

REGULAR COUNCIL MEETING

May 13, 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. Sherck, Mr. Stanard, Ms. Sturgis

ABSENT: Mr. Richman

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, Mrs. Aileen Sexton-Kopfinger, Resident

Mayor Renda declared the Public Hearing open at 7:01pm.

Mayor Renda stated that the four (4) ordinances being heard tonight for the public hearing are as follows: Ordinance 2015-14- 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; Ordinance 2015-15- an ordinance amending certain provisions of the Codified Ordinances to clarify the manner in which the front yard setback is measured on public streets; Ordinance 2015-16- 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; and Ordinance 2015-17- an ordinance amending Section 1173.01, "Topsoil Removal," of the Codified Ordinances of the Village of Moreland Hills, Ohio.

Mayor Renda asked if there was anyone present wishing to speak regarding these ordinances; there being none, Mayor Renda declared the public hearing closed at 7:03pm.

Reports from the Mayor and Other Municipal Officials

Building

Mr. Filarski stated that the exterior maintenance inspections will begin next week.

Law

Mrs. Cannon stated that as Council is aware, the Village has an agreement with Bedford Heights for the use of their jail. In 1994 we entered into a capital contribution agreement with Bedford Heights whereby Moreland Hills and other communities contributed to the cost of the construction of that facility. We also had a subsequent agreement to increase the per diem amount. She stated that she and Chief Wyant learned last week that Bedford Heights is closing that facility entirely at the end of May, so as of June 1st they will not hold any prisoners. Mrs. Cannon stated that Chief Wyant is working on finding alternative facilities and we are hopeful that we will present Council with an agreement to provide for a long term solution at the next meeting. She stated that Chief Wyant has made arrangements with both Solon and Geauga County on an interim basis, for use of their facilities on an as needed basis.

Mrs. Cannon stated that House Bill 8 would mandate ODNR include local public lands, parks, cities, counties, school districts, etc., in pooling and further mandating to allow drilling on that land not just aggregation for minimum acreage. Legislation opposing this should be at the June meeting

Mayor

Mayor Renda stated that since both Mr. Buczek and Mr. Richman will be out of town next week, Mrs. Arrietta will send out an email to change the date of the Facilities and Roads and Safety Committee meetings.

Mayor Renda informed the members that the June Council meeting will need to be changed to June 17, instead of June 10. Mrs. Arrietta will send out an email tomorrow checking Council's availability.

ORDINANCES AND RESOLUTIONS

Ordinance 2015-34-Introduced by Mr. Buczek

AN ORDINANCE AMENDING SECTION 141.01, "COMPOSITION," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO, AND DECLARING AN EMERGENCY.

Mr. Buczek stated that this ordinance will change the current ordinance to allow for a full time detective position within the Police Department.

Mr. Buczek made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2015-34.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek made a motion seconded by Ms. Sturgis for passage of Ordinance 2015-34.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-35 – Introduced by Mr. Buczek

AN ORDINANCE FIXING THE COMPENSATION OF VARIOUS OFFICERS AND EMPLOYEES OF THE VILLAGE OF MORELAND HILLS AND DECLARING AN EMERGENCY.

Mr. Buczek stated that this ordinance sets the pay range for the full time detective position.

Mr. Buczek made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2015-35.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek made a motion seconded by Ms. Sturgis for passage of Ordinance 2015-35.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-36- Introduced by Mr. Buczek

AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF THE VILLAGE OF MORELAND HILLS OF SCOTT A. WILLIAMS AS A FULL TIME DETECTIVE, AND DECLARING AN EMERGENCY.

Mr. Buczek stated that Mr. Williams has been with the Village for 21 years. He has been wearing two hats; one as patrol officer and one as detective. This ordinance allows Mr. Williams to be a full time detective with Village.

Mr. Buczek made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-36.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek made a motion seconded by Ms. Sturgis for passage of Ordinance 2015-36. Mr. Stanard stated that he wanted to thank both the prior and current Chiefs for providing the descriptions of why the Village needs a full time detective and the benefits of having one. He stated that the recommendation came from both of them and he respects and appreciates that.

