

REGULAR COUNCIL MEETING
April 13, 2016
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: Aimee Lane, Law Director, Jeff Filarski, Village Engineer, Ted DeWater, Service Director, Chief Kevin Wyant, Prashant Shah, Treasurer, Sherri Arrietta, Clerk of Council,

Mr. Richman made a motion seconded by Mt. Stanard to approve the minutes of the Regular Council Meeting of March 9, 2016.

ROLL CALL:

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

NAYS: None

ABSTENTIONS:

MOTION CARRIED

Mayor Renda asked to change order of the agenda. Since Mr. Filarski needs to leave early, she asked that the ordinances are done first so that he can be here if there are any questions for him regarding the legislation. We will resume with the reports after the legislation. She also wished Mr. Filarski a happy birthday.

ORDINANCES AND RESOLUTIONS

Ordinance 2016-18 – Introduced by Ms. Sturgis

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BARBICAS PAVING, LLC FOR THE 2016 ASPHALT PAVEMENT PROGRAM AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that 5 competitive bids were received on April 1, with Barbicas being the lowest at \$378,616.80, which was also lower than the Village Engineer's estimate.

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2016-18.

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 for passage of Ordinance 2016-18. Mr. Richman asked about Barbicas and if they have done work for the Village before. Mr. Filarski informed Mr. Richman that they worked for us last year and that they are out of the Akron area.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

At this time, Mayor Renda asked Mrs. Lane to talk to Council about the terms “suspension” and “emergency” and explain why we will not be using those terms in the next ordinance. Mrs. Lane stated that she understands that these two concepts can seem similar but they are really two distinct concepts; “Suspension” is a concept that applies to the procedures of Council prior to the adoption of legislation. “Emergency” is actually the effect the legislation has after it is approved. The way our Charter reads, it provides that “no ordinance of a general or permanent nature shall be passed unless it has been read on three different days.” However it does go further to say, “unless the reading requirement is dispensed by a vote of five (5) members.” This could be something that could be applied to legislation whether or not it is an emergency. There are also certain measures called out in the Charter requiring three (3) readings if the ordinance would be creating some sort of right, providing for the expenditure of money, levying of a tax, or the purchase or sale of property.

The emergency clause applies to a measure that is immediately necessary for preservation of health, safety, and welfare, which means that if it is approved by Council, it becomes effective upon the Mayor’s signature; otherwise it will not become effective for 30 days. She further clarified that with an emergency clause, a specific effective date can be specified if needed, which should be a later date than the passage date or the date it is signed by the Mayor.

A Zoning Code amendment is handled a little differently. Under our Charter, it provides for the right of referendum petition, which means that if this body passes the legislation, a property owner has the right to circulate a referendum petition, so that would get put on the ballot that they take exception with the matter. Under Ohio law, that referendum right applies to zoning code amendments. The reason you do not see emergency clauses in zoning code legislation is because the residents have the right to a 30 day period of time after passage to file the referendum petition to place that matter on the ballot. The Village Charter more specifically provides that certain zoning code amendments are required to go to the ballot so the 30 day rule does not even apply in certain circumstances; two examples of that are (1.) the discussion the Village has been having about possible text amendments for the WEB area and in the coming months we anticipate legislation to make text amendments to the Planning and Zoning Code applicable to that zoning district. Since the underlying zoning will not change, but it will address items such as setbacks and lot coverage, it will not be passed as an emergency and will be subject to that 30 day rule where residents would have the right to file a referendum petition, and could be placed on the ballot if they received the requisite number of signatures. (2.) Ordinance 2016-14 on the agenda tonight, triggers the mandatory ballot requirement because we are

reclassifying the zoning classification of a property and further providing for other than traditional single family residential zoning, so there is a separate provision in the Charter, prior to that to go on the ballot. She stated that she did want to explain that this ordinance (2016-19) is serving two purposes. Mrs. Lane stated that she called the Board of Elections and asked them whether they wanted this matter addressed in two separate ordinances; one amending the zoning code and the zoning map, and another one directing it to be placed on the ballot. They preferred it to all be in one ordinance. She explained that there actually is a declaration of emergency in this ordinance but that is because of the timing to get it certified to the Board of Elections; it has nothing to do with the effective date of the ordinance.

