

REGULAR COUNCIL MEETING
April 8, 2015
MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Renda at 7:00PM, in the Village Council Chambers.

PRESENT AT ROLL CALL: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

Also Present: Margaret Cannon, Law Director, Jeff Filarski, Village Engineer, Prashant Shah, Treasurer, Kevin Wyant, Police Chief, Ted DeWater, Service Director, Sherri Arrietta, Clerk of Council.

Mr. Buczek made a motion seconded by Mr. Fritz to approve the minutes of the Regular Council Meeting of March 11, 2015.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Reports from the Mayor & Other Municipal Officials

Service

Mr. DeWater reported that progress is being made on the outside of the Community Building and the roof is almost complete; there is still some trim work to be done. There is currently a punch list for interior work that needs to be completed. The elevator passed state inspection and he took training on operation of the elevator. He stated that the Community Building needs to be completed before the April 22nd Compost Seminar which is being held there. Mr. DeWater stated that the Service Department has started mulching and the mowing crew will be out next week. Chipping starts this month. He stated that they are also in the process of converting the snow equipment over.

Building

Mr. Filarski reported that 74 inspections were performed and 37 permits were issued in March. One of those permits was for a new home in Moreland Mews; first house being built in that development in 17 years.

Engineering

Mr. Filarski reported that there was some slippage at 120 Greentree; the Bell residence. He explained that there has been some continuous slippage (storm sewer outfall) and last year it was identified as a project that was required to be done as part of this year's drainage program, but it will be bid separately. There is about 8 feet of hillside to be worked on and he is currently in the process of developing plans to bid it out.

Finance

Mr. Shah stated that he has received correspondence from RITA regarding their administrative subpoena program. He stated that they issued 220 subpoenas, and collected \$9,000 the day those residents were required to appear. The rest will be billed and collected separately. Mr. Shah explained that while it costs the Village \$8.00 per subpoena (\$716.00 spent total) it is still a good program to have.

Mr. Shah apologized for the last minute notice that he will need a motion to be made to pay the expense to Maverick Restoration for the cleanup from a pump station failure. He asked Mr. DeWater to further explain this expense. Mr. DeWater explained that on January 2 of this year, the Falls Creek Pump Station backed up which caused the house at 60 Falls Creek to have sewage in their basement. He stated that the pump station was filled to the top. Since this was a new tie-in for a new house, it did not have a backflow preventer and in essence, the basement acted as our holding tank for the sewage. Mr. DeWater stated that the Service Department responded and ultimately determined that the ceramic heater in the fuse panel shorted out, which blew a fuse, which in turn prevented the auto dialer from informing us that there was a problem. He stated that the fuse was replaced and a vacuum truck was called in as well as Control Associates to troubleshoot the electrical system problem. It was discovered that the ceramic heater went bad so it has been rewired, replaced & separated so it will not happen again. He stated that Mr. Filarski had the contractor of the new home install a back flow preventer in their tie in so that they will also prevent any future back-ups to their home. Mr. DeWater stated that we did commit to clean it up; the Village brought in an outside company that tested to make sure there was no remaining bacteria. He stated that the Village is turning it over to our insurance company to see if they will cover it. Mr. Fritz asked if the cost includes the back-flow preventer. Mr. DeWater stated that the amount is only for the clean-up; the backflow preventer was at the expense of the homeowner. Mr. Richman asked if the other stations have been fixed so that the same thing will not happen. Mr. DeWater stated that Mr. Filarski will start reviewing other stations that have auto dialers. He stated that when the wastewater plants were changed over, they went to a system called "mission control" where it will send messages to a cell phone of what they did daily and also allows us to check them online. Mr. Filarski will work on changing over the old dialer system to the new system.

Police

Chief Wyant stated that the Explorer vehicle has come in and the changeover is complete, therefore the old vehicle will be put on govdeals.com for auction along with the old Crown Vic Vehicle that the Service Department no longer has use for. He informed Council that an officer responded to the Sunoco station today regarding a complaint of junk vehicles. The owner is out of state and so the officer advised the attendant that they were required to be moved. The attendant stated that they would be moved but would be unable to get them off the property until the weekend. Chief Wyant stated that if they are not in compliance by Monday, then a citation will be issued.

