

REGULAR COUNCIL MEETING
September 12, 2018
MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Renda at 7:01pm, 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, Prashant Shah, Treasurer, Chief Kevin Wyant, Ted DeWater, Service Director, Sherri Arrietta, Clerk of Council

Mayor Renda and Chief Wyant presented awards to the children who caught the largest fish in their age category at the Community Kids Fishing Day held on June 16. In the 5-8 year old age group, Aiden Janke received the Gold Medal for catching a 20-inch Catfish, Piper Chess received the Silver Medal for her 14-inch Bass, and Miles Fishman received the Bronze Medal for his 12-inch Bass. In the 9-12 year old age group, Jake Engel received the Gold Medal for catching a 12¾-inch Bass, Elliot Neifach received the Silver Medal for his 10¼-inch Bass, and Branden Wang received the Bronze Medal for his 10-inch Bass. All winners also received their very own fishing pole.

Mr. Buczek made a motion seconded by Mr. Stanard to approve the minutes of the Regular Council Meeting of August 8, 2018.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resident Comments

There were no residents present wishing to speak.

Reports from the Mayor and Other Municipal Officials

-Engineering

Mr. Filarski updated council on the Route 87 Slide. He stated that the wall design consultant and ODOT have been going back and forth regarding design parameters; ODOT does not want to use tiebacks. He is hoping that they decide on something soon that can be done within in a reasonable time frame. His concern with not having the tiebacks is that larger steel sections for the wall will have to be made and they may not be available.

-Service

Mr. DeWater reported that the Police Department Roof/Village Hall Maintenance Project has been advertised in the paper and is going out for bid. The bid specs are available to contractors on two different building websites. There is a mandatory pre-bid meeting scheduled for Monday.

-Finance

Mr. Shah wanted to clarify that the millage in the tax rate resolution is the amount that is allowed by Charter, therefore if the safety levy passes, Council would have to pass a new tax resolution in November, which will need to be sent to the County right away.

-Police

Chief Wyant reported that the new police vehicle is arriving Friday morning. He thanked Mayor Renda and Council for their support for the fishing event every year.

-Law

Mrs. Lane reported that the Law Department retainer hours through July are 324.5. She informed Council that in the last week, the Federal Communications Commission (FCC) has come out with draft regulations regarding small cell facilities. She is looking through it to determine what implications this may have since we have our own state law. So far, it looks as though some of the regulations in our state law will be preempted by these regulations; however, they are still recognizing local control as it relates to aesthetics and design guidelines.

The FCC will be discussing and possibly voting on these regulations again on September 26. If they do vote and it passes, the regulations will not take effect until 30 days afterward. She stated that she will continue to monitor this and stated that it may necessitate revisions to the Village ordinance.

Reports of Committees

Roads & Safety Committee

Mr. Fritz reported that the Roads and Safety Committee met on September 4, 2018. He gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is October 2, 2018, at 7:30am.

Facilities Committee

Mr. Richman reported that the Facilities Committee met on September 4, 2018. He gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is October 2, 2018, at 8:00am.

Mr. Richman made a motion seconded by Mr. Buczek to rescind Ordinance 2018-32.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

BZA

Mr. Stanard reported that the BZA met on August 27, 2018, and gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting will be on October 1, 2018.

Planning Commission

Mr. Stanard reported that the Planning Commission met on August 27, 2018, immediately following the BZA Meeting. He gave a report based on the meeting minutes, which are attached. One of the items was a Conditional Use Certificate request for erosion work in a riparian setback on Old Plank Lane, which was recommended to Council. The next regularly scheduled meeting will be on October 1, 2018.

-Approval of Bonds, Contracts, Plats, Etc.

Bronson Residence

70 Old Plank Lane

Conditional Use Certificate –
Erosion Work in a Riparian Setback
Section 1173.07(e)(2)

Mr. Stanard explained that a Public Hearing was held at the Planning Commission Meeting to consider the Conditional Use Certificate request. The Commission recommended that Council approve the Conditional Use Certificate for erosion work in a riparian setback. The homeowners are trying to mitigate a substantial slip, which has been going on for some time. They are proposing to install three (3) drop manholes and 105 feet of 24" pipe, that will capture the drainage and take it downhill where it runs into a drop manhole. This project changes the elevation of the drainage without having impact on the soils. The Village Engineer has recommend approval of this project (see attached Village Engineers report).

Mr. Stanard made a motion seconded by Mr. Buczek to approve the Conditional Use Permit to allow erosion work in a Riparian Setback located at 70 Old Plank Lane contingent upon final plan submittal and obtaining permits from all other applicable agencies.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

ORDINANCES AND RESOLUTIONS

Ordinance 2018-37 Introduced by Mr. Richman

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SANITARY SEWER DEVELOPMENT AGREEMENT FOR THE PROVISION OF SANITARY SEWER SERVICE TO THE CHAGRIN BLUFFS SUBDIVISION AND DECLARING AN EMERGENCY.

