

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

NOVEMBER 14,

2011

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, Jacobs, Lutz, Milko, Patton, Subel, Williams  
 Members absent: None  
 Officials present: Mayor Brick, Bloom, Himes, Cockrell, Byron, Vedder, Lannon

### APPROVAL OF MINUTES

Moved by Mrs. Evans, seconded by Mr. Williams that the minutes of the meeting held October 24, 2011 be approved. Carried. Ayes: Evans, Jacobs, Milko, Patton, Subel, Williams. Abstain: Lutz. Nays: None.

### REPORT OF THE MAYOR

Mayor Brick said I would like to congratulate all the newly elected council persons and I am certainly looking forward to working with you all. I would also like to acknowledge the contributions made by Adam Jacobs, Bob Williams, and Dwight Milko who are going to be leaving us now.

Mayor Brick said I just passed out a copy of proposed priorities for 2012 and again I would appreciate any comments or suggestions you might have and we can address those at a future meeting. I just wanted to get the thinking started.

Mayor Brick said I am pleased to announce that the Village of Woodmere has joined our Chagrin Valley Dispatch Council and that we are currently in discussion with several other potential members. There is a lot going on there and I think it is favorable and I think it is a case where all the communities will get outstanding service at lower costs. In that sense, it is one of those win-win situations.

Mayor Brick said I did meet with the director of the Cuyahoga County Planning Commission Paul Alsenas since our last meeting where I brought him up to date on many of our collaborative programs. He assured me that he would be contacting me in the future on some upcoming county collaborative projects. There wasn't really anything all that specific but some of them I think would involve the work that's going on with the communities that are involved in merger studies and things of that nature. I will keep you posted.

Mayor Brick said again, I have given you a little summary sheet of another Case Western Reserve University Weatherhead Business School student project that will focus on recommendations to reduce the Evergreen Cemetery deficit. That project will take place starting in January. We've been working with these students on various projects and this is another one that they can perhaps do some research for us.

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

NOVEMBER 14,

20 11

Mayor Brick said I would say that at the request of a group of interested citizens I have created a Mayor's Ad-hoc Committee to explore realistic options for the preservation and future use of the Sears Adam house at 115 East Summit, that's of course the Linden House, the office building for Windsor and everything. There is a sizeable group of residents who would like to look into this and they would provide a forum for more residents to get involved if they want to. Of course that is strictly an advisory group and we will see what kind of advice they can give us.

Mayor Brick said we are coming up on a new year and now is a good time if anyone is interested in serving on any of our Council committees to let me know. I will be working on that over the next four or five weeks so we have them all filled at the beginning of the year.

Mayor Brick said this Thursday morning there will be some detours in town as the Christmas tree will be being installed in Triangle Park. So, just be aware that it may take a little longer to get through town Thursday morning. We are not sure of the exact hours but you will be directed to where ever you have to go.

Mayor Brick said I hope I see you all at Friday night after Thanksgiving at the Lighting of the Greens Ceremony in Triangle Park. I believe the program starts at 6:45 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

### CUYAHOGA COUNTY BUSINESS ATTRACTION AND ANTI-POACHING PROTOCOL ADOPTED

Mr. Byron placed on the floor Resolution No. 2011-58 entitled:

A RESOLUTION ADOPTING THE CUYAHOGA COUNTY BUSINESS ATTRACTION AND ANTI-POACHING PROTOCOL, AUTHORIZING THE MAYOR TO ENTER INTO THE BUSINESS ATTRACTION AND ANTI-POACHING PROTOCOL AGREEMENT AND DECLARING AN EMERGENCY.

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held NOVEMBER 14, 20 11

Mr. Patton said this will remain on readings. Ed Jerse, Director of Regional Collaboration for Cuyahoga County, explained the specifics of this legislation. Comments were heard and questions were answered.

### SECTION 1125.06 AMENDED

Mr. Byron placed on the floor Ordinance No. 2011-60 entitled:

AN ORDINANCE AMENDING SECTION 1125.06, LANDSCAPING REQUIREMENTS, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS BY ENACTING NEW SUBSECTION (f) RELATING TO MAINTENANCE OF LANDSCAPING AND REPLACEMENT OF LANDSCAPING.