Law

Mrs. Cannon stated that at the last meeting, she informed Council about the situation regarding Sunoco; she is going to give them an update on the situation tonight. She stated that as they may remember, the first Sherriff's sale was held on March 9 and they did not receive any bids on the property and so pursuant to the recently enacted new state law, on March 26 the plaintiff filed a motion to authorize the receiver to negotiate the sale free and clear of liens; there has been no ruling on that motion as of yet. If the motion is granted, the receiver will attempt to negotiate the sale and come back to court for approval of the negotiated sale. She stated that she will continue to check the docket for the status of that negotiated sale. If the court approves this negotiated sale, the property will be sold free and clear of all

liens except county tax liens which total more than \$100,000. There are state tax liens and other liens but the only lien that the claimant filed that has gone unanswered is the federal tax lien. Mrs. Cannon stated that she had informed Council that this property had been delinquent with tax payments since 2009; the County tax administrator informed her that the owner entered into a tax payment plan which he defaulted on in 2011. The property will be scheduled for a tax lien certificate sale where the tax liens are bundled together and offered as a package, probably at the end of summer. Mrs. Cannon stated that BUSTR will be attempting to start the process for the closure of the pumps since they are no longer pumping gasoline. She stated that Mr. Filarski mentioned at the last meeting that a request was made to install a monitoring well on the Chagrin Blvd. right-of-way. When the original tanks were removed a number of years ago, there were some apparent remediation requirements. The information we have now is that the SOM & Chagrin monitoring well, is a follow up to remediation that was required when the old tanks were removed and the closure process for the new tanks has not yet begun. She stated that we do know that there are some environmental issues but we do not have any additional details at this time. Mrs. Cannon stated that we will be working administratively to address the issues as we would have local control, so to speak, but it is going to take a while to unfold. Mr. Fritz asked where the \$10,000 sewer assessment fits in in terms of liens. Mrs. Cannon stated that she cannot confirm this, but the sewer assessment should be treated as a tax lien, since it has the same priority as a tax lien. She stated that any purchaser looking for redevelopment will deal with financial and environmental issues. Mr. Filarski stated that BUSTR required the new monitoring wells in order to try to figure out if the contamination is from Sunoco or from another old gas station site (former Lee Road Nursery). They will determine the direction of the ground water flow to find the origin of the contamination.

Mayor

Mayor Renda reminded Council of the Compost Seminar that will be held on Earth Day, April 22nd at 7:00pm and will be hosted by the Cuyahoga County Solid Waste District. They will also be selling compost containers at the seminar. She stated that she has heard from others that this is really interesting and informative seminar and would appreciate it if Council can attend; it is always great to have the support of Council at events like this. Mayor Renda stated that she wanted to point out that the recycling tonnage increased 10% over last year. She expressed her gratitude to the Green-Parks Commission and Council and administration for the Village's Greening the Hills event; not only does it bring awareness to the residents, but also allows them to get rid of a lot of items in an environmentally friendly way.

REPORTS OF COMMITTEES

Roads & Safety Committee: Mr. Buczek stated that the Roads & Safety Committee met on March 24, 2015. He stated that two issues that were discussed are on the agenda tonight; recycling & asphalt roller. Mr. Buczek stated that Chief Wyant discussed the cleaning of the shooting range to remove all the lead from the ammunition; over a ton of lead was removed. It was the first time that it was cleaned since it went into service. Chief Wyant stated that he wanted to thank the Service Department for replacing and repairing the walls. He stated that it looks great and everything is back in place and is ready to be used again. Mr. Buczek stated that the next meeting is on April 28th @ 8:00am.

Facilities Committee: Mr. Sherck reported that the Facilities Committee met on March 24, 2015. He stated that the water replacement program on Park Lane has been scaled back; only the defective portion of the water main will be replaced. The City of Cleveland will pick up the cost which is estimated at \$452,000. The Community Building was discussed which Mr. DeWater already updated us on tonight. The firing range clean out was discussed and has also been mentioned tonight. Mr. Sherck stated that Mr. Rodenfels from Brilliant Electric Signs made a presentation regarding electric signs and took measurements and pictures of our current sign. At the next meeting, he will return and make a more formal presentation. He stated that Katie Martin, President of the Historical Society informed us that the opening of the Garfield Cabin will be on Saturday, June 6th @ 10:00; he encouraged everyone to attend. Mrs. Martin also mentioned that the cabin is one of the four points of the Garfield diamond and that it may get more visitors during the Republican National Convention. The next meeting is on April 28th @ 7:30am.

