

REGULAR COUNCIL MEETING
July 10, 2019
MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Renda at 7:11pm, in the Village Council Chambers.

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

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

At this time, Mayor Renda introduced Mr. Tony Furino who is the new Orange Branch Library Manager. Mr. Furino introduced himself to Council and thanked Mayor Renda for meeting with him last week. He said that his mother grew up in Moreland Hills so it is nice to be here in her hometown. He told the Mayor and Council that they can contact him with any questions or comments, and he provided them with his business card.

Mr. Buczek made a motion seconded by Mr. Stanard to approve the minutes of the Regular Council Meeting of June 12, 2019.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resident Comments

Mr. Ethan Spencer, resident on Jackson Road will be speaking on behalf of the other residents present, as they each opted to give Mr. Spencer their two minutes of time. He stated that he is one of the residents in attendance that is impacted by the force sewer connection initiative that the Village is leading. When he attended the Council meeting in April, he pointed out that the Mayor and the Village Engineer had relied on an improper code to determine accessibility to public sewers when they communicated to the Cuyahoga County Board of Health that 23 residents on septic systems were accessible. At that meeting, it was noted that there is no codified definition of accessibility and that the Village would delay the process and work with the Board of Health to determine a proper definition for our Village.

After over two months with no communication from the Village or the Board of Health, he received a letter from the Village indicating that the force sewer connection initiative is proceeding. Mr. Spencer stated that he contacted Mr. Filarski and Mayor Renda and was told that the Mayor is adopting a blanket 400-foot policy and that all the criteria considered in an earlier draft of the policy that was circulated in the press had been discarded. He was also told that the policy will be adopted by the Mayor with no public hearing, debate, or Council vote, because this decision is an “administrative decision.”

Furthermore, he was told that what other municipalities in the State of Ohio are doing is “not really relevant.” He was upset and shocked by this and he believes that this decision is hasty and makes no sense

and neither does forcing 20 residents to spend tens of thousands of dollars each with no benefit to the environment as long as their existing systems are functioning, along with the fact that it is not required by the code. Mr. Spencer stated that given that Mayor Renda is not running for re-election, he is requesting that this decision be postponed so that further research, expert consultation, and discussion can take place, and in that way the new Mayor will be able to implement a more thoughtful policy. He stated that he asked Nate McConoughey from the Board of Health, if a delay will cause issues and Mr. McConoughey indicated that he would continue to work with the Village.

Mr. Spencer said that as a side note, he researched other communities, including the six towns that border Moreland Hills, and these cities have the same issues and topography as Moreland Hills but not one of them use this definition. In Cuyahoga County, there are 59 municipalities, and he cannot find one that has this type of definition. There are over 900 municipalities in the state of Ohio, and while there may be one that has this type of definition, he has not found it. Mr. Spencer stated that he is concerned and upset about what is happening and would request that a little more thought and care be taken before residents are asked to do something like this, which is not required by the Code. He believes it is the duty of this Council to represent the interest of the residents and that is what he and the residents of Moreland Hills expect.

Mr. Tom Kolakowski, resident at 34900 Jackson Road stated that he wants to reiterate everything that Mr. Spencer said. He also wants to make note that there are several residents, including himself, who have spent a considerable amount of money in the last several years redoing their septic systems so that they could handle many decades of usage, and there are others who have taken steps to maintain their current systems and make them compliant with all the laws. Now, the money that was spent on that is worthless because they will have to fill in their systems and tie into the Village sewer system. He does not see any benefit to doing this. Mr. Kolakowski stated that he feels that it is a travesty that this Council and Mayor feel that this is the right approach. He agrees with Mr. Spencer and would like to see the decision delayed until more thoughtful input can be put into this.

Dr. Mehran Saboori, resident on Lochspur Lane, stated that it is extremely cost prohibitive. The article in the Chagrin Valley Times that mentioned the cost to be \$15,000 is completely inaccurate. The cost is actually \$50,000 plus. The other issue that is disconcerting to him is the lack of consistency throughout the state and county. There is not one person that can find a definitive number.

Mayor Renda stated that she is going to briefly discuss some of their concerns and then she will let Mr. Filarski address them as well. She stated that she also has concerns that they cannot find a definitive number. They met with the Board of Health to ask for that number. The reason why it does not exist is because each person's situation, in each municipality, across the State of Ohio is different. In rural areas, their issues are different from those in Cuyahoga County, which is very populated. The Board of Health has backed away from giving us a definitive number, which is why she had made the comment that each individual community's issues are not necessarily relevant to another individual community's. She did not mean to be offensive; she just meant to convey to them the conversation that was had, in the way she understood it. Mayor Renda stated that her understanding is that what happens in Athens, Ohio is very different from what happens in Moreland Hills, Ohio or what happens in Lucas County is very different than what happens in Cuyahoga County.