Ordinance 2016-14– Introduced by Mr. Fritz

AN ORDINANCE SUBMITTING THE QUESTION TO THE ELECTORS OF WHETHER THE PLANNING AND ZONING CODE OF THE VILLAGE OF MORELAND HILLS SHOULD BE AMENDED TO ENACT NEW CHAPTER 1159, “CHAGRIN NORTHWEST RESIDENTIAL & PLANNED DEVELOPMENT CONSERVATION DISTRICT,” AND THE ZONING MAP OF THE VILLAGE OF MORELAND HILLS AMENDED TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN PARCELS FROM U-1 DWELLING HOUSE DISTRICT TO U-5, CHAGRIN NORTHWEST RESIDENTIAL & PLANNED DEVELOPMENT CONSERVATION DISTRICT, AND DECLARING AN EMERGENCY.

Mr. Fritz stated that this process has been a lengthy and intricate one. Part of the Master Plan Committee’s process was to look at particular parcels that were identified through phone interviews, the online survey, focus groups, and our open house. One of those parcels in this legislation is approximately 40 acres, in the northwest quad off Chagrin and SOM. In February, the Master Plan Review Committee recommended to Planning Commission to explore these changes and implement at PUD in that area and in March the Planning Commission considered this recommendation and forwarded it to Council for our consideration, by motion.

Council approved the recommendation for the PUD zoning amendment at the March 9th meeting. As part of this process, tonight’s motion will be to place this on first reading and refer it back to the Planning Commission where they can really delve into it and possibly make any changes; it could come back to Council as is or with some additions and/or corrections to it.

The Planning Commission will be required to hold a public hearing and once it is sent back to Council for our consideration, we will also have to have a public hearing. The rough time frames would be for Planning Commission to have their public hearing sometime in April which would put Council’s sometime in June. After these process have taken place and more input has been gathered from the public and is considered and debated, Council will place it on third reading, and essentially be passing it to go forward to the Board of Elections to be on the ballot for residents to make a decision on. Tonight the purpose is to just to see what Mr. Majewski has put together, not to debate it at this point.

While Planning Commission is looking it over, Council members should do their due diligence as well and look it over, look at other examples, and compile any questions you may have so that

when it does come back from the Planning Commission, we will be ready to have good discussion and debate.

Mr. Fritz made a motion seconded by Mr. Buczek to place Ordinance 2016-14 on first reading and refer it to the Planning Commission.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Filarski left the meeting at 7:16pm.

At this time, the meeting resumed with the original order of the agenda.

Reports from the Mayor and Other Municipal Officials

Service

Mr. DeWater stated that he passed out 4 motions that need to be made which cover roof repairs to the Village buildings, the Village Hall entrance security enhancement, the telemetry systems for the Village pump stations, and the community cost share agreement with NEORS. He reminded everyone that Greening the Hills is on May 7th from 9:00am to Noon, and the Garlic Mustard Pull will follow that event from 1:00pm to 3:00pm. Mr. DeWater reported that Stan Sirk will officially retire on April 29. If anyone is interested in attending his retirement party, they can contact him for more details. Stan is the first Service Department employee to retire from the Village with more than 30 years, having worked here for 32 years. Mr. Fritz asked Mr. DeWater if some of the areas will be leveled out in Forest Ridge. Mr. DeWater stated that they are hoping for it to dry out more first before they can do that.

Finance

Mr. Shah did not have a report.

Police

Chief Wyant reminded everyone that the Second Annual Community Kids Fishing Day will be on June 18, from 10:00am-1:00pm. Starting the week of April 18, two (2) officers will be attending motor school for two weeks to receive their motorcycle certification. The residents will see the motorcycle on the road after they have completed this training. He stated that they are also gearing up for the RNC (Republican National Convention) as far as additional man power.

Mayor Renda congratulated the Police Department on their quick work in solving the robbery at the Sunoco station. It is always unfortunate when it happens in your town, but the fact that they had a suspect within 24 hours and someone in custody shortly thereafter is very impressive. She thanked the Police Department for doing a fine job.