Mr. Buczek made a motion seconded by Mr. Richman to authorize the Engineer to develop specs and advertise for bids for the 2015 Asphalt Program.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Buczek made a motion seconded by Mr. Richman to authorize the Engineer to develop specs and advertise for bids for the 2015 Culvert and Drainage Program

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

BZA/Planning Commission: Mr. Stanard reported that the Planning Commission met on March 23, 2015. It was the Commission's first opportunity to use the new AV system which worked out really well. The drawings were shown on the screen so everyone could view and discuss them. The first item on the agenda was a Public Hearing for the four ordinances regarding zoning changes that are also on our agenda tonight. There was no discussion from the public. He stated that ordinarily the BZA meets first, however, because of an unusual circumstance, the Planning Commission met first. A resident was presenting two options for approval for either a detached garage, which would require an eave height variance or an attached garage, which would require a rear yard setback variance. The resident, Mr. Korner, wanted to present both to the Planning Commission to discuss the pros and cons and ultimately determine which request he would present to the BZA. The more favored approach was the detached garage, which Mr. Kawalek, Village Architect concurred with as well. At the BZA meeting, Mr. Korner's rear yard setback variance for up to 13 feet was granted.

ORDINANCES AND RESOLUTIONS:

ORDINANCE 2015-14– Introduced by Mr. Stanard

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE PLANNING AND ZONING CODE OF THE VILLAGE OF MORELAND HILLS REGARDING PLANNING COMMISSION REVIEW OF ACCESSORY BUILDINGS AND STRUCTURES.

Mr. Stanard stated that this ordinance amends certain sections of the Planning and Zoning Code of the Village of Moreland Hills regarding Planning Commission review of accessory buildings and structures which will ultimately streamline the process. Mr. Stanard stated that the Planning Commission held a public hearing on March 23, 2015 and it was recommended for approval to Council.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2015-14 on second reading and to hold a public hearing at the next Council Meeting of May 13, 2015

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

ORDINANCE 2015-15– Introduced by Mr. Stanard

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE CODIFIED ORDINANCES TO CLARIFY THE MANNER IN WHICH THE FRONT YARD SETBACK IS MEASURED ON PUBLIC STREETS.

Mr. Stanard stated that this ordinance will clarify front yard setbacks so that throughout the Zoning Code they are consistent. He stated that the Planning Commission held a public hearing on March 23, 2015 and it was recommended for approval to Council.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2015-15 on second reading and to hold a public hearing at the next Council Meeting of May 13, 2015.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

ORDINANCE 2015-16 – Introduced by Mr. Stanard

AN ORDINANCE ENACTING SECTION 1151.19, “STREETS,” OF CHAPTER 1151, “U-1 DWELLING HOUSE DISTRICT REGULATIONS,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS.

Mr. Stanard stated that the Planning Commission held a public hearing on March 23, 2015 and this ordinance was recommended for approval to Council.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2015-16 on second reading and to hold a public hearing at the next Council Meeting of May 13, 2015

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis
NAYS: NONE
MOTION CARRIED

ORDINANCE 2015-17 – Introduced by Mr. Fritz

AN ORDINANCE AMENDING SECTION 1173.01, “TOPSOIL REMOVAL,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO.

Mr. Fritz stated that this ordinance is the same as the previous three introduced by Mr. Stanard. The Planning Commission held a public hearing on March 23, 2015 and it was recommended for approval to Council.

Mr. Fritz made a motion seconded by Mr. Stanard to place Ordinance 2015-17 on second reading and to hold a public hearing at the next Council Meeting of May 13, 2015.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis
NAYS: NONE
MOTION CARRIED

ORDINANCE 2015-28 – Introduced by Mr. Buczek

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ORANGE VILLAGE AND THE CITY OF PEPPER PIKE FOR THE JOINT PURCHASE AND OPERATION OF AN ASPHALT ROLLER AND TRAILER AND AUTHORIZING THE MAYOR TO PURCHASE AN ASPHALT ROLLER AND TRAILER FROM SOUTH EASTERN EQUIPMENT COMPANY AND DECLARING AN EMERGENCY.

Mr. Buczek stated that this equipment will be shared between the three communities at total cost of \$23,000; \$7,435 per community.

Mr. Buczek made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2015-28.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis
NAYS: NONE
MOTION CARRIED

Mr. Buczek made a motion seconded by Ms. Sturgis for passage of Ordinance 2015-28.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis
NAYS: NONE
MOTION CARRIED

ORDINANCE 2015-29 – Introduced by Ms. Sturgis

AN ORDINANCE AMENDING SECTION 141.02 AND ENACTING NEW SECTION 141.07 OF CHAPTER 141, “POLICE DEPARTMENT” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO, AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that previously if an officer were to leave during the probationary period, they would have to return the uniform to the Village. This will change that so that the officer will not return the uniform, but instead reimburse the Village for the cost of the uniforms, badge, and any training.