Mayor Renda stated that the Village did not initiate this, contrary to their understanding. The Board of

Health asked the Village who was accessible, so the Village came up with a policy about accessibility. We have been working on this policy for a long time. She stated that the Village listens to public input all the time and understands that finances are an issue and are something that we can all weigh in on. She stated that she and Council listen to public input all the time regarding finances and other issues, but the reason the community was not asked for input regarding this policy, is because they do not have the understanding or expertise to weigh in on these types of policies. Mayor Renda stated that she has to adopt policies therefore she does her best to listen to the experts; Mr. Filarski writes the policy and the Board of Health revises it and she eventually accepts what they recommend and adopts the policy. She does not have expertise in sanitation systems, so she relies on her engineer for that, as a Mayor should. This is a health and safety issue brought to us by the Board of Health and when we asked them for an extended period of time, the Board of Health said they did not want to do that. She is unsure why Mr. McConoughey has now told you that a delay is not an issue, because we were told no when we asked for one.

Mr. Spencer stated that he finds that there has not been enough due diligence to find out how towns similar to us deal with this. He also found that other towns have not adopted a specific number because they want the latitude to be able to determine things based on multiple criteria, which sounds more logical to him. The Village's policy states 400 feet, with no other considerations of things that were discussed previously, such as grade. He feels that it is very relevant that no other towns are doing what we are doing. Moreland Hills is not completely unique to all 900 municipalities in Ohio in every aspect of this issue; there are similarities. It is good practice to consult other towns that have gone through this and to learn from them. Why is the Village using a definitive number, as a policy, when there seems to be a reason that there is not a definitive number?

Mr. Kolakowski stated that Moreland Hills is not a very populated area and should not be treated like downtown Cleveland. The first policy mentioned the issue of grade and stated that a resident does not have to tie-in if they have to pump sewage uphill into a public sewer system; "Pumping individual household sewage uphill was not consistent with the design intent of the city sewer system." The design intent is that the resident should be able to attach their sewage to gravity.

Dr. Saboori spoke to the issue of water quality levels and understands the need for it, but he feels this is a governmental responsibility to fix and not something to pass on to individual residents to fix.

Ms. Diana Essock, resident on Jackson Road stated that we all live in Moreland Hills because we like nature so the last thing she would want to do is pollute it. The septic systems on Jackson Road are well working systems and some are even new systems. She feels that they are working in conjunction with the environment, but to tie in to the sewers will ruin her ravine and affect the environment. Ms. Essock stated that she is all for maintaining a beautiful healthy community, but she is not for this needless expenditure.

Mr. David Holland, resident on 65 Lochspur Lane asked why Council voted to allow residents to finance this over 3 years, when many other municipalities allow you add it to your taxes and pay over ten years.

Mrs. Lane stated that that derived from a conversation with the Village Treasurer and that was what he was most comfortable with. Mr. Filarski added that decision was made because the connection for private property could not be assessed as a special assessment by law.

Mr. Filarski addressed the residents' concerns and stated that the Village did not initiate this. The Board of Health looked at a map and found areas that have septic systems on a street with a sewer system and asked him if they were accessible. At that point, the Village then had to come up with a policy. Mr. Filarski addressed Mr. Spencer's comment about other cities that do not require this and he stated that he can name four (4) that required septic systems be abandoned and tie into the sewers when sewers are on the street; Olmsted Falls, Pepper Pike, Glenwillow, and Oakwood Village. He stated that he did research the rules of sewer and septic systems locally, but not those of the whole state because there is no need to. The Board of Health has the authority to require this, but it is up to us to determine if it is accessible which is the sticking point right now. The 400-foot number comes from the EPA; when the Board of Health comes to them for a discharge permit, the EPA will not give them a discharge permit if it is within 400 feet of the sewer.

Mr. Spencer stated that policy applies to new systems installed after 2007 that is regulated by the EPA, through the NPDES regulations. So that policy does not apply to existing, functioning systems in this town. There is no code that applies to 400 feet. If someone's system fails, and a new system is required to be installed, that person must apply for a NPDES permit, which is when the 400-foot policy applies. As long as the septic system is functioning, it does not apply.

Mr. Filarski asked the residents when the last time the Board of Health tested their systems was. They were unsure if/when they had been tested.

