

The meeting of the Council of the Village of Chagrin Falls was called to order at 8:05 p.m. by Mr. Patton.

Member present: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel
Members absent: None
Officials present: Mayor Brick, Bloom, Himes, Zugan, Brosius, Byron, Lannon

APPROVAL OF MINUTES

Moved by Mr. Newell, seconded by Mrs. Evans that the minutes of the meeting held June 8, 2015 be approved. Carried. Evans, Muscenti, Newell, Patton. Abstain: Herdman, Lutz, Subel. Nays: None.

REPORT OF THE MAYOR

Mayor Brick said I assume that you all did get a draft of the proposed village priorities for the coming three months. Please let me know if you have any additions or suggestions and we can do this at any time. We can always modify our priorities.

Mayor Brick said we are continuing to work on developing the plans for charging for up to eight hour parking on the East Orange and West Washington parking lots as well as the plaza. I should have the data available for the Parking Commission's next meeting, which will be the week of July 5, 2015. We should have the specific data for them to review and consider.

Mayor Brick said I do hope that I see you all at the July 4, 2015 memorial service and bike parade.

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.

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH RIVERWALK

Mr. Byron placed on the floor Ordinance NO. 2015-15 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH RIVERWALK AT CHAGRIN FALLS II, LLC.

Mr. Herdman explained the amendments to the proposed agreement. Mr. Himes said Mr. Vitt has moved the retaining wall back further to the edge of the right-of-way. He will have planter boxes similar to the first phase in front of units 44 and 46. Mr. Vitt said the retaining wall itself is actually not in the right-of-way but there is an underground foundation that encroaches one foot that would obviously be in the four foot that we are requesting for that entire piece of property. Mrs. Evans asked if the height of the wall has been reduced? Mr. Vitt said yes. The wall is about eight and a half feet above grade and it slopes so the extreme southeastern corner of the wall is about eleven feet above the curb elevation but you will only see the top eight feet of the wall. There is another six feet that is buried underground. Mr. Patton asked, is this still going to create the factor of 1.2? Mr. Vitt said the previous wall was higher it would have achieved a 1.2 but this one will not achieve a 1.2 because the wall is smaller in size and mass. We will have to rerun the calculations but my speculation is that it might be a 1.15. Mr. Patton asked Mr. Lannon if the 1.15 is an acceptable factor? Mr. Lannon said it is borderline but anything over the 1.0 is an improvement. Mr. Newell asked, you are saying that the encroachment into the right-of-way of the retaining wall is essentially the footer that will be buried? Mr. Vitt said correct. Mr. Newell asked, the actual wall itself will be within your property? Mr. Vitt said the footer is like a curb that projects in front of the wall. It keeps the bottom wall from kicking out so that portion of the footer is over the property line in the encroachment area. The wall itself is actually on the property owned by the Riverwalk at Chagrin Falls II, LLC.

Mr. Muscenti said he does not feel comfortable making a decision on this without an engineering report. He asked, are we sure that when the licence transfers to the condominium association that we can enforce the maintenance of the license agreement? Mr. Byron said what is being promised is maintenance of the licensed area, not the wall. The wall is no longer going to be in the right-of-way so they are guarantying the footers subsurface conditions. There is a dramatic change in design, which impacts what has to be maintained. He can build the wall without footers or you can grant him the license to put the footers in to make the wall more stable. You are going to have whatever remedies against the property owner you have if they had a condition on their property which impacted the right-of-way and that is why you file it with the county so it becomes a matter of record for the property. Mr. Vitt said they are not condominiums and have nothing to do with the condominium association. They are single-family houses on single-family lots. Mr. Patton asked, who is going to be responsible for that wall? Mr. Vitt said he will because he is the property owner.

Mr. Vitt said you would think there would be less risk with no wall because there would be no maintenance. If there is no wall then that is an option you can take and say we prefer no wall. Mr. Newell said he would like to see as high of a slope stability factor on the toe of that slope as possible to protect all property owners. He doesn't think they should throw this out but they need to have some entity that would be responsible for any future maintenance costs and paragraph #9 is incorrectly inserted into this agreement.

