

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, Muscenti, Newell, Patton, Subel  
Members absent: Lutz  
Officials present: Mayor Brick, Bloom, Alunni, Brosius, Byron, Lannon

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

#### **APPROVAL OF MINUTES**

Moved by Mrs. Evans, seconded by Mr. Newell that the minutes of the meeting held October 13, 2014 be approved. Carried. Ayes: Evans, Herdman, Muscenti, Newell, Patton, Subel. Nays: None.

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

Mayor Brick introduced Michael Baldwin of the Police Department. Officer Baldwin spoke on behalf of the Police Department. He said that morale in the Department is low due to the letters in the newspapers which attack the police budget, staffing levels, etc. He defended the way the department operates. He asked that Council reconsider the effects of the substantial budget cuts that have been proposed.

Mayor Brick said Trick-or-Treat will be on October 31, 2014 from 6:00 p.m. to 8:00 p.m.

#### **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**

#### **TRANSFER AND APPROPRIATE FUNDS**

Mr. Patton introduced Ordinance No. 2014-68 entitled:

AN ORDINANCE TRANSFERRING FUNDS AND APPROPRIATING FUNDS.

Moved by Mr. Patton, seconded by Mrs. Evans that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Evans, Herdman, Muscenti, Newell, Patton, Subel. Nays: None. Moved by Mr. Patton, seconded by Mrs. Evans that the ordinance be adopted. Carried. Ayes: Evans, Herdman, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Patton said this transfers \$47,371.24, which we have received in estate taxes, from the General Fund to the Capital Improvement Fund. He said this represents the dwindling estate tax distributions, which very soon will be nonexistent.

**CODIFIED ORDINANCES AMENDED**

Mr. Muscenti introduced Ordinance No. 2014-69 entitled:

AN ORDINANCE AMENDING SECTIONS 1107.03, 1107.04, 1107.06, 1121.02, 1127.02, 1127.04, 1127.05, 1127.07, 1129.02, 1129.05, 1130.03, 1130.06, 1131.02, AND 1131.05 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS REGARDING CERTAIN ACCESSORY USES AND ENTRANCE FEATURES IN THE RESIDENTIAL DISTRICTS IN THE VILLAGE.

Mr. Byron announced a public hearing for November 10, 2014. Mr. Muscenti placed this ordinance on readings.

**CODIFIED ORDINANCES AMENDED**

Mr. Muscenti introduced Ordinance No. 2014-70 entitled:

AN ORDINANCE AMENDING SECTIONS 1107.21, 1109.02, 1135.02, 1137.02, 1137.05, 1138.02, AND 1139.02 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS RELATIVE TO NON-RESIDENTIAL ZONING DISTRICTS THROUGHOUT THE VILLAGE.

Mr. Byron announced a public hearing for November 10, 2014. Mr. Muscenti placed this ordinance on readings.

**CODIFIED ORDINANCES AMENDED**

Mr. Muscenti introduced Ordinance No. 2014-71 entitled:

AN ORDINANCE AMENDING SECTIONS 1123.01, 1123.02, AND 1123.03 OF CHAPTER 1123 OF THE CODIFIED ORDINANCES "PARK AND INSTITUTIONAL DISTRICT" AND DELETING EXISTING SECTION 1123.05.

Mr. Byron announced a public hearing for November 10, 2014. Mr. Muscenti placed this ordinance on readings.

**CODIFIED ORDINANCES AMENDED**

Mr. Muscenti introduced Ordinance No. 2014-72 entitled:

AN ORDINANCE AMENDING SECTIONS 1161.04 AND 1161.09 OF THE CODIFIED ORDINANCES “SUBDIVISION REGULATIONS” REGARDING NOTICE REQUIREMENTS AND THE TIME FOR REVIEW AND FINAL DECISION BY THE PLANNING AND ZONING COMMISSION ON FINAL PLATS.

Mr. Byron announced a public hearing for November 10, 2014. Mr. Muscenti placed this ordinance on readings.

**JETA ENTERPRISES, INC. AGREEMENT RESCINDED**

Mr. Patton introduced Ordinance No. 2014-73 entitled:

AN ORDINANCE RESCINDING THE SEWER AND WATER AGREEMENT BETWEEN THE VILLAGE OF CHAGRIN FALLS, OHIO AND JETA ENTERPRISES, INC. DATED FEBRUARY 21, 2008, AND DECLARING AN EMERGENCY.

Moved by Mr. Patton, seconded by Newell that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Evans, Herdman, Muscenti, Newell, Patton, Subel. Nays: None. Moved by Mr. Patton, seconded by Mrs. Evans that the ordinance be adopted. Carried. Ayes: Evans, Herdman, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Patton said back in February of 2008 we entered into an agreement with JETA Enterprises to accept and treat sanitary sewage from a proposed subdivision, which was located off of River Road in the Village of Bentleyville, and that agreement was for approximately 24 homes. The agreement also called for JETA to begin construction of that development no later than the Spring of 2008. They have failed to develop the property within a reasonable amount of time and to date we have not heard anything further from JETA in regard to this proposed subdivision and the village would like to recoup this usage for potential future development. It was the unanimous decision of the Utilities Committee to recommend to Council passage of this legislation.