Mr. Richman explained that this ordinance will allow the Chagrin Bluffs developer to tie into the Chagrin Falls sewer system, at the developer's cost. This agreement is between Moreland Hills, Chagrin Falls, and the developer. It agrees to an easement in order to allow Chagrin Bluffs to construct and maintain the sewer system. Moreland Hills will have the right to review, comment on, and approve the plans. This ordinance will replace Ordinance 2018-32, which was rescinded by motion earlier tonight; the three main changes to the agreement were to correct some of the terminology, to change the ownership of the sewer line to Moreland Hills, and to clarify several items (residents responsible for lateral, etc.).

Mr. Richman made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2018-37.

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 Ms. Sturgis for passage of Ordinance 2018-37.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-38- Introduced by Mr. Fritz

AN ORDINANCE AMENDING ORDINANCE NO. 1992-68 ESTABLISHING FEES FOR THE SNOW PLOWING OF PRIVATE STREETS BY THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY.

Mr. Fritz stated that the last time the fees for the private street snowplowing was updated was in 2001, and it went from \$.50 to a \$1.00 per linear foot. Mr. DeWater made a convincing argument to raise the cost based upon the increased costs of salt, maintenance of trucks, and the cost of labor, which is why the Roads and Safety Committee agreed to recommend it to Council. The price will increase from \$1.00 to \$2.00 per linear foot.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2018-38.

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 2018-38.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-39 - Introduced by Mr. Stanard

AN ORDINANCE AMENDING THE 2016 COMPREHENSIVE LAND USE PLAN TO DESIGNATE A PORTION OF CHAGRIN RIVER ROAD A SCENIC CORRIDOR AND DECLARING AN EMERGENCY.

Mr. Stanard stated that this ordinance would designate a portion of Chagrin River Road, from Miles Road to Route 87, as a Scenic Corridor. This may also give us an added measure of protection when it comes to small cell facilities. To do so, we have to amend the Comprehensive Land Use Plan by adding a

paragraph to page 26 along with an additional map (Figure 10A) which depicts Riparian Setbacks and the Scenic Corridor (see attached).

Mr. Stanard made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2018-39.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Stanard made a motion seconded by Mr. Emerman for passage of Ordinance 2018-39.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-40 - Introduced by Mr. Emerman

AN ORDINANCE CREATING THE HOUSE ON THE HILL CONSTRUCTION AND MAINTENANCE FUND WITHIN THE FINANCIAL RECORDS OF THE VILLAGE OF MORELAND HILLS, AND DECLARING AN EMERGENCY.

Mr. Emerman explained that this would create a specific fund for the work that will be done on the House on the Hill, which will be funded by grants and donations. Mr. Shah advised that it is prudent to create a separate fund when you have a specific project supported by specific funds.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2018-40.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Stanard for passage of Ordinance 2018-40.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-41 - Introduced by Ms. Sturgis

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MATT WINTERS EXCAVATING, FOR THE 2018 CULVERT AND DRAINAGE PROGRAM AND DECLARING AN EMERGENCY.

Ms. Sturgis stated there were seven bids received for the 2018 Culvert and Drainage Program and Matt Winters Excavating was the lowest at \$55,623.73.

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2018-41.

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. Buczek for passage of Ordinance 2018-41.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resolution 2018-42 - Introduced by Mr. Emerman

A RESOLUTION ACCEPTING THE AMOUNT AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER.

Mr. Emerman stated that this resolution is requesting the exact millage from the County that we are allowed to levy, by Charter. As Mr. Shah mentioned earlier, if the safety levy passes, this ordinance will have to be amended.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Resolution 2018-42.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Richman for passage of Resolution 2018-42.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-43 - Introduced by Mr. Emerman

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

Mr. Emerman stated that there are two additional appropriations this month; one is for an additional amount for salt, because the price has gone up significantly this year, and the other is for the drug trafficking task force, however, this money is reimbursed to the Village. The regular transfers were made to the Police Pension and the Police and Fire Levy to cover the amounts that are beyond what our current

safety levy supports. There was also a transfer made to the SCMR Fund for construction maintenance and repair; the contracts have been signed, which is why this transfer could be made.

Mr. Emerman made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2018-43.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Stanard for passage of Ordinance 2018-43.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Miscellaneous

Mayor Renda reminded Council about Election Day on November 6 and stated that she will be at the polls in support of Issue 49. She stated that she would appreciate it if Council would stand with her at some point throughout the day to help her support the issue. She encouraged them to continue to talk to their neighbors to educate them about Issue 49.

Mr. Buczek made a motion seconded by Mr. Richman to adjourn the Regular Council Meeting at 7:55pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 7:55pm.

Attest:

Sherri Arrietta, Clerk of Council

Dan Fritz, Council President