

REGULAR COUNCIL MEETING
February 14, 2018
MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Renda at 7:02pm, in the Village Council Chambers.

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

Also Present: Aimee Lane, Law Director, Jeff Filarski, Village Engineer, Ted DeWater, Service Director, Chief Wyant, Sherri Arrietta, Clerk of Council

Mr. Richman made a motion seconded by Mr. Fritz to approve the minutes of the Regular Council Meeting of December 13, 2017.

ROLL CALL:

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

NAYS: None

ABSTAIN: Mr. Emerman

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Fritz to approve the minutes of the Special Council Meeting of January 22, 2018.

ROLL CALL:

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

NAYS: None

ABSTAIN: Mr. Buczek, Mr. Emerman

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Fritz to approve the minutes of the Special Council Meeting of January 23, 2018.

ROLL CALL:

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

NAYS: None

ABSTAIN: Mr. Buczek, Mr. Emerman

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Fritz to approve the minutes of the Special Council Meeting of January 25, 2018.

ROLL CALL:

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

NAYS: None

ABSTAIN: Mr. Buczek, Mr. Emerman
MOTION CARRIED

Resident Comments

There was no one present wishing to comment.

Reports from the Mayor and Other Municipal Officials

Police

Chief Wyant reported that the Community Kids Fishing day has been scheduled for June 16 and he stated that he has submitted for the grant that helps fund that event.

Engineering

Mr. Filarski reported that he has started inspecting the roads from last year's road program since the snow has melted, and they looking good so far.

Mrs. Lane entered the meeting at 7:06pm.

Service

Mr. DeWater reported on snowplowing this season; so far, they have been dealing with more ice than snow. 1500 tons of salt has been ordered to date of the 3100 tons we are allotted to purchase. Cargill is currently behind on their deliveries. Our two outstanding orders with them total 370 tons; 120 tons for one order and 250 tons for the other. He stated that he did contact ODOT and they have agreed to extend their salting up Routes 91 and 87 to help the Village. One of the surrounding communities will lend us salt, if needed. Mrs. Murfello has been doing a great job working with the trucking companies and getting them to bring us at least 30 to 50 tons of salt.

Law

Mrs. Lane apologized for being late; she was stuck in traffic. She did not have a report.

Mayor

Mayor Renda stated that eleven people applied for the Council position, which is phenomenal. They were all wonderful candidates. Over the next few months, Council will be seeing some of those candidates, because she would like to incorporate them into some of what Council does. Council chose David Emerman as the new Council member and she stated they chose well. Bill Janke applied for the Council position and she has asked him to join Planning Commission. John Pogatschnik has moved back to Minnesota so Mr. Janke will take his place. As we go through the next few months, she will be looking to appoint others to different positions as well.

Appointments and Confirmations

At this time, Mayor Renda swore in new Councilman David Emerman.

At this time, Mayor Renda swore in Bill Janke as Planning Commission member.

Reports of Committees

Roads & Safety Committee

Mr. Fritz reported that the Roads and Safety Committee met on February 6, 2018. There will be several amended sections in the meeting minutes; the Chief is requesting an SUV, not a sedan and the undercover vehicle is supposed to be a Chevy Traverse, not a Taurus. A.L.I.C.E Training took place yesterday at Ursuline College. Lt. Dietzel and Officer Bennett from Pepper Pike conducted the training. Mr. Filarski gave an update on several issues. He has begun looking at the roadway surfaces and the road program is being evaluated. He is also evaluating the drainage and culvert program; there were 5-6 locations identified by Mr. DeWater as areas of concern, specifically the area on Miles where water is flowing out of the street surface. The most significant was the slope slippage on the south side of South Woodland, toward Fircrest. Since Route 87 is a state roadway, Mr. Filarski is very aggressively looking for funding options and is currently waiting to hear back from ODOT. Mr. Fritz stated that he will bring Council up to speed when there is more to report. There is legislation on the agenda tonight requesting the up-fitting of two trucks for the Service Department.

Mr. Fritz made a motion seconded by Ms. Sturgis to allow the Police Department to move forward with the research to draft legislation for the purchase of two vehicles; Ford Explorer and a 2015 Chevy Traverse, which will be paid for with Task Force Grant money.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

The next meeting will be on March 6, 2018 at 7:30am.

Facilities Committee

Mr. Richman reported that the Facilities Committee met on February 6, 2018. The pump stations are in good shape except for a couple controllers on order for the Jackson Valley and Winterberry Pump Stations. The 2017 sewer cleaning and inspection program is still ongoing, but winter weather has created some delays. 100% of the sanitary sewer inspections have been completed, 50% of the sanitary line cleaning is complete, and about 1/3 of the catch basins scheduled for clean out are complete. I & I Testing (Inflow and Infiltration) is ongoing, which monitors the sanitary flow; it is higher during rainfall and requires testing to determine the extra inflow of water. Currently they are in the middle of testing Greentree and Winterberry, and will know the source of the infiltration once testing is complete. The Historical Society reported that the 2017 fundraiser was a success. Their upcoming events are the Cabin Open House on June 2 and on June 22-24 they will have a table at the Gettysburg reenactment at the Metroparks Polo Field. The next meeting will be on March 6, 2018 at 8:00am.