Law

Mrs. Lane discussed potential scheduling for the Public Hearings for the PUD since we are working with a tight time frame. The Planning Commission has a meeting later this month on Monday April 25, and it was discussed that they would not have a public hearing at that time, so that they can have a preliminary discussion on the substance of this proposed zoning change, and then at a subsequent time, have their public hearing. The notice requirements for the Planning Commission public hearing are not as rigid as for Council's public hearing, since theirs requires notice in a newspaper, thirty (30) days prior to the Council public hearing.

The Planning Commission may have to consider having a special meeting for the public hearing on May 11, which is the same night as the Regular Council meeting. In order to get the 30 day notice in the paper, it would have to be done by May 19, which would put the Council Public Hearing (a special meeting) at June 20, or thereafter. Alternatively, the Planning Commission could wait and not have a special meeting on May 11, but could schedule the public hearing for their regularly scheduled meeting on May 23. It would then require that the Council public hearing notice be in the paper by May 26, for the public hearing take place on June 27, or thereafter, also requiring a special meeting. She emphasized that a later time could always be chosen for the Council Public Hearing, but we want to make sure we have enough time to get the three readings in and get it to the Board of Elections before August 10.

Mayor Renda stated that she thinks it is important to have the public hearing far enough away from the final reading so that we can seriously contemplate the public's input and make any changes that it requires. Mr. Stanard asked if we could essentially pick the Council Public Hearing date today, since we would have more than enough time to get the notice out. Mrs. Lane explained that Council needs the recommendation to come from the Planning Commission first before a date can be set. She stated that while the Planning Commission does not have the same guidelines, a special meeting would give them the opportunity to work through the details.

Mayor

Mayor Renda reported that last Friday, CVD and the county formally co-located. There was a ceremony and a press conference to celebrate that fact. She stated that she has been involved in and passionate about the CVD for a few years and she stated that she is really proud of all they have accomplished, especially under Nick DiCicco's leadership. The CVD was recognized twice in the last year from national organizations about the excellence of Chagrin Valley Dispatch; they were rated number one in technology in the nation and number two for the overall dispatch in the nation. It is a really wonderful organization that we have fostered and it is also a great example of regionalism, that also is saving tax payers' dollars. The CVD started out with 8 communities and is now up to 13 communities and therefore our costs continue to decrease all the time. With the County co-locating there, we are hopeful for more cost savings. It also gives the Chagrin Valley some cache in the fact that the county wanted to co-locate with us, because there are other regional dispatch centers in area. The County visited and evaluated them all but ultimately chose CVD.

Mayor Renda reported that she spent the day in Columbus yesterday with the Mayors and Manager's Association where they met with legislators and with Chief Justice O'Donnell. The most interesting thing to her was that the president pro tem of senate came to speak to their group. She stated that he understands that we are all upset that we have lost some money, especially local government funds. No one will address the loss of the estate tax because they think that is a bad policy but they also will not talk about replacing that money at all. It does not seem to matter that it was a big part of our capital budget. Mayor Renda stated that the president Pro Tem thought that that loss has been made up for with our share of the casino winnings. They actually think that we are getting a share of the gambling revenues and that we are whole. She stated that she talked to one of the senators about educating them about how much money we have lost and what that means to our communities, but the senator said that we can present facts, but if he does not trust us, he is not going to trust our facts, which was very discouraging. Mayor Renda stated that she asked him then what we should do. He had no answer to that.

REPORTS OF COMMITTEES

Roads & Safety Committee

Ms. Sturgis reported that the Roads & Safety Committee met on March 30, 2016. She stated that she wanted Council to be aware of the Committee's discussion about the rapid response they receive from the Service Department and Administration to address concerns. Ms. Sturgis reported that Chief Wyant mentioned the increase of police presence during the RNC (July 15-25). Street Sweeping was discussed which there will be a motion for tonight. The 2016 drainage and culvert program is still being developed. The next meeting is scheduled for April 27, 2016.