Mr. Jacobs explained the amendments. Mr. Byron said there is a typographical error in section (f), page #2, four lines down. It says "must be replaced shall be replaced" and "must be replaced" will be taken out. Mr. Patton opened the meeting up to a public hearing. No comments were heard. Mr. Patton closed the public hearing. Moved by Mr. Jacobs, seconded by Mrs. Lutz that the ordinance be adopted, as amended. Carried. Ayes: Evans, Jacobs, Lutz, Milko, Patton, Subel, Williams. Nays: None.

### AUTHORIZATION TO ENTER INTO AN EASEMENT AGREEMENT

Mr. Byron placed on the floor Ordinance No. 2011-64 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN EASEMENT AGREEMENT WITH ROBERT AND LYNN ALEKSOV, JAMES AND CHRISANNE BEGAM, EDWARD AND JOANNE COWAN, AND THOMAS AND KATHLEEN HAVENER, 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, Jacobs, Lutz, Milko, Patton, Subel, Williams. Nays: None. Moved by Mr. Patton, seconded by Mr. Williams that the ordinance be adopted. Carried. Ayes: Evans, Jacobs, Lutz, Milko, Patton, Subel, Williams. Nays: None. Mr. Patton said this addresses property at 612 North Street, which at one point in time was a family compound. It is no longer a family compound; it is owned by four individual families. Previously they had a master water meter. They have since individually installed Village sanction meters but none the less they are still receiving one water bill. They want to each receive individual water bills and this legislation permits that as well as permitting the Village to have access to the property so that we can do meter readings as well as doing shut-offs if need be. The Utilities Committee unanimously agreed to ask Council to adopt this legislation tonight.

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

NOVEMBER 14,

2011

## **CHAPTER 1142 AMENDED**

Mr. Byron placed on the floor Ordinance No. 2011-65 entitled:

AN ORDINANCE AMENDING CHAPTER 1142, LANDSCAPING REGULATIONS, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS BY ENACTING NEW SECTION 1142.09, RELATING TO MAINTENANCE OF LANDSCAPING AND REPLACEMENT OF LANDSCAPING.

Mr. Byron said there is a similar typographical error as in Ordinance No. 2011-60 that will be corrected. Mr. Jacobs said this will remain on readings.

## **SECTIONS 1137.02 AND 1138.02 AMENDED**

Mr. Byron placed on the floor Ordinance No. 2011-66 entitled:

AN ORDINANCE AMENDING SECTIONS 1137.02 AND 1138.02, PERMITTED USES, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS TO PROVIDE THE PERMITTED USES, EXCEPT AS OTHERWISE PROVIDED, SHALL BE CONDUCTED WHOLLY WITHIN ENCLOSED BUILDINGS.

Mr. Jacobs explained the amendments and said this will remain on readings.

## **AMENDED AND RESTATED OHIO MUNICIPAL LEAGUE DEFERRED COMPENSATION PLAN ADOPTED**

Mr. Subel introduced Ordinance No. 2011-68 entitled:

AN ORDINANCE ADOPTING THE AMENDED AND RESTATED OHIO MUNICIPAL LEAGUE 457(b) DEFERRED COMPENSATION PLAN OFFERED BY ING FINANCIAL PARTNERS; AMENDING CHAPTER 149 OF CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS BY ENACTING NEW SECTION 149.26 RELATING TO DEFERRED COMPENSATION PLANS; AND DECLARING AN EMERGENCY.

Mr. Byron and Mr. Bloom explained the amendments. Mr. Subel placed this ordinance on readings.

