

# RECORD OF PROCEEDINGS

Minutes of

CHAGRIN FALLS VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

APRIL 8,

2013

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: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel  
 Members absent: None  
 Officials present: Mayor Brick, Bloom, Himes, Byron, Alunni, Fagnilli, Lannon

### APPROVAL OF MINUTES

Moved by Mr. Newell, seconded by Mrs. Evans that the minutes of the meeting held March 18, 2013 be approved. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None.

Moved by Mrs. Evans, seconded by Mr. Newell that the minutes of the meeting held March 25, 2013 be approved. Carried. Ayes: Evans, Holdren, Newell, Patton. Abstain: Chess, Lutz, Subel. Nays: None.

### REPORT OF THE MAYOR

Mayor Brick announced his appointment of Dixie Touzalin to the Planning and Zoning Commission for a term ending December 31, 2013. She will be replacing Michael Houston who has resigned. Mayor Brick thanked Mr. Houston for his service. Moved by Mr. Patton, seconded by Mrs. Evans to confirm Mayor Brick's appointment. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None.

Mayor Brick asked for Council's approval to hire Jason Fisher as a part-time reserve police officer and Tom Hanculak as an auxiliary police officer, which is a volunteer position. Moved by Mr. Patton, seconded by Mrs. Lutz to confirm the Mayor's request to hire Jason Fisher and Tom Hanculak. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None.

Officer Dick Goldsmith addressed the *Your Life... Your Choice Program* that will be held on April 23, 2013 at Parkside Church.

Mayor Brick said I would invite everyone to check out our new village website, if you haven't already done so. We have a lot of new features and I think you will really appreciate it.

Mayor Brick said, just to let you know, our administration is continuing to participate in the shared services portion of the Pepper Pike, Moreland Hills, Woodmere, and Orange merger study and will be attending a public safety meeting this Friday. We are not expecting any report until Summer but we are continuing to participate in that program.

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Mayor Brick said don't forget to sign up for Wine by the Falls to be held April 20, 2013.

Mayor Brick said we are having a community shredding with Bentleyville on Saturday, April 27, 2013 from 9:00 a.m. to 12:00 p.m. at the middle school on Philomethian Street.

## 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

### CODIFIED ORDINANCES AMENDED

Mr. Byron placed on the floor Ordinance No. 2013-13 entitled:

AN ORDINANCE AMENDING SECTION 149.02 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS TO MODIFY THE CLOTHING ALLOWANCE FOR POLICE AND FIRE EMPLOYEES.

Moved by Mr. Subel, seconded by Mrs. Lutz that the ordinance be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Subel said I think the intent has always been to provide more money for full-time employees as opposed to part-time employees. Chief Zupan, who is a part-time employee, gets the full allowance and Jim Alunni, who is a full-time employee, gets a partial allowance. This legislation is to move that around in keeping with the rest of our clothing allowance.

### POSITION CLASSIFICATION AND SALARY SCHEDULE AMENDED

Mr. Byron placed on the floor Ordinance No. 2013-14 entitled:

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND SALARY SCHEDULE FOR VARIOUS POSITIONS WITHIN THE VILLAGE OF CHAGRIN FALLS, AND DECLARING AN EMERGENCY.

Moved by Mr. Subel, seconded by Mrs. Evans that the ordinance be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Subel said a couple of years ago we took Chief Zupan off of this schedule and we are just putting him back on. When we did take him off it was more of an administrative oversight. Mr. Himes said he was taken off because at that time the village was terminating the pension pick-up and since he did not

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receive a pension he would have received an 8 ½% increase in salary without the expense associated with it. We are putting him back in so that he is eligible for step increases.

### **OPPOSITION TO HOUSE BILL 5**

Mr. Byron placed on the floor Resolution No. 2013-23 entitled:

A RESOLUTION STRONGLY OPPOSING THE PASSAGE OF HB 5 BY THE OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX IN THE FORM OF UNFUNDED MANDATES AND A SUBSTANTIAL LOSS OF REVENUE, AND DECLARING AN EMERGENCY.