BZA

Mr. Stanard reported that the BZA met on February 5, 2018. The Strazzanti residence, which was continued from last meeting, requesting a variance for a side yard accessory structure on Jackson Road was continued again and will be heard at a future meeting. The Talisman residence in the Chagrin Bluffs subdivision was requesting four variances for very high lighting fixtures, which violate four sections of

our code and which were installed without a permit. The Board made it clear that it was excessive, so Mr. Talisman decided to come back with a new plan. The Schrader residence was requesting a variance, which initially was going to relate to Footnote C, but with some working and re-working of the application, it became a request for a 9-foot side yard setback variance, which was granted. The next meeting will be on March 5, 2018.

Planning Commission

Mr. Stanard reported that the Planning Commission met on February 5, 2018, immediately following the BZA Meeting. The structure at the Schrader residence located at 37150 Jackson was approved after just having received the variance at BZA. It is a stunning structure. A new dwelling at 20 Addison Lane for the Friedman's was also approved. Brady Middle School received approval for renovations to the front vestibule to improve security. The next meeting will be on March 5, 2018.

ORDINANCES AND RESOLUTIONS

Ordinance 2018-02-Introduced by Ms. Sturgis

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 184 "EARNED INCOME TAX EFFECTIVE JANUARY 1, 2016," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO, AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that the House and Senate have supported this bill from 2014 through 2016. In doing so, the Village has reviewed and amended our ordinances to be in compliance with it. In June 2017, certain provisions regarding the due date of the fourth quarter estimated tax information. This ordinance allows us to amend the verbiage to conform to those changes with the exception of certain information that is noted in the ordinance; eliminating the throwback rule and allowing centralized state administration, which are currently being challenged by Ohio municipalities, including Moreland Hills, in pending litigation.

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2018-02.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Richman for passage of Ordinance 2018-02.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-03-Introduced by Mr. Stanard

AN ORDINANCE AMENDING SECTIONS 1151.07, "SETBACK REQUIREMENTS," AND 1123.03, "DEFINITIONS," OF THE PLANNING AND ZONING CODE OF THE VILLAGE OF MORELAND HILLS REGARDING CORNER LOTS AND DECLARING AN EMERGENCY.

Mr. Stanard stated that this ordinance was first discussed at an administrative pre-planning meeting. It was determined that the language was contradictory in certain areas of the code. Since it is a zoning amendment, it will be placed on three readings. Mrs. Lane explained that currently under the code, the setback requirement for a corner lot essentially requires a double front. The side yard and the front yards both have to comply with the front setback requirements, which presents some challenges as it relates to developing a lot. It significantly reduces the buildable area of a lot, and additionally, the Village does not have too many of the situations that are shown on the diagram in the code section. She stated that Mr. Filarski looked at how corner lots have been developed in the Village, and it does not seem to square with the provisions on the books. The provisions on the books are more for densely developed historical districts, or more traditional residential subdivisions with smaller lots. Mr. Filarski stated that the diagram that is currently in the code was made for a place where streets are laid out in a grid pattern, in order to create a clean line for a corner lot. On small lots it makes a difference, but on the lots in the Village, it does constrict the building area. He stated that by allowing it to be freer, it will not interfere with the look of the area. Mr. Filarski stated that he does not know the genesis of the ordinance, but it really does not apply to the large lots that we have in Moreland Hills. Mayor Renda stated that the current ordinance came with our zoning rewrite and was probably designed for perfection and for a different kind of neighborhood. She stated that it has not been part of our code forever. Mr. Emerman asked if it will also be eliminating “through lots” for the same reason. Mrs. Lane stated that they are eliminating any reference to “through lots” because it is a lot that has a street on both the front and the rear. Mr. Filarski stated that he cannot think of a full street of “through lots” in Moreland Hills.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2018-03 on First Reading and refer it to Planning Commission.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-04-Introduced by Mr. Fritz

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

Mr. Fritz stated that as elected officials, Council members are required to attend 3 hours of public records training, which can be done by a designee. This ordinance designates Mrs. Arrietta to attend on behalf of Ms. Sturgis, Mr. Stanard, and Mr. Emerman. Mayor Renda suggested that Council members attend a class if they never have or if they have not attended one in a while.

Mr. Fritz made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2018-04.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Buczek for passage of Ordinance 2018-04.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-05-Introduced by Mr. Buczek

AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Mr. Buczek stated that every year, WH Drane updates our Codified Ordinances book with all the ordinances that were passed the previous year. This ordinance accepts all the updates made from 2017.