Mrs. Elizabeth Spencer, resident on Jackson Road asked why they cannot compromise and have their systems tested, and if they fail, then they can connect to the sewer system.

Mr. Filarski stated that he was going to suggest that as Plan B. If we present to the Board of Health that everyone that received the notice is open to having their septic systems tested, and if they fail, they will be required tie in to the system but if they pass then they can stay on septic. If the Board of Health accepts that, he is fine with it. This is not the normal way of doing things; however, this is a discussion that he is going to have with the Board of Health.

A discussion ensued regarding the Village and Board of Health's responsibility in the implementing and/or rejecting of drafts of the policy.

Mr. Filarski suggested that he speak with the Board of Health again and propose that they send out a letter for testing. Once residents have their systems tested, should they choose to do so, and they pass, they will also have to come up with a plan for the future to keep up with the maintenance of it (getting it tested every 2 years, etc.). He informed the residents that they have to consent to be tested and there is a fee involved.

Mrs. Essock stated that she has been a resident since 1979 and when sewers were being installed initially, there were a number of septic systems at that time that were in bad condition. Some septic systems were allowed to remain because it was deemed prohibitive to the environment and financially to require the change to the sewer system. Those septic systems were to be inspected on a regular basis every 5 years, so what Mr. Filarski is proposing was what was supposed to be done a long time ago.

Reports from the Mayor and Other Municipal Officials

Mayor

Mayor Renda did not have a report.

Police

Chief Wyant did not have a report.

Engineering

Mr. Filarski stated that ODOT would be bidding the Route 87 Slope Project on July 25.

Service

Mr. DeWater did not have a report.

Law

Mrs. Lane did not have a report.

Reports of Committees

BZA

Mr. Stanard reported that the BZA met on July 1, 2019. He gave a report based on the meeting minutes, which are attached. The next meeting will be on August 5, 2019.

Planning Commission

Mr. Stanard reported that the Planning Commission met on July 1, 2019. He gave a report based on the meeting minutes, which are attached. The next meeting will be on August 5, 2019.

Roads & Safety Committee

The Roads and Safety Committee did not meet in July. The next meeting will be on August 6, 2019 at 8:00am.

Facilities Committee

The Facilities Committee did not meet in July. The next meeting will be on August 6, 2019 at 8:30am
Mr. Emerman stated that at previous meetings, they discussed ways to reduce the cost of tying into the sewers. One method was to finance the tap in fees and the other method that is being pursued is to bring the sewer lateral up to the right-of-way, at the Village's cost. He stated that regardless of how the policy turns out, this is still important for the residents who do choose to tie in.

Mr. Emerman made a motion seconded by Mr. Richman to allow the Village Engineer to advertise for bids for sanitary sewer lateral installation at various locations. Mr. Filarski explained the process of sewer lateral installation for the residents present and that it would be beneficial to install them all now so that they would be available in the future should a homeowner need to tie in.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

ORDINANCES AND RESOLUTIONS

Ordinance 2019-41-Introduced by Mr. Emerman

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 2 WITH SANDER CONTRACTING, INC. FOR THE POLICE STATION ROOF AND VILLAGE HALL ENTRANCE PROJECT AND DECLARING AN EMERGENCY.

Mr. Emerman stated that this change order includes several cost savings to the contract with Sander Contracting. The most significant savings was from the determination that lightening protection on the Police Department roof was not needed, since it is a metal roof and is grounded. That was a cost savings of \$4600 off the contract. This change order also included a few other costs savings credits due to damage that Sander caused to various items such as an exterior light and water damage. There were a few increases for additional work on an exterior light and ceiling tile replacement. The change order is for a total decrease of \$1853.00 off the contract.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2019-41.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Stanard for passage of Ordinance 2019-41.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-42 - Introduced by Mr. Emerman

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

Mr. Emerman stated that the two amendments to the current appropriations both relate to sewage. The Greentree wastewater treatment plant needed a more in depth cleaning and sludge removal of the expansion tank in the amount of \$10,000. The other item was for the repair of a motor and valves at the pump station in the amount of \$13,000. The normal transfers were made to the Police and Fire Levy Fund and the Police Pension Fund. A transfer was made to the SCM&R fund for the Route 87 slope repair project in the amount of \$600,000.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2019-42

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Stanard for passage of Ordinance 2019-42.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Miscellaneous

Mayor Renda congratulated Mr. Filarski on his daughter's recent wedding.

Mr. Buczek made a motion seconded by Mr. Stanard to adjourn the Regular Council Meeting at 8:08pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 8:08pm.

Attest:

Sherri Arrietta, Clerk of Council

Dan Fritz, Council President