Chief Wyant stated that Mr. Williams has done investigations since the mid to late 90's, has a lot of training, and is a tremendous asset to the Village. He stated that he is looking forward to Mr. Williams being able to concentrate his efforts on investigations.

Mr. Fritz stated that he met Mr. Williams years ago, and stated that he is engaged with the community, helpful to the residents, and is an outstanding professional. He stated that he is glad the Village has him.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

At this time Mayor Renda swore in Scott Williams as full time detective.

Mayor Renda stated that she will skip to the end of agenda in order to appoint another officer now.

Ordinance 2015-43 – Introduced by Mr. Buczek

AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF THE VILLAGE OF MORELAND HILLS OF THOMAS M. PATE AS A FULL TIME PATROL OFFICER, AND DECLARING AN EMERGENCY

Mr. Buczek stated that this ordinance allows for a full time patrol officer to fill the spot left open by Detective Williams.

Mr. Buczek made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-43.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek made a motion seconded by Ms. Sturgis for passage of Ordinance 2015-43.

Mayor Renda stated that they interviewed four (4) amazing candidates, but Thomas Pate was clearly at the top of list. She stated that she is looking forward to having him here and she congratulated Mr. Pate.

Chief Wyant stated that Mr. Pate comes from the Summit County Sherriff's office with 13 years' experience as well as a number of years experience as a corrections officer in the jail. He stated that Mr. Pate has a lot to offer the Village and will be a great asset to the department.

Mr. Buczek stated that he has gotten to know a lot of the officers and thinks that they are all terrific. He stated that he is impressed by the overall demeanor of the police department.

ROLL CALL:

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

NAYS: None
MOTION CARRIED

At this time, Mayor Renda swore in Thomas Pate as patrol officer.

Mayor Renda stated that we will now go back to the original order of the agenda.

Mr. Stanard made a motion seconded by Mr. Buczek to approve the minutes of the Regular Council Meeting of April 8, 2015.

ROLL CALL:
AYES: Mr. Buczek, Mr. Fritz, Mr. Sherck, Mr. Stanard, Ms. Sturgis
NAYS: None
MOTION CARRIED

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. (First Reading & Referred to Planning Commission 02/18/15; Second Reading on 03/11/15; Planning Commission Public Hearing; Recommended passage to Council 03/23/15; Second Reading and Council Public Hearing Scheduled 04/08/15; Council Public Hearing & Third Reading 05/13/15)

Mr. Stanard stated that this ordinance will streamline the approval process so that the Building Department can approve sheds, fences, accessory structures less than 200 feet, etc. without the need for Planning Commission approval.

Mr. Stanard made a motion seconded by Mr. Fritz to place Ordinance 2015-14 on third reading and for passage of Ordinance 2015-14.

ROLL CALL:
AYES: Mr. Buczek, Mr. Fritz, 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. (First Reading & Referred to Planning Commission 02/18/15; Second Reading on 03/11/15; Planning Commission Public Hearing; Recommended passage to Council 03/23/15; Second Reading and Council Public Hearing Scheduled 04/08/15; Council Public Hearing & Third Reading 05/13/15)

Mr. Stanard stated that this ordinance will clarify the front setbacks for properties in several different sections of the Zoning Code.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2015-15 on third reading and for passage of Ordinance 2015-15.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, 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. (First Reading & Referred to Planning Commission 02/18/15; Second Reading on 03/11/15; Planning Commission Public Hearing; Recommended passage to Council 03/23/15; Second Reading and Council Public Hearing Scheduled 04/08/15; Council Public Hearing & Third Reading 05/13/15)

Mr. Stanard stated that this ordinance will prohibit private streets in the U-1 Dwelling House District as it is in the Residential Open Space Conservation District.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2015-16 on third reading and for passage of Ordinance 2015-16.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, 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. (First Reading & Referred to Planning Commission 02/18/15; Second Reading on 03/11/15; Planning Commission Public Hearing; Recommended passage to Council 03/23/15; Second Reading and Council Public Hearing Scheduled 04/08/15; Council Public Hearing & Third Reading 05/13/15)

Mr. Fritz stated that the purpose for this is so that adjoining properties will not be impacted by topsoil removal and to give the Village better oversight in terms of the moving of significant amounts of topsoil.