Moved by Mr. Patton, seconded by Mrs. Evans that the resolution be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mayor Brick said for almost two years some legislators in Columbus, spurred on by the State CPA Association, have been talking about taking away the operation of municipal income tax from the local communities. They have had an evolution of legislation and the mayors throughout the state, particularly the Northeast Ohio Mayor's Association and the Cuyahoga County Mayor's Association, have been trying to work with the legislatures and the CPAs and other people to develop a law that is acceptable to the local communities. When I say what is acceptable, everybody is in favor of uniformity of reporting for local income tax purposes but the way the legislation is currently written they would change the definition of income and we got a specific estimate by R.I.T.A. that based on the current way the legislation is written the Village of Chagrin Falls would lose about \$73,000 a year in income tax. The way they are doing it is they are trying to lower the income tax across the state. In addition, our cash flow would be seriously affected. Right now R.I.T.A. forwards to us cash every two weeks based on what they have collected from the income tax. The state law, as currently written, is that cash would be advanced to us every quarter. Also, very troubling is that all administration for the municipal income tax would go to Columbus so that if there is a dispute with a local resident we know have the Income Tax Review Board and we work things out with our residents. That would have to be canceled and they would have to go to Columbus. What the mayors are trying to do is to work with the legislators who are working on this to address these issues so that we can have uniformity and be revenue neutral.

### **ALL BIDS REJECTED FOR SOLON ROAD AND SOUTH FRANKLIN STREET**

Mr. Patton introduced Ordinance No. 2013-24 entitled:

AN ORDINANCE REJECTING ALL BIDS FOR THE SOLON ROAD AND SOUTH FRANKLIN WATER MAIN PROJECT, AND DECLARING AN EMERGENCY.

Moved by Mr. Patton, seconded by Mrs. Evans that the requirement for reading an ordinance

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three times be suspended. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Moved by Mr. Patton, seconded by Mr. Newell that the ordinance be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Patton said this is a companion ordinance to the following ordinance, 2013-24. Several Utility Committee meetings ago we considered bids for a water main project for South Franklin Street, which would run between Maple Street and Washington Street, and also for the Solon Road project, which would run between Monticello and on to Miles Road. We decided not to take any action on those bids. At our most recent Utilities Committee meeting on March 25, 2013 we discussed that Camino Construction had completed the water main project on North Street ahead of time and under budget and is such that they were available to do the water main work on South Franklin Street. As such we thought that it was best for us to reject all prior bids for the South Franklin Street and the Solon Road water main projects and we would go ahead and have Camino Construction do the water main work on South Franklin Street and we would later rebid the work for the water main project on Solon Road. The amount presented by Camino Construction is \$120,000, which is actually \$4,000 less than the lowest bid previously received. We hope to have this project done by Blossom Time.

### **NORTH STREET WATER MAIN PROJECT CHANGE ORDER**

Mr. Patton introduced Ordinance No. 2013-25 entitled:

AN ORDINANCE AUTHORIZING A CHANGE ORDER TO THE NORTH STREET WATER MAIN PROJECT TO INCLUDE THE SOUTH FRANKLIN WATER MAIN PROJECT, 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: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Moved by Mr. Patton, seconded by Mrs. Evans that the ordinance be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Patton said is a companion ordinance to Ordinance No. 2013-24.

### **VARIANCE REQUEST - 22 WEST ORANGE STREET**

Mr. Byron placed on the floor Administrative Order No. 2013-19 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT REGARDING A VARIANCE REQUEST OF WEST ORANGE PROPERTIES, LLC FOR PROPERTY LOCATED AT 22 WEST ORANGE STREET.

Moved by Mr. Holdren, seconded by Mrs. Evans to amend the final order of Council and conclusion of fact. Mr. Holdren explained the amendment. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Moved by Mr. Holdren, seconded by Mrs. Evans that the administrative order be adopted, as amended. Carried. Ayes: Chess, Evans, Holdren, Patton. Nays: Lutz, Newell, Subel. Mr. Holdren explained the specifics of the

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variance request. He said the BZA denied the parking variance request and then the parking plan went to the Planning and Zoning Commission and they approved it, contingent on the variance being passed tonight.

