

**RECORD OF PROCEEDINGS**

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held JANUARY 10, 20 11

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, Alunni, Brosius, Schaltenbrand, Lannon

**APPROVAL OF MINUTES**

Moved by Mrs. Lutz, seconded by Mr. Williams that the minutes of the meeting held December 13, 2010 be approved. Carried. Ayes: Evans, Jacobs, Lutz, Milko, Patton, Subel, Williams. Nays: None.

Moved by Mrs. Evans, seconded by Mr. Williams that the minutes of the meeting held January 3, 2011 be approved. Carried. Ayes: Evans, Jacobs, Lutz, Milko, Patton, Subel, Williams. Nays: None.

**REPORT OF THE MAYOR**

Mayor Brick announced his appointments to the following Commissions:

**Parks Commission**

Tod White                      New Appointment (3-year term ending in 2013)  
 Karla King                      New Appointment (2-year term ending in 2012)

**Planning and Zoning Commission**

Jim Watterson                      New Appointment (3-year term ending in 2013)

Moved by Mr. Patton, seconded by Mrs. Evans to confirm Mayor Brick's appointments. Carried. Ayes: Evans, Jacobs, Lutz, Milko, Patton, Subel, Williams. Nays: None.

Mayor Brick said you should have received the summary statements of our 2010 financial results which, again, were better than our budget. There was a deficit but it was less than we had budgeted. And, I would just let you know that we are deeply involved in preparing our 2011 budgets and I hope to have a proposal for your consideration in February.

Mayor Brick said I would appreciate any suggestions to improve the review of the Village accomplishments in 2010 and the Village priorities for 2011. There is no deadline, these can be modified as we go along.

Mayor Brick said I would also appreciate your suggestions on the proposed Council of Government Agreement and Bylaws, which I hope to be discussing with the mayors of our partner communities for

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dispatch service later this month. This has been reviewed several times by the police and fire chiefs and we are getting ready now to make sure that the mayors are comfortable with this and then they would proceed to get approval as we would hear from various councils so that we would then actually implement a Council of Governments for our dispatch services.

Mayor Brick said it is actually kind of nice to report that the Village has taken title to approximately ten acres of land that were owned by Spillway and the transfer was facilitated by the Western Reserve Land Conservancy. There is a map in front of you that shows just where the property is. Most of it is the pond behind the dam and that is just contiguous with Whitesburg Park then there is a lot off of High Street and then there is quite a long stretch of river-front property on the south side of the river. That transaction has been completed. That took a couple years but we talked about it for a long time and we have the title. I would say though that the property is to be used for passive park purposes.

Mayor Brick said I hope I see you all at the 6<sup>th</sup> annual Chagrin Valley Chili Cook-off to be held at 5:00 p.m. on Saturday, January 29, 2011 at the Chagrin Falls Armory.

### 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

### AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH SCHOTTENSTEIN, ZOX & DUNN CO.

Mr. Subel introduced Ordinance No. 2011-01 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SCHOTTENSTEIN, ZOX & DUNN CO., L.P.A. EFFECTIVE FROM JANUARY 1, 2011 THROUGH DECEMBER 31, 2011.

Mr. Subel put this ordinance on readings.

### OUTDOOR DINING AND PASSIVE RECREATION FOUND TO BE APPROPRIATE USES

Mr. Jacobs introduced Ordinance No. 2011-02 entitled:

AN ORDINANCE FINDING AND DETERMINING THAT OUTDOOR DINING

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AND PASSIVE RECREATION ARE APPROPRIATE USES FOR CERTAIN VILLAGE OWNED REAL PROPERTY LOCATED ON BELL STREET AND WITHIN THE PARKS AND INSTITUTIONAL DISTRICT AND AUTHORIZING THE LEASING OF SUCH PROPERTY FOR SUCH USES AND DECLARING AN EMERGENCY.

Mr. Jacobs put this ordinance on readings.

### AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH MARK'S CONSTRUCTION

Mr. Patton introduced Ordinance No. 2011-03 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MARK'S CONSTRUCTION OF VALLEY CITY, OHIO FOR THE PHASE I, A AND B OF THE LOWER POND DAM AND STREAM RESTORATION PROJECT, AND DECLARING AN EMERGENCY.

Moved by Mr. Patton, seconded by Mrs. Lutz 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 Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Evans, Jacobs, Lutz, Milko, Patton, Subel, Williams. Nays: None. Mr. Patton said this was addressed at the Facilities and Services Committee earlier this evening. He said they have been addressing the Ivex dam issue since approximately 2004. We have now procured, or we have access to certain grant money in the amount of \$400,800 to help with the lowering of that dam. This particular legislation involves the first phase for the lowering of the dam and it entails the drilling of eighteen inch holes in the dam to permit the water to seep out along with a certain level of sediment. The probable bid for phase I that was determined by the Village engineer was \$65,000. It did go out to bid and they range from \$86,305.02 all the way up to \$185,995.38. One of the issues we have is that under the Ohio Revised Code bids can not exceed ten percent of the anticipated cost as determined by the Village engineer so Council, by determining that an emergency exists, can obviate strict compliance with that particular requirement. The emergency in this case is that we need to complete this project by April 1, 2011 in order to obtain the grant money in the amount of \$400,800. It was the unanimous recommendation of the Facilities and Services Committee that Council adopt this ordinance tonight.

### CHAPTER 125 OF THE CODIFIED ORDINANCES AMENDED

Mr. Patton introduced Ordinance No. 2011-04 entitled:

AN ORDINANCE AMENDING CHAPTER 125 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS BY ENACTING NEW SECTION 125.17 TO PROVIDE FOR THE CREATION OF AN UNCLAIMED MONIES AGENCY FUND AND ENACTING NEW SECTION 125.18 TO PROVIDE FOR THE TRANSFER OF UNCLAIMED DEPOSITS TOT HE GENERAL FUND, AND DECLARING AN EMERGENCY.

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## STREETS AND SIDEWALKS COMMITTEE

No report.

## FACILITIES AND SERVICES COMMITTEE

No report.

## PLANNING AND ZONING COMMISSION

No report.

## SAFETY COMMITTEE

Mrs. Lutz announced a meeting for Monday, January 24, 2011 at 7:45 p.m.

## UTILITIES COMMITTEE

No report.

## BOARD OF ZONING APPEALS

Mr. Williams reported that the Board of Zoning Appeals met on December 28, 2010 and reviewed a variance request by Rosanne M. Passalacqua for a variance on the west end of West Washington Street at the corner of Church Street. We are not taking it up tonight because I wanted the Council to have a chance to review the minutes from that meeting. It was a complex meeting and it was a very technical meeting in the review of the variance request as applied to the code and the applicant's desire for the variance as you will see described in this. So, I would encourage you to take a good close look at the minutes that have been prepared and we will take this up at our next Council meeting.

## ADMINISTRATION AND COMPENSATION COMMITTEE

Mr. Subel announced a meeting for Monday, January 24, 2011 at 7:30 p.m.

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**FINANCE COMMITTEE**

No report.

**PARKS COMMISSION**

Mrs. Lutz announced a meeting for the third Tuesday and she said we will be welcoming our two new members.

**SHADE TREE COMMISSION**

No report.

**ARTS COMMISSION**

No report.

**PARKING COMMISSION**

No report.

**REPORT OF THE CHIEF ADMINISTRATIVE OFFICER**

Mr. Himes reported that Waste Management will be picking up Christmas trees on Saturday, December 15<sup>th</sup> and Saturday, December 22<sup>nd</sup>.

**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.

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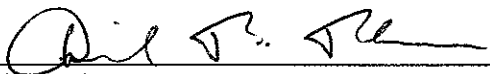
**MISCELLANEOUS**

None.

**ADJOURNMENT**

Mr. Patton adjourned the meeting at 8:20 p.m.

  
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President of Council

  
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Clerk of Council