

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, Himes, Alunni, Brosius, Byron, Lannon

### **APPROVAL OF MINUTES**

Mrs. Evans made a correction to the roll call for the banner request. She said the ayes were Subel, Muscenti, and Newell and the nays were Evans and Patton. Moved by Mr. Subel seconded by Mrs. Evans that the minutes of the meeting held September 14, 2015 be approved, as amended. Carried. Ayes: Evans, Muscenti, Newell, Patton, Subel. Abstain: Herdman, Lutz. Nays: None.

### **REPORT OF THE MAYOR**

Mayor Brick said there has been a lot of controversy over the usefulness of the November ballot issues 17 and 18. I would like to invite the promoters of these issues to meet with me and Steve to try and develop some actions that could be beneficial to the village.

Mayor Brick thanked the police and fire departments for conducting professional development sessions for the Chagrin schools bus drivers to increase their ability to deal with crisis that might be related to the school busing. I did receive a letter of thanks from Bob Hunt, the Chagrin schools superintendent, for your very good work.

Mayor Brick said I hope to see you all at the Chagrin Documentary Film Fest starting on Wednesday, October 7, 2015 and going through Sunday, October 11, 2015.

### **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.

### **2015 PAVEMENT REPAIR PROGRAM**

Mrs. Evans introduced Ordinance No. 2015-37 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN

AGREEMENT WITH BURTON SCOT CONTRACTORS FOR THE 2015  
PAVEMENT REPAIR PROGRAM, AND DECLARING AN EMERGENCY.

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: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Mrs. Evans said this is an ordinance allowing the Mayor to hire Burton Scot to repair Grove Hill. We did budget \$55,000 last year for this and the quote from Burton Scot was \$52,475. I would recommend approval. Mr. Patton said three bids were received and the two other bids were \$59,470 and \$64,280. Comments were heard and questions were answered.

**VARIANCE REQUEST - 41 NORTH MAIN STREET**

Mr. Herdman introduced Administrative Order No. 2015-35 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT  
REGARDING A VARIANCE REQUEST OF LARRY SHIBLEY FOR  
PROPERTY LOCATED AT 41 NORTH MAIN STREET.

Moved by Mr. Herdman, seconded by Mr. Newell that the administrative order be adopted. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Herdman explained the specifics of the variance request. He said the vote at the Board of Zoning Appeals meeting was four to nothing in favor of the proposal.

**VARIANCE REQUEST - 264 BELL STREET**

Mr. Herdman introduced Administrative Order No. 2015-36 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT  
REGARDING A VARIANCE REQUEST OF FREDERICK HENRY FOR  
PROPERTY LOCATED AT 264 BELL STREET.

Moved by Mr. Herdman, seconded by Mr. Newell that the administrative order be adopted. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Herdman explained the specifics of the variance request. He said the vote at the Board of Zoning Appeals meeting was four to nothing in favor of the proposal.

**STREETS AND SIDEWALKS COMMITTEE**

No report.

**FACILITIES AND SERVICES COMMITTEE**

No report.

### **PLANNING AND ZONING COMMISSION**

Mr. Muscenti summarized the meeting that they had last week regarding the Riverside Park District Zoning Ballot Initiative. He said he would like to hear from the Mayor and the Administration as to the intent and whether or not there is going to be something put forth prior to the election as to whether or not we would pave the property. Mr. Patton said Tom, I think it is pretty clear that we have already stated that this Council has no intent to pave that property until the voters make a decision. We have stated that from up here before, it is that simple. Mayor Brick said I am unaware of even a conversation that would have talked about possibly doing anything before the election. Nothing like that happened. Mr. Patton said when we were talking about legislation to pave this parcel we were making sure that we were going to pass it in Council in a timely fashion to give people the opportunity to file a referendum in a timely fashion so that it could be on the ballot in November. To your point, I am not sure anybody ever came to the village, for instance the Planning and Zoning Commission, to try to talk about this ahead of time. As I recall, this petition was out there and it got shoved through and here we are. Mayor Brick said no one has ever come to me to discuss any aspect of it. I invite the promoters to have some people come and work out something that makes sense for the village.

### **SAFETY COMMITTEE**

No report.

### **UTILITIES COMMITTEE**

No report.

### **BOARD OF ZONING APPEALS**

No report.

### **ADMINISTRATION AND COMPENSATION COMMITTEE**

Mr. Subel said they had a meeting this evening with Allan Schinagle and they expect to have a proposal probably within a week or so for medical insurance.

### **FINANCE COMMITTEE**

No report.

### **PARKS COMMISSION**

No report.