Mr. Buczek made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2018-05.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek made a motion seconded by Mr. Emerman for passage of Ordinance 2018-05.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resolution 2018-06-Introduced by Mr. Buczek

A RESOLUTION APPROVING THE ADOPTION OF THE CUYAHOGA COUNTY 2017-2022 ALL-HAZARDS MITIGATION PLAN AND DECLARING AN EMERGENCY.

Mr. Buczek stated that this plan was enacted in 2000 and is designed to identify natural hazards. The last time it was approved, the approval was through 2016. This resolution will approve it through 2022.

Mr. Buczek made a motion seconded by Ms. Sturgis to suspend the rules for Resolution 2018-06.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek made a motion seconded by Ms. Sturgis for passage of Resolution 2018-06.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-07-Introduced by Mr. Richman

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WICHERT INSURANCE SERVICES, INC. FOR THE PROVISION OF GENERAL LIABILITY, POLICE PROFESSIONAL, PUBLIC OFFICIAL, AUTOMOBILE, PROPERTY AND CYBER LIABILITY INSURANCE TO THE VILLAGE OF MORELAND HILLS, AT A TOTAL AGGREGATE COST OF \$57,193.00 SUBJECT TO ADDITIONS AND DELETIONS DURING THE TERM OF THE AGREEMENT AS APPROVED BY THE MAYOR; WAIVING COMPETITIVE BIDDING AND DECLARING AN EMERGENCY.

Mr. Richman stated that this our annual liability insurance agreement. This new agreement is similar to the existing policy, with the exception that the auto premium is higher this year because of the accident with the recycling truck last year.

Mr. Richman made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2018-07.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Emerman for passage of Ordinance 2018-07.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-08-Introduced by Mr. Fritz

AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE UP-FITTING EQUIPMENT FOR TWO INTERNATIONAL TRUCK CABS AND CHASSIS FROM CONCORD ROAD EQUIPMENT MFG., INC. THROUGH THE STATE OF OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM; WAIVING COMPETITIVE BIDDING AND DECLARING AN EMERGENCY.

Mr. Fritz stated that this was discussed at the Roads and Safety Committee. Council knew that this ordinance would be coming this year as Mr. DeWater did a good job keeping them up to speed. The Village purchased the cab and chassis in 2017 from the State bid before it expired, which he applauds the administration for as it saved the Village money. Legislation was also approved which authorized the Mayor to enter into a letter of understanding to up-fit those two units the following year in order to save 20%. The total cost is \$178,918.08. Concord Road Equipment already has 50% of the equipment needed at their site.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2018-08.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Emerman for passage of Ordinance 2018-08.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-09-Introduced by Mr. Richman

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S), AND DECLARING AN EMERGENCY.

Mr. Richman stated that this will allow the Village to receive a NOPEC Energized Community Grant and authorizes the Mayor to execute the agreement with them. The grant is for energy and infrastructure efficiency projects. We are looking into using this for the Police Department roof and/or windows.

Mr. Richman made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2018-09.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mrs. Lane stated that she has asked NOPEC to remove the indemnification clause from the agreement. Additionally, she asked that some language be revised because it seems to give their committee decision making authority with respect to interpretations of the contract and applicable laws. She stated that she was told that someone will be getting in touch with her this week; once those two terms are handled to the Village's satisfaction, then the Mayor will sign it.

Mr. DeWater stated he contacted NOPEC and they have confirmed that this grant can be used toward roof repairs.

Mr. Richman made a motion seconded by Mr. Buczek for passage of Ordinance 2018-09.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-10-Introduced by Mr. Stanard

AN ORDINANCE ENACTING NEW SECTION 521.15, "NUISANCES IN CONNECTION WITH TREES," OF THE GENERAL OFFENSES CODE AND AMENDING SECTION 1173.05 AND CHAPTER 1353, BOTH TITLED "CUTTING OF TREES" OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO.

Mr. Stanard stated that this ordinance will be on 3 readings. It was initiated by the Service Director and the Building Official. Council also discussed it at Committee of the Whole. This ordinance shifts the burden of responsibility of removal of certain trees from the Village to the property owners. The trees that the property owners will be responsible for removing are trees that are doing damage to a road or public property, trees that are diseased or infested with parasites, trees that have fallen or are in danger of falling, or trees that obstruct or impede traffic. It will also reduce the size of trees that are allowed to be cut during selective cutting. Currently the Village allows up to 4 trees, 24 inches in diameter, this ordinance will reduce the size to 8 inches in diameter.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2018-10 on First Reading and refer it to Planning Commission.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-11-Introduced by Ms. Sturgis

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

Ms. Sturgis stated that there is one transfer this month, for the Police Pension Fund into the General Fund because we have not passed our budget yet.

Ms. Sturgis made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2018-11.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Richman for passage of Ordinance 2018-11.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Stanard to go into Executive Session to discuss matters related to personnel at 7:59pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Buczek to come out of Executive Session and adjourn the Regular Council Meeting at 8:38pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 8:38pm.

Attest:

Sherri Arrietta, Clerk of Council

Dan Fritz, Council President