**NORTH STREET RECONSTRUCTION**

Mrs. Evans introduced Resolution No. 2014-74 entitled:

A RESOLUTION ENACTED BY THE VILLAGE OF CHAGRIN FALLS WHERE THE STATE HAS IDENTIFIED THE NEED FOR

RECONSTRUCTING NORTH STREET FROM ORANGE/MILL STREET TO CLEVELAND STREET/FALLS ROAD A DISTANCE OF 0.43 MILE MORE OR LESS AND RESURFACE NORTH STREET FROM CLEVELAND STREET/FALLS ROAD TO THE GEAUGA COUNTY LINE A DISTANCE OF 0.45 MILE MORE OR LESS. ALL THE WORK IS WITHIN THE VILLAGE OF CHAGRIN FALLS.

Moved by Mrs. Evans, seconded by Mr. Newell that the resolution be adopted. Carried. Ayes: Evans, Herdman, Muscenti, Newell, Patton, Subel. Nays: None. Mrs. Evans said this is a resolution that says the village agrees to pay its share of the project, which is \$297,000, which has been set aside in the last five years in the Capital Fund to pay for the North Street project. The Ohio Public Works Commission is paying \$300,000, NOACA is paying 1.2 million dollars, and we have some earmark funds for \$195,000. The total is about 1.8 million dollars.

**AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH MEDICAL MUTUAL**

Mr. Subel introduced Ordinance No. 2014-75 entitled:

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH MEDICAL MUTUAL OF OHIO FOR HEALTH CARE INSURANCE COVERAGE FOR THE EMPLOYEES OF THE VILLAGE OF CHAGRIN FALLS, AUTHORIZING EMPLOYEE CONTRIBUTIONS FOR PREMIUMS, AND DECLARING AN EMERGENCY.

Mr. Subel placed this ordinance on readings. He said we will probably approve this on November 10, 2014.

**WWTP CONCRETE TANK REPAIR PROJECT**

Mr. Patton introduced Resolution No. 2014-76 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 WWTP CONCRETE TANK REPAIR PROJECT, AND DECLARING AN EMERGENCY.

Moved by Mr. Patton, seconded by Mrs. Evans that the resolution be adopted. Carried. Ayes: Evans, Herdman, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Patton said this addresses

the deteriorating state of the concrete tanks at the waste water treatment plant and permits the Mayor to make an application to the Ohio Public Works State Capital Improvements and/or the Local Transportation Improvement Programs for the purpose of applying for potential funds and financial assistance to help us with the repairs of these concrete tanks. It is my understanding that there are no grants available but there are 0% loans available and I believe we are going to be asking for \$225,000 using a 0% loan, which is payable over twenty years. It was the unanimous decision of the Utilities Committee to recommend to Council that we adopt this legislation.

#### **STREETS AND SIDEWALKS COMMITTEE**

Mrs. Evans said I would like to thank Kathryn Garvey for the celebration that we had on Saturday morning for the Mill Street ribbon cutting and celebration, which was called Walk This Way. So, we now have Mill Street sidewalks and I hope everybody has used it and walked on it; it is wonderful.

#### **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. Herdman said the meeting for tomorrow night is going to be rescheduled.

#### **ADMINISTRATION AND COMPENSATION COMMITTEE**

Mr. Subel reported that they discussed employee health care and they will have another meeting within a week, probably.

**FINANCE COMMITTEE**

No report.

**PARKS COMMISSION**

No report.

**SHADE TREE COMMISSION**

No report.

**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**

Chief Brosius reported that the improvements being done to the station should be concluded in about three to four weeks.

**REPORT OF THE FIRE CHIEF**

No report.

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

Kathryn Garvey said, as the manager of the crossing guard program, I believe one of our

crossing guards submitted a letter and it may have been interpreted to represent the opinion of the entire crossing guard group and it really wasn't; it was an individual's sentiment. Also, as the president of the Safe Routes to School Program, I don't know how we would get by without the dedication of our police officers. Every time we have ever asked for anything they have gone out of their way to help us. I just want all of the police who are here tonight to know that on behalf of Safe Routes to School and on behalf of the crossing guards we see what you do, we appreciate it every single day, and I just want to applaud you for all of your hard work.

### **MISCELLANEOUS**

Mrs. Evans said I would also like to thank Detective Baldwin for making his statements tonight and I appreciate every word you said. I think we have one of the finest police departments in the Chagrin Valley area and I know it will remain that way.

Mr. Newell said I am grateful that you spoke up. It is good for you to voice your opinions and for you to feel the freedom to express some concerns you have to Council and to the village in general. I applaud the job you do one hundred percent. I always have been supportive and the longer that I've been on Council the more I appreciate all of the safety service and first responders that we have in this community. It is remarkable and you do a phenomenal job.

Mr. Lennon said I would also like to acknowledge the job that the police department does. I am a township resident, not a village resident, and cutting back on this I am totally opposed and I am very well aware of the surrounding communities and the influx of crime moving east. The stronger defense that we have, and we have a great force here, you need a strong police force. If we are going to undercut our police I think you are making a major mistake. If you need anything, you need a stronger police department, not a weaker one.

### **ADJOURNMENT**

Mr. Patton adjourned the meeting at 8:27 p.m.

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President of Council

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Clerk of Council