Mrs. Lutz said Mr. Vitt is willing to install the wall to better stabilize that hillside. How do we try to get that to happen because it is in the best interest of that neighborhood? What is the solution? The alternate is to do nothing and I don't know if I think that that is really the best idea. Mr. Subel said maybe that requires another meeting. I don't know if we can decide that here. Mrs. Lutz said the wall is a great idea and it provides a consistent appearance for the frontage of that whole property. It supports a nice green space up there and I would like to see if there isn't some way that we can change the language of this agreement to satisfy the village and still see the wall go up. Mr. Muscenti said I am certainly in favor of getting this done.

Mr. Patton said this will remain on readings.

AUTHORIZATION TO RENEW WITH DELTA DENTAL

Mr. Byron placed on the floor Ordinance No. 2015-18 entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO RENEW THE VILLAGE OF CHAGRIN FALLS CONTRACT WITH DELTA DENTAL.

Moved by Mr. Subel, seconded by Mrs. Evans that the requirement for reading an ordinance three times be suspended. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Moved by Mr. Subel, seconded by Mrs. Evans that the ordinance be adopted. Carried. Ayes: Evans, Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None. Mr. Subel said this is a renewal and is consistent with prior years. This is probably the second or third year where the price has gone down; it is about 4% less than last year. This whole contract costs the village less than \$40,000. I would recommend that we adopt it again.

CUYAHOGA COUNTY BUSINESS ATTRACTION AND ANTI-POACHING PROTOCOL ADOPTED

Mr. Byron placed on the floor Resolution No. 2015-19 entitled:

A RESOLUTION RE-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.

Mr. Subel said this will remain on readings.

SECTION 126.1902 IF THE CODIFIED ORDINANCES

Mr. Byron placed on the floor Ordinance No. 2015-20 entitled:

AN ORDINANCE AMENDING SECTION 126.1902 OF THE CODIFIED

ORDINANCES OF THE VILLAGE OF CHAGRIN FALLS TO CHANGE
THE INCOME TAX CREDIT.

Mr. Patton said this originated its way to Council by way of a motion in a prior meeting. It addresses the reduction of the income tax credit from 75% to 35% to generate approximately \$700,000 in revenue. After further consideration, since this matter has been placed on the agenda by those who were in support of it, it has been decided that we should table this legislation and no longer pursue it. We will continue to explore other alternatives to remedy the disproportion between expenditures and revenues.

Doug Leary, 56 Water Street, spoke in opposition to the ordinance.

Matt Puflea, 104 South Franklin Street, spoke in opposition to the ordinance.

STREETS AND SIDEWALKS COMMITTEE

Moved by Mrs. Evans, seconded by Mr. Newell to add a crosswalk at West Orange street and West Street on the west side of West Street and connect to Williams Street. It is the recommendation of the police department as a safety measure there. The cost would be a little less than \$3,000. The committee did unanimously approve the expenditure and I would ask for Council to approve it as well. Carried. Ayes: Evans Herdman, Lutz, Muscenti, Newell, Patton, Subel. Nays: None.

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 reported that they will not be having a meeting in June due to a lack of agenda items.

ADMINISTRATION AND COMPENSATION COMMITTEE

No report.

FINANCE COMMITTEE

No report.

PARKS COMMISSION

No report.

SHADE TREE COMMISSION

No report.

ARTS COMMISSION

No report.

PARKING COMMISSION

Mr. Herdman reported that their meeting on June 4, 2015 was very well attended. He announced a meeting for Monday, July 6, 2015 at 7:00 p.m.

REPORT OF THE CHIEF ADMINISTRATIVE OFFICER

No report.

REPORT OF THE ENGINEER

Mr. Lannon reported that the contractor for the North Street reconstruction will move on to the next phase starting next week and that will be Cottage Street past Cleveland Street. Traffic will be maintained one-way north bound. This phase will take about two months.

REPORT OF THE POLICE CHIEF

Chief Brosius reported that the police department has been working on the downtown

pedestrian safety study. They have looked at data concerning pedestrian intervals and traffic. They also have other options on the table such as the pedestrian signals. Hopefully by the end of this month they should have something to present.

REPORT OF THE FIRE CHIEF

No report.

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

Jim Black, 188 Low Street, said there is a piece of membrane at Ivex that is ready to fall into the river, there is scaffolding in the river, and there have been some yellow flotation devices that have been in the river. Overall, the place is just an eyesore. Mr. Himes said they will make the property owner aware of it.

MISCELLANEOUS

Mrs. Lutz announced that the village-wide yard sale will be held on Saturday, September 19, 2015.

ADJOURNMENT

Mr. Patton adjourned the meeting at 8:53 p.m.

President of Council

Clerk of Council