## **SECTION 544.14 OF THE CODIFIED ORDINANCES AMENDED**

Mrs. Lutz introduced Ordinance No. 2011-71 entitled:

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

NOVEMBER 14,

20 11

AN ORDINANCE AMENDING SECTION 544.14 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS RELATING TO THE ESTABLISHMENT AND POWERS OF THE SHADE TREE COMMISSION, REPEALING EXISTING SECTION 544.14 OF THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Moved by Mrs. Lutz, seconded by Mrs. Evans that the requirement for reading an ordinance three time be suspended. Carried. Ayes: Evans, Jacobs, Lutz, Milko, Patton, Subel, Williams. Nays: None. Moved by Mrs. Lutz, seconded by Mr. Williams that the ordinance be adopted. Carried. Ayes: Evans, Jacobs, Lutz, Milko, Patton, Subel, Williams. Nays: None. Mrs. Lutz explained the amendments.

### VARIANCE REQUEST - 154 BELL STREET

Mr. Williams introduced Administrative Order No. 2011-69 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A VARIANCE REQUEST FROM MUSCA PROPERTIES FOR PROPERTY LOCATED AT 154 BELL STREET.

Moved by Mr. Williams, seconded by Mrs. Lutz that the administrative order be adopted. Carried. Ayes: Evans, Jacobs, Lutz, Milko, Patton, Subel, Williams. Nays: None. Mr. Williams explained the specifics of the variance request. He said the Board of Zoning Appeals approved the request and are recommending it to Council on a 4-0 vote.

### VARIANCE REQUEST - 107 WALNUT STREET

Mr. Williams introduced Administrative Order No. 2011-70 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A VARIANCE REQUEST FROM RICHARD AND LISA VAROS FOR PROPERTY LOCATED AT 107 WALNUT STREET.

Moved by Mr. Williams, seconded by Mrs. Evans that the administrative order be adopted. Carried. Ayes: Evans, Jacobs, Lutz, Milko, Patton, Subel, Williams. Nays: None. Mr. Williams explained the specifics of the variance request. He said the Board of Zoning Appeals considered this a variance that they would like to recommend for approval by Council by a vote of 4-0.

### STREETS AND SIDEWALKS COMMITTEE

No report.

**RECORD OF PROCEEDINGS**

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

NOVEMBER 14,

2011

**FACILITIES AND SERVICES COMMITTEE**

No report.

**PLANNING AND ZONING COMMISSION**

No report.

**SAFETY COMMITTEE**

No report.

**UTILITIES COMMITTEE**

No report.

**BOARD OF ZONING APPEALS**

No report.

**ADMINISTRATION AND COMPENSATION COMMITTEE**

No report.

**FINANCE COMMITTEE**

Mr. Patton acknowledged that Council did receive the monthly expenditure reports as well as the monthly statement of cash receipts and disbursements for October, 2011.

**PARKS COMMISSION**

No report.

**SHADE TREE COMMISSION**

No report.

**ARTS COMMISSION**

No report.

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held NOVEMBER 14, 20 11

## 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

Mr. Vedder reported that they received a number of favorable comments regarding the Halloween festivities that they had at the fire station this year. He said there were over one thousand children at the haunted fire station. It was a successful and scary, but uneventful, Halloween event.

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

Katherine Malmquest said in order to get the improvements to the Chagrin Falls Library building done, the library will be closed from Monday, November 21<sup>st</sup> through Monday, November 28<sup>th</sup> and will reopen on Tuesday, November 29<sup>th</sup>.

## MISCELLANEOUS

Mrs. Lutz said she heard that the Christmas tree is seventy feet tall.

Mr. Patton said there has been a request from the school that they be permitted to hang up a banner in the usual place on South Franklin Street acknowledging the football team being involved in the playoffs.

Moved by Mr. Patton, seconded by Mr. Williams that we permit the hanging of a banner for that particular limited purpose. Carried. Ayes: Evans, Jacobs, Lutz, Milko, Patton, Subel, Williams. Nays: None.

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

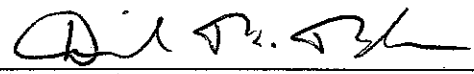
NOVEMBER 14,

2011

## ADJOURNMENT

Mr. Patton adjourned the meeting at 8:55 p.m.

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

  
\_\_\_\_\_  
Clerk of Council