think we are paying attention to it. I would agree that we need to also continue to take a look at it and come up with further ideas. Mayor Brick said I agree.

**CREATION OF A THEATRE DISTRICT**

Mr. Byron placed on the floor Ordinance No. 2014-16 entitled:

AN ORDINANCE TO CREATE A THEATRE DISTRICT WITHIN THE VILLAGE OF CHAGRIN FALLS.

Mrs. Evans said this will remain on readings.

**SECTION 765.061 OF THE CODIFIED ORDINANCES AMENDED**

Mrs. Evans introduced Ordinance No. 2014-17 entitled:

AN ORDINANCE AMENDING SECTION 765.061 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS TO MODIFY THE LOCATION RULES FOR SIDEWALK CAFES.

Mrs. Evans placed this ordinance on readings.

**EASEMENT GRANTED TO OHIO BELL**

Mrs. Evans introduced Ordinance No. 2014-18 entitled:

AN ORDINANCE GRANTING AN EASEMENT TO THE OHIO BELL TELEPHONE COMPANY, d/b/a/ AT&T OHIO, FOR ACCESS TO INSTALL AND MAINTAIN COMMERCIAL COMMUNICATION FACILITIES ON CERTAIN VILLAGE PROPERTY.

Moved by Mrs. Evans, seconded by Mr. Newell that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Moved by Mrs. Evans, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes:

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Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Mrs. Evans said this is an ordinance granting an easement on Bell Street close to the intersection of Vincent Street. It is an easement given to AT&T to put in a box for U-verse service. I think they are paying \$1,000 for the easement and they have promised to landscape as well.

### AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH BUSY BEE SERVICES

Mr. Patton introduced Ordinance No. 2014-19 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BUSY BEE SERVICES, LTD. FOR THE 2014-2015 STREET TREE PLANTING PROJECT, AND DECLARING AN EMERGENCY.

Moved by Mr. Patton, seconded by Mr. Newell 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 Mrs. Evans that the ordinance be adopted. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton. Nays: Subel. It is a two-year contract for the planting of trees in the village. We typically will plant about sixty trees per year, thirty in the Spring and thirty in the Fall. Busy Bee was the lowest and best bid. The trees are actually purchased by the village but Busy Bee does transport and plant the trees, guided by the Shade Tree Commission as well as the village. They are also responsible for getting the trees initially established as far as their growth is concerned at which time the village takes over the caring of the trees.

Mr. Subel said going back to the last one we talked about, sense of urgency, I don't even know how many dollars this is but if we are not doing the road program, or much of the road program, I don't think we should spend any discretionary money. It is nice to have but it is not necessary. Even though we have done it for a lot of years I think until we get our finances in a row we shouldn't spend discretionary money.

Mr. Patton said it is my understanding in our discussions at the committee level that we do approximately sixty trees but we are not locked into any particular amount so that could be further considered.

Mr. Jamieson said last year we planted fifty-four trees. The purchase of the plant material along with the planting contract cost was \$15,600.

### AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH ODOT

Mr. Patton introduced Ordinance No. 2014-20 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND TAKE ANY OTHER ACTION NECESSARY TO PARTICIPATE IN THE BULK PURCHASING OF ROAD SALT FOR THE 2014-2015 WINTER SEASON, AND

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**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 Mrs. Evans that the ordinance be adopted. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Patton said this is an agreement that we have entered into before for the cooperative purchase of road salt. It is a consortium of various communities that commit to buying road salt through ODOT in hopes that we can get a better price on the tonnage. It is my understanding that we have to purchase at least ninety percent of the tonnage that we request. Last year it was about \$29.40 per ton and we used about 1,500 tons.

**AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH YPS INTEGRATED SYSTEMS**

Mr. Patton introduced Ordinance No. 2014-21 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH YPS INTEGRATED SYSTEMS FOR INSTALLATION OF A FIRE PROTECTION ALARM SYSTEM PROJECT FOR VILLAGE BUILDINGS, 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 Mrs. Evans that the ordinance be adopted. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Patton said this is primarily triggered by the fact that the dispatch center has now moved to Bedford. A lot of the older systems used telephone wiring as far as contacting who ever needs to be contacted when there is a fire. The idea here is that we are going to reconfigure all of the village buildings and we are going to have a system that is going to operate by cellular signal. If we pass this legislation it will be a company called YPS Integrated Systems that is located in Solon. They will be the company that will actually monitor the systems that are installed in the various buildings here in the village. We have done business with them previously and they also have good, sound references. The total design cost for YPS is \$3,352 and then the actual total construction cost is \$26,795. The total project cost under YPS is \$30,147 and that was at least \$7,000 less than the next bid. Mr. Jamieson said under our old system, to lease the direct connect phone lines was \$4,900 per month. With that being eliminated the monitoring cost is \$47 per dialer and there are multiple dialers, between six and ten we would need. That will result in an overall annual cost of only \$3,400 to \$5,600. So we are looking at a considerable savings.

**STREETS AND SIDEWALKS COMMITTEE**

No report.

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**FACILITIES AND SERVICES COMMITTEE**

No report.

**PLANNING AND ZONING COMMISSION**

No report.

**SAFETY COMMITTEE**

Mrs. Lutz reported that a couple of years ago Channel 5 initiated a program called Building Better Neighborhoods. At that time they focused on abandoned homes and cleaning up neighborhoods but their focus has shifted more towards building a better neighborhood through better communication between neighbors and knowing more about your neighbors and creating a safer environment. They asked us to participate and we are going to. We selected five streets and the goal was to find a street in each quadrant of the village. We selected Bradley Street, Hall Street, North Cleveland Street, West Summit Street, and Columbus Street. Those residents will receive a letter about their participation and we will be having a safety fair. There will be a representative from the attorney general's office. We had our choice of focus for the meeting and we decided identity theft would be an appropriate topic for the village. There will also be a representative for an app called Next Door, which is an alert system that you can do with your cell phone so if you want to alert your neighbors to something you use the app and everyone gets the alert. This will be kicking off in late April and May. Leon Bibb came and in each village they tried to pick a personality of the village to showcase. They interviewed Tom Neff and it was very nicely done about the theater district. Leon has a specific place in his heart for the Little Theater and it was a nice showcase for the village.

**UTILITIES COMMITTEE**

No report.

**BOARD OF ZONING APPEALS**

No report.

**ADMINISTRATION AND COMPENSATION COMMITTEE**

No report.

**FINANCE COMMITTEE**

No report.



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**PARKS COMMISSION**

Mrs. Lutz reported that the meeting scheduled for tomorrow morning has been canceled.

**SHADE TREE COMMISSION**

Mrs. Lutz said I would like to take this opportunity to commend the Shade Tree Commission for the wonderful job that they are doing and will continue to do.

**ARTS COMMISSION**

Mrs. Evans announced a meeting for Monday, April 7, 2014 at 6:00 p.m.

**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**

No report.

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

None.

**MISCELLANEOUS**

None.

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## ADJOURNMENT

Mr. Patton adjourned the meeting at 8:45 p.m.

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

  
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Clerk of Council