Mr. Fritz made a motion seconded by Mr. Stanard to place Ordinance 2015-17 on third reading and for passage of Ordinance 2015-17.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-37- Introduced by Ms. Sturgis

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 3 WITH APEX CONSTRUCTION & MANAGEMENT, INC. FOR THE MORELAND HILLS COMMUNITY BUILDING IMPROVEMENTS AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that the Village entered into a contract for with Apex Construction for the Community Building Project. The original contract amount was \$196,900; two change orders were previously presented for an amount totaling \$20,434.30. This Change Order is reflects increases and decreases in the work for a total net decrease amount of \$3,784.99, making the final contract amount \$213,539.31 which is a \$16,639.31 difference from the original contract amount.

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-37.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Buczek for passage of Ordinance 2015-37.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-38- Introduced by Ms. Sturgis

AN ORDINANCE AUTHORIZING COMPENSATION FOR SIXMO INC., IN THE TOTAL AMOUNT OF \$12,330.00 FOR SERVICES AS CONSULTING ARCHITECT ON THE COMMUNITY BUILDING IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that the Village hired Sixmo for construction administration services for the Community Building project for an amount not to exceed \$6,600.00. Sixmo valued the total cost of their services at \$23,000.00 because of the increase in the scope of work and delays in completion. Upon completion of the job, they are requesting additional fees in the amount of \$5,730 for a total amount of \$12,330, to partially cover increased costs presented for Sixmo's services.

Ms. Sturgis made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2015-38.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Buczek for passage of Ordinance 2015-38.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-39- Introduced by Mr. Stanard

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BARBICAS CONSTRUCTION FOR THE 2015 ASPHALT PAVEMENT PROGRAM AND DECLARING AN EMERGENCY.

Mr. Stanard stated that this ordinance will allow for the 2015 Asphalt and Road Rehabilitation Program.

Mr. Stanard made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2015-39.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Stanard made a motion seconded by Mr. Buczek for passage of Ordinance 2015-39. Mr. Stanard stated that he wanted to thank Mr. Filarski as well as the Service Department for putting this together and stated that they did a great job. Mr. Stanard pointed out that there were only five bids received, not seven like it states in the legislation. He asked Mr. Filarski if there were any irregularities with the bid and bid bond. Mr. Filarski stated that there were not. Mr. Buczek asked Mr. Filarski if he had any experience with this contractor.

Mr. Filarski stated that he has not in Moreland Hills, however all four of their references were good.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-40 – Introduced by Mr. Sherck

AN ORDINANCE ADOPTING GUIDELINES FOR THE OPERATION OF A COMMUNITY GARDEN AT FOREST RIDGE PRESERVE.

Mr. Sherck stated that this garden was discussed a while back and these policies are required to layout guidelines for the operation of the garden, which will be run by volunteers

Mr. Sherck made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-40.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Sherck made a motion seconded by Ms. Sturgis for passage of Ordinance 2015-40.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-41- Introduced by Mr. Fritz

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A WORKERS' COMPENSATION GROUP RATING AGREEMENT WITH COMPMANAGEMENT, LLC., AND DECLARING AN EMERGENCY.

Mr. Fritz stated that the Village is required to have a third party to administer our workers comp claims. We used this company last year and by joining with them, we are part of a group rating program. This group rating saves us about \$8,000 a year.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-41.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Buczek for passage of Ordinance 2015-41.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-42- Introduced by Mr. Fritz

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

Mr. Fritz went over a few of the transfer items; Line #6 in the amount of \$500 was for an iPad for a Planning Commission member for use with the new A/V system; Continuing Education travel expense for \$1,000 was for a conference for the juvenile diversion program which 2 officers attended; Special Assessments paid to the County in the amount of \$2,800 are paid to them for collecting our special assessment fees (sewers). He stated that this number is a little high compared to last year but Mr. Shah is in communication with the County to try to negotiate it down; Return of Advances for \$10,000 was for the waste water treatment fund, this month the money is being put back in that account. The other two are housekeeping items for the Police Pension and the Police and Fire Levy Fund.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-42.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Buczek for passage of Ordinance 2015-42

ROLL CALL:

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

NAYS: None

MOTION CARRIED

REPORTS OF COMMITTEES

Facilities Committee

Mr. Sherck stated that a review of the fees for non-residents (4 businesses) that tap into storm sewer is being done (Country Club, Heritage Offices, Sunoco, and MH Town Centre). After Mr. Filarski finishes his review, the rates can be determined based upon usage of these properties. The Service Department had the E-Tech Systems inspected. He stated that Mr.