### **SHADE TREE COMMISSION**

Mrs. Lutz said she received a note from Terry Rounds about the plantings in the Spring. They are going to have educational sessions for residents, they are air knifing, and they have been to a number of educational sessions at the Holden Arboretum.

### **ARTS COMMISSION**

Mrs. Evans announced a meeting for Monday, October 5, 2015 at 6:00 p.m.

### **PARKING COMMISSION**

No report.

### **REPORT OF THE CHIEF ADMINISTRATIVE OFFICER**

Mr. Himes reported that he met with the Cuyahoga County Public Works Department and their consulting engineer this morning regarding the Main Street Bridge Rehabilitation Project. He said they are recommending an adaptive reuse of the bridge, which was also the bulk of the comments that came to them at the open house that they held at the Library. They will be forwarding that recommendation. It is likely that the construction season will be in 2019 rather than in 2018 that was discussed previously.

Mr. Himes reported that leaf pick-up will begin on October 19, 2015 and will conclude on November 23, 2015.

### **REPORT OF THE ENGINEER**

No report.

### **REPORT OF THE POLICE CHIEF**

No report.

### **REPORT OF THE FIRE CHIEF**

Mr. Alunni reported that Fire Prevention Week is October 5, 2015 through October 10, 2015. The theme is "smoke alarms, hear the beep when you sleep". They will be providing fire extinguisher refills, for residents, at the fire station from 9:00 a.m. to Noon during Fire Prevention Week.

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

Anne deConingh asked about the status of Mill Street. Mr. Lannon said the village has authorized a design/build contract and the current schedule shows the road being opened up by the end of the year.

Tom Florkiewicz, 230 East Washington Street, said the Chagrin Film Festival starts on Sunday, October 4, 2015 at 9:00 a.m. with the Chagrin Film Fest 5K run. All the proceeds will go the Rec Center.

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. Newell, seconded by Mr. Muscenti to approve the banner on River Street for this year's Film Festival. The motion failed. Ayes: Newell, Subel, Muscenti. Nays: Patton, Evans, Herdman, Lutz.

Dewey Forward spoke in favor of this banner.

Mr. Patton said we have a lot of non-profits in this town. We have the Jaycees, they have Blossom Time, they have the Chili Cook-off, they have the Easter Egg Hunt, we have Art by the Park, we have the Farmer's Market, we have the Little Theater, we have the Chagrin Falls Historical Society, we have the Sidewalk Sale, we have the Chautauqua Series, and we have Lighting of the Greens. We have a lot of great organizations and they put on a lot of good programs. I fully support all of the organizations in the village but the problem I have with this is that we should not have banners up in the middle of our town. I don't think people really want that in this community.

Mrs. Evans said last year we did two special one-time banners. One was for the first responders and they chose not to put it up; they decided to hang it on the bridge. The other one was for the Chagrin Valley Rec Center because we thought they were in danger of closing and we wanted to be supportive of a long time Chagrin Falls organization. This has been a very difficult issue for us.

Mr. Newell said I don't think we have the right to say no without anything but an arbitrary judgement based on individual Council members.

Mr. Himes said the Planning and Zoning Commission has been working on the sign code. They did a substantial rewrite to various sections. They did tighten up some of the language on banners but whether they are granted or not still remains in Council's hands.

Mr. Muscenti spoke in favor of the banner.

Mr. Herdman said we don't have a piece of the code and we don't have a process in place for addressing banners. There needs to be a better process. Until we have that and until that has been addressed then it is nothing but arbitrary.

Mrs. Lutz said the one thing about that banner is that people who drive down Main Street are never going to see it. But, if you had direction signs at Main Street and River Street pointing to the Film Festival location I would think that that might even be more helpful showing people where to go and where the theater is.

Mr. Subel spoke in favor of the banner.

Mayor Brick spoke in favor of the banner.

Janine Bauman spoke in favor of the banner.

Mrs. Evans said I have been a supporter of the Chagrin Documentary Film Festival since its beginning and a proud supporter of it as well. It would be in my best interest to vote for this banner request, however, my oath was to the Village of Chagrin Falls and to make decisions based on the village's best interest. I know there is a lot of support for this. We have tried to be very careful with the granting of the banners and it has been very difficult. It is always very emotional. It is a service that the village provides and our employees put them up so it takes time and effort on their part and I think if we frequently have banners up a lot of the time it will be costly to the village. I would hope the next Council would establish banner policies that everyone understands and can support.

Craig Bauman, 46 East Orange Street, spoke about the Riverside Park District Zoning Ballot Initiative.

### **MISCELLANEOUS**

None.

### **ADJOURNMENT**

Mr. Patton adjourned the meeting at 8:52 p.m.

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President of Council

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Clerk of Council