Ms. Sturgis made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2015-29.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Buczek for passage of Ordinance 2015-29.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

ORDINANCE 2015-30 – Introduced by Mr. Sherck

AN ORDINANCE DESIGNATING A CERTAIN INDIVIDUAL TO ATTEND CERTIFIED SUNSHINE LAWS TRAINING.

Mr. Sherck explained that this ordinance will designate Sherri Arrietta, the Clerk of Council to attend three (3) hours of Sunshine Laws Training which is required to be done by the Mayor and Council Members, once per term.

Mr. Sherck made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2015-30.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Sherck made a motion seconded by Mr. Stanard for passage of Ordinance 2015-30.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

ORDINANCE 2015-31 – Introduced by Mr. Richman

AN ORDINANCE AUTHORIZING THE VILLAGE TO PARTICIPATE IN A CONSORTIUM TO INVITE PROPOSALS FOR RECYCLING PROCESSING SERVICES AND DECLARING AN EMERGENCY.

Mr. Richman stated that this ordinance will allow the Village to obtain proposals from the Cuyahoga County Solid Waste District for recycling processing services; however, we are not required to adhere to their recommendations.

Mr. Richman made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2015-31.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Buczek for passage of Ordinance 2015-31.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

ORDINANCE 2015-32 – Introduced by Mr. Richman

AN ORDINANCE AUTHORIZING THE VILLAGE TO PARTICIPATE IN A CONSORTIUM TO INVITE BIDS FOR SOLID WASTE TRANSFER AND DISPOSAL SERVICES AND DECLARING AN EMERGENCY.

Mr. Richman stated that his ordinance is the same as the previous; however, it is for the transfer and disposal of solid waste services.

Mr. Richman made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2015-32.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Buczek for passage of Ordinance 2015-32.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

At this time, Mr. Fritz made a motion seconded by Mr. Richman to pay the invoice in the amount of \$13,784.34 to Maverick Restoration for the clean out of the basement at 60 Falls Creek which was the result of a back-up at the Falls Creek Pump Station.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

ORDINANCE 2015-33 – Introduced by Mr. Fritz

AN ORDINANCE PROVIDING ADDITIONAL APPROPRIATIONS, TRANSFERRING ITEMS ALREADY APPROPRIATED AND DECLARING AN EMERGENCY.

Mr. Fritz stated that the first transfer is a capital expense in the amount of \$4150 for the iMac Pro & the software required for it which was for the Clerk of Council; \$3900 is for the new televisions in Council Chambers which will allow us to reduce the amount of paper used for the Planning Commission; the third transfer of \$5800 is for a water cooler and a new door for the Community Building; the door had to be re-sized due to modifications of the original plan. Transfer from the general fund are the usual Police & Fire Levy and also for sewage treatment as the assessments have not come in yet, so in this is a loan from the General Fund until they do come in, then the money will be transferred back to the General Fund.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-33.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Stanard for passage of Ordinance 2015-33.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Miscellaneous

Mr. Buczek informed Council that he will be out of town until April 29th.

Mr. Stanard talked about the Fire appreciation dinner that they had for the Chagrin Falls Fire Department and mentioned that he was told that Moreland Hills is the only community that still

does this for them. Mr. Richman stated that originally the Moreland Hills Women's Committee along with Mayor and Council started doing this years ago and would have the dinner here in the Council Chambers. After the Women's Committee disbanded, the Village wanted to keep that tradition alive. Mayor Renda added to that and said that the Women's Committee started back in 1952 mainly to have this Fireman's Dinner. We now call it the Appreciation Dinner because at one point, the Police Department and Service Department were included. She stated that it is important that we kept up this tradition by honoring these men and women. Mr. Sherck stated that the opportunity to be around the Firemen was great because as a resident, we do not see them enough or get to know them like we do with our Policemen.

Ms. Sturgis reminded everyone of the Grand Opening of the new Orange Library this Friday.

Mr. Buczek made a motion seconded by Mr. Richman to adjourn the Regular Council Meeting.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

The meeting was adjourned at 8:10p.m.

Attest:

Sherri Arrietta, Clerk of Council

Steve Richman, Council President