DeWater has found someone to seal the Police Department roof before winter. All fire extinguishers and emergency lighting have been inspected on the Village campus. The 2014 Sewer Rehab Project is complete. Mr. Sherck stated that Mr. Filarski reported that we did not score high enough for water main replacement on Park Lane, however we can submit again in the fall. The Community Building is finished and is a very nice building. The Police Department firing range is completed. He stated that Mr. Rodenfels, with Brilliant Electric Sign, came back with a proposal for a sign and it will be discussed further at the next meeting.

Roads & Safety Committee

Mr. Buczek stated that the meeting was held on April 28. He stated that the detective position and the hiring of a new officer were discussed. Mr. DeWater has an agreement with Riley Sweeping for street sweeping; it has been completed already. Mr. Buczek reported that Chief Wyant received \$2,600 for the old Crown Vic and \$7,800 for the old Explorer; both vehicles were recently replaced.

BZA/Planning

Mr. Stanard reported that the BZA met on April 27 and had one item on the agenda; an application for three roof pitches on a home located 33250 Jackson. They had originally submitted a plan that included five roof pitches, but reduced it to three which the board eventually approved.

The Planning Commission had a number of applicants and so it was very helpful to use the new audio visual equipment. Mr. Hodgson of 37940 Berkeley Lane was requesting to reconfigure his lots in order to meet new septic requirements in order to build homes on them in the future. The Morren residence that received the variance for an additional roof pitch at the BZA meeting just prior, had their house plans approved. The Chaiken residence at 40 Winterberry received approval for a gazebo and the Slocum Residence at 37925 Chagrin Blvd. received approval for a shed. A new dwelling at 85 Sterncrest that will replace one that was demolished, was approved. The Haas Residence at Manderly lane received approval for a garage addition. Mr. Stanard stated that a new sign was approved for the Marathon station which was discovered by Mr. Strichko the week prior, already up on their building. The next meeting is on May 18, which is one week earlier than normal because of the Memorial Day Holiday.

Resident Concerns:

Mrs. Aileen Sexton-Kopfing of 25 Murwood was present at the meeting. She stated that she wanted to know the status of 40 Murwood, which is across the street from her. Mrs. Sexton-Kopfing stated that she is aware that it has been condemned but now there is a tree that has fallen in the yard. She stated that she knows that they have not paid taxes in 4 or 5 years, owing a total of \$24,000.00 and wants to know what the Village is doing about this property. Mrs. Cannon stated that the Village is well aware of this property. She stated that the property owner was cited by our Building Inspector, Mr. Strichko, and was given a period of time to address the issues. To date, he has not done so, and it is the Village's understanding that he inherited this property and has never lived in the home nor paid taxes. Mrs. Cannon stated that we now need a court order to proceed with the demolition of the house because we have received no response from the property owner. Mrs. Sexton-Kopfing stated that if the Village demolishes the house who would maintain the land. Mrs. Cannon stated that the property owner would still own the land, and stated that the county will ultimately foreclose on the property for tax purposes, but we are unsure of how long that would take. She stated that if necessary, the Village does have a program where if properties are not mowed properly, they will mow them and add those costs to the amount of the lien on the property, just like a tax claim. Mayor Renda informed Mrs. Sexton-Kopfing that they will continue to follow up on this; however it is a process that moves slowly. She stated that the Village will continue to push the issue and she stated that she is asking for her patience in this matter. Mayor Renda encouraged Mrs. Sexton-Kopfing to call the Village if she sees that the grass is getting long.

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

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 7:56pm.

Attest:

Sherri Arrietta, Clerk of Council

Steve Richman, Council President