

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, Muscenti, Newell, Patton, Subel  
Members absent: Herdman, Lutz  
Officials present: Byron, Himes, Brosius, Zugan, Lannon

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

#### **APPROVAL OF MINUTES**

Moved by Mrs. Evans seconded by Mr. Newell that the minutes of the meeting held August 10, 2015 be approved. Carried. Ayes: Evans, Newell, Subel. Abstain: Patton. Nays: None.

#### **REPORT OF THE MAYOR**

No report.

#### **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.

#### **RATES AND AMOUNTS ACCEPTED/TAX LEVIES AUTHORIZED**

Mr. Patton introduced Resolution No. 2015-30 entitled:

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE COMMISSION, WITH THE EXCEPTION OF THE GENERAL FUND, OUTSIDE 10 MILL AMOUNT AND RATE, AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER.

Moved by Mr. Patton, seconded by Mr. Newell that the resolution be adopted. Carried. Ayes: Evans, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Patton said this is a house keeping measure regarding the annual property tax rate resolution. This resolution sets the Village property tax rate for 2016. The total rate is 9.40 mills, which is the same as last year's rate and allows the county to distribute these taxes.

**CODIFIED ORDINANCES REVISED**

Mr. Patton introduced Ordinance No. 2015-31 entitled:

AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES 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, Muscenti, Newell, Patton, Subel. Nays: None. Moved by Mr. Patton, seconded by Mrs. Evans that the ordinance be adopted. Carried. Ayes: Evans, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Patton said this is also housekeeping legislation to make sure that our traffic and misdemeanor codified ordinances comply with current State law. The offenses that are affected are listed in the legislation.

**AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH FIBER TECHNOLOGIES**

Mr. Patton introduced Ordinance No. 20015-32 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONDUIT LEASE AGREEMENT WITH FIBER TECHNOLOGIES NETWORKS, L.L.C. FOR THE USE OF VILLAGE CONDUIT, 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, Muscenti, Newell, Patton, Subel. Nays: None. Moved by Mr. Patton, seconded by Mrs. Evans that the ordinance be adopted. Carried. Ayes: Evans, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Patton said the Streetscape project moved all the overhead wiring underground. During the project the Village constructed underground conduits for future use. Fiber Technologies has asked for access to the conduit for fiber optic cable. This is a five-year contract with three renewals at five years each unless earlier terminated by either party. Fiber Technologies is responsible for the installation and maintenance of its own equipment. Mr. Himes said that the lease is for 371 feet of conduit at the corner of South Main Street and Washington street. The lease rate is 44 cents per linear foot per year. The fee is nominal but the biggest advantage to the Village is that the streets are not torn up by utilities when they need to cross the downtown.

**VARIANCE REQUEST - 64 WEST SUMMIT STREET**

Mr. Patton introduced Administrative Order No. 2015-33 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A VARIANCE REQUEST OF JAMES AND CAROL

LONGENECKER FOR PROPERTY LOCATED AT 65 WEST SUMMIT STREET.

Moved by Mr. Patton seconded by Mrs. Evans that the administrative order be adopted. Carried. Ayes: Evans, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Himes explained that the Longeneckers at 64 West Summit Street propose to build an attached garage addition to their home. The existing home is a legal non-conforming dwelling due to a 12 foot encroachment into the rear yard. The applicant seeks a one foot side yard variance. The Board of Zoning Appeals recommended this variance by a vote of 3-0.

**AUTHORIZATION TO SUBMIT AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION**

Mr. Patton introduced Resolution No. 2015-34 entitled:

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENTS AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE ALL CONTRACTS AS REQUIRED FOR THE WALTERS ROAD IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Moved by Mr. Patton, seconded by Mrs. Evans that the ordinance be adopted. Carried. Ayes: Evans, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Patton said that this will allow the Mayor to apply for Ohio Public Works Funds to improve Walters Road. Mr. Himes said that Walters Road is near the top of our priority list for major rehabilitation including replacing the sanitary sewer at a greater depth to relieve basement flooding and allow the elimination of the Hickory Hill lift station. The application does not commit the Village to accept any grant if matching funds are unavailable.

**STREETS AND SIDEWALKS COMMITTEE**

No report.

**FACILITIES AND SERVICES COMMITTEE**

No report.

**PLANNING AND ZONING COMMISSION**

Mr. Muscenti announced a meeting for Monday, September 21, 2015 at 7:30 p.m.

**SAFETY COMMITTEE**

No report.

**UTILITIES COMMITTEE**

No report.

**BOARD OF ZONING APPEALS**

On behalf of Mr. Herdman, Mr. Himes announced a meeting for Tuesday, September 22, 2015 at 8:00 p.m.

**ADMINISTRATION AND COMPENSATION COMMITTEE**

No report.

**FINANCE COMMITTEE**

No report.

**PARKS COMMISSION**

No report.

**SHADE TREE COMMISSION**

Mr. Himes reported that the Shade Tree Commission will be concentrating on planting site preparation and will not be planting any trees this fall. They plan to plant about thirty trees in the spring.

**ARTS COMMISSION**

No report.

**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 thanked council for adopting the photo electric fire detector ordinance. Photo electric detectors recently saved the lives of two people on Chagrin Boulevard. The ionization detector outside their bed room did not go off but the photo electric detector on the first floor woke them up and allowed them to escape the burning house.

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

Mike Carlton, 42 East Orange, took issue with Mr. Himes' interpretation of the proposed ballot initiative to re-zone Riverside Park and particularly that the special events and customary uses of the park would become illegal if the issue passed. Mr. Himes read the intent section of the proposed ordinance. Mr. Byron stated that it is exactly the same as the conservation district zoning and therefore prohibits active park uses. Even cutting of grass would not be supported by the intent to protect natural habitats. There was much discussion. Diana Nazelli, Cliff Nazelli, Janine Bauman, and others spoke in support of the ballot issue.

Mr. Byron suggested, as a possible compromise, that if the petitioners would withdraw the rezoning question from the ballot then council could put a direct question about the expansion of the Riverside Park parking lot to the voters at the March primary election. Mr. Byron said that it may be too late to withdraw the issue but he will check with the Board of Elections. Council was in general agreement with this proposition and Mr. Patton made this offer to the petitioners. Mr. Byron said that only the petitioners can withdraw the issue from the ballot.

Karl Maersch said that he is opposed to the expansion of the Riverside Park parking lot but is also opposed to referendum zoning. He said that council should commission a parking study. The current study is 15 years old and much has changed. Without a study we have no idea how much parking is needed. We are shooting in the dark.

Mary Ann Ponce asked for permission to hang a banner approx 20' x 3' from the utility pole across River Street to attach to CVLT. The banner will say, "Welcome to the Chagrin Documentary Film Fest: In the Chagrin Falls Theater District". The banner would hang from Saturday, October 3rd to Sunday, October 11<sup>th</sup>. Moved by Mr. Subel, seconded by Mr.

Muscenti to authorize the banner. The motion failed. Ayes: Subel, Muscenti, Patton Nays: Newell, Evans.

Mr. Byron advised that four affirmative votes are needed to pass a motion. Mr. Patton told Mrs. Ponce that she can return to the next council meeting when more members are present to try again.

### **MISCELLANEOUS**

None.

### **ADJOURNMENT**

Mr. Patton adjourned the meeting at 9:32 p.m.

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President of Council

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Clerk of Council