Ms. Sturgis made a motion seconded by Mr. Richman to confirm that an application was made by the Mayor and Service Director to NEORSD for community cost share funds in the amount of \$8,705.00 to complete street sweeping throughout the Village of Moreland Hills as allowed per the community cost share Ordinance 2013-27 passed by the Village on August 14, 2013 and adopted by the regional sewer district on October 8, 2015.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

BZA

Mr. Stanard stated that in the explanation for Ordinance 2016-19, Mr. Fritz explained a lot of what the BZA and Planning Commission has been engaged in over the past month. He reported that the BZA met on March 28, 2016. The only item on the agenda was for a garage addition which required a variance because of a non-conforming front setback located at 65 Fircrest; the variance was granted. The next regular meeting will be on April 25, 2016.

Planning Commission

Mr. Stanard reported that the Planning Commission met on March 28, 2016 immediately after the BZA meeting. The garage addition and master suite addition at 65 Fircrest was the first item on the agenda and was approved. The proposed new Blauschild residence on Sublot 4 in Moreland Mews was approved with the stipulation that they only have 2 roof pitches. The Hodgson residence on Berkeley presented a revised garage plan to add a third bay, which was approved. The application for Cru Restaurant to be located at 34300 Chagrin was discussed at length, specifically entrances off SOM relative to the traffic, the number of parking spaces, the requirement and the process by which the parking spaces are approved, and the floor plan and interior. In the near future they will be applying for a variance for the height of a tower (cupola) on the building because it will exceed the total allowable height requirement. The fire safety access off Chagrin Blvd was also discussed at length, as was the storm and sanitary sewer system availability, tree removal, and a gas emergency generator. The plans were ultimately approved, contingent upon 4 items; that the height variance for the cupola be granted, that the building plans be finalized and approved, that the final site plan be approved by the Village Engineer, and that the parking assessment is determined to be valid. The next regular meeting will be on April 25, 2016.

Joint Council-Planning Commission Meeting

Mr. Stanard stated that after BZA and Planning Commission meetings, they had a joint Council-Planning Commission meeting on March 28, specifically to discuss the proposed zoning code changes that were discussed earlier tonight (Chapter 1159; U5 Zoning District). This will be discussed further at the next Planning Commission meeting on Monday, April 25.

Facilities Committee

Mr. Sherck reported that the Facilities Committee met on March 30, 2016. There was a continued discussion of the Village Hall foyer, and which Mr. DeWater will meet with Pat Thornton on. It was decided to separate the sidewalk replacement from this work and do it at a later time. There were a few repairs done in the Police Department. The Fire Inspector performed an inspection of the Village campus buildings and everything passed, however there were just a few minor things to be corrected at the Police Department. The HVAC controls contract for the Service Department was renewed in the amount of \$3,388.00. The County Board of Health representatives met with the Mayor and Mr. Filarski to bring them up to date on their continued inspection and data gathering in the WEB area. They are also going to gather details for the cost of replacement of the systems that are failing or an option for sanitary sewers, all of which will be provided to the residents. The Service Department is going to take care of the maintenance of the generator, and will only call the contractor for any work they cannot perform. The Greentree pump station is working efficiently. The Village Hall pump failed and was replaced by a new one in the amount of \$3,600.00. A new pump was also installed at Winterberry Pump Station in the amount of \$8,000.00. He stated that Mr. DeWater informed them that most of these pumps were originally installed between 2002 and 2004, and the average life of the pump is only 8 years. One bridge at Forest Ridge has been completed and the committee was shown pictures of it. The Service Department is going to wait until June or July,

when the weather breaks, to replace the other one so that the trails are not damaged. The trails are currently open. The next meeting is schedule for April 27, 2016.

Mr. Buczek made a motion seconded by Ms. Sturgis to allow the Mayor and Service Director to negotiate with Sixmo Inc. for design development, project bidding, and contract administration for the town hall entranceway remodeling project.

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 allow the Service Director to develop specifications and advertise for bids for various roof repairs on the Police and Town Hall buildings.

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. Stanard to allow the Mayor to purchase pump station telemetry equipment from Bergren and Associates in the amount of \$21,939.20. This will allow for all the Village's sewage pump stations to have real time monitoring.

Currently out of the 8 pump stations, only 2 have telemetry that sends information back to us. This will prevent the Service Department from having to come out in the middle of the night if they get a call.

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. Richman to pay the invoice for our annual dues for 2016 for the Chagrin Southeast Hazmat Response Team in the amount of