Jordan Berns, Randy Kertesz, and Michael Leoneti presented information to the Council similar to what was presented to the Board of Zoning Appeals on February 26, 2013 and to the Planning and Zoning Commission on March 18, 2013 regarding the proposed parking plan.

Alex Singer, Rick's Café, and Tom Lutz, Gamekeeper's Tavern, spoke in opposition to the parking variance request.

Valerie Bertsch, 97 Williams Street, asked if they are going to let people park on Williams Street? Mr. Himes said yes, if it is legal parking they can park there. She asked if they are going to put a fire lane back in there? Mr. Himes said a fire lane is not warranted there.

Kathryn Malmquest, from the library, spoke in opposition to the parking variance request.

There was lengthy discussion regarding the proposed parking plan and enforcement of the proposed parking plan. Comments were heard and questions were answered.

### **VARIANCE REQUEST - 47 WEST COTTAGE STREET**

Mr. Holdren introduced Administrative Order No. 2013-26 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT  
REGARDING A VARIANCE REQUEST OF WEST COTTAGE, LLC FOR  
PROPERTY LOCATED AT 47 WEST COTTAGE STREET.

Moved by Mr. Holdren, seconded by Mr. Newell that the administrative order be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Holdren explained the specifics of the variance requested. He said the Board of Zoning Appeals unanimously approved the variance request because it is in line with all of the other neighbors on that street.

### **VARIANCE REQUEST - 111 EAST COTTAGE STREET**

Mr. Holdren introduced Administrative Order No. 2013.27 entitled:

FINAL ORDER OF COUNCIL AND CONCLUSION OF FACT  
REGARDING A VARIANCE REQUEST OF HAROLD PRAY FOR  
PROPERTY LOCATED AT 111 EAST COTTAGE STREET.

Moved by Mr. Holdren, seconded by Mr. Newell that the administrative order be adopted. Carried. Ayes: Chess, Evans, Holdren, Lutz, Newell, Patton, Subel. Nays: None. Mr. Holdren

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explained the specifics of the variance requested. He said the Board of Zoning Appeals unanimously approved it.

**STREETS AND SIDEWALKS COMMITTEE**

No report.

**FACILITIES AND SERVICES COMMITTEE**

No report.

**PLANNING AND ZONING COMMISSION**

Mr. Chess announced a meeting for Monday, April 15, 2013 at 7:30 p.m.

**SAFETY COMMITTEE**

No report.

**UTILITIES COMMITTEE**

No report.

**BOARD OF ZONING APPEALS**

Mr. Holdren announced a meeting for Tuesday, April 23, 2013 at 8:00 p.m.

**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 March, 2013.

**PARKS COMMISSION**

Mrs. Lutz reported that the Parks Commission will have its regularly scheduled meeting in April.

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**SHADE TREE COMMISSION**

Mrs. Lutz reported that the planting of 32 trees has commenced and the Shade Tree Commission has very carefully selected a variety of species to enhance the appearance of the village and to help the trees be healthy.

**ARTS COMMISSION**

No report.

**PARKING COMMISSION**

No report.

**REPORT OF THE CHIEF ADMINISTRATIVE OFFICER**

Mr. Himes reported that the water department will be flushing hydrants during the month of April.

**REPORT OF THE ENGINEER**

No report.

**REPORT OF THE POLICE CHIEF**

Chief Brosius reported that on April 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> officers were training with simulators.

**REPORT OF THE FIRE CHIEF**

No report.

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

Kathryn Malmquest, from the library, reported that they will be closing this Wednesday from 9:00 a.m. to 1:00 p.m. due to their renovations.

Kathryn Garvey mentioned that this is distracted driving awareness week at the high school. She said it is open to the public and she invited Council to attend sessions on Thursday between 7:30 a.m. and 9:30 a.m. or from 3:00 p.m. to 4:00 p.m. She also mentioned that Bike-A-Palooza will be held on Saturday, May 4, 2013 from 12:00 p.m. to 3:00 p.m. at the Intermediate School.

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**MISCELLANEOUS**

None.

**ADJOURNMENT**

Mr. Patton adjourned the meeting at 9:35 p.m.

  
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President of Council

  
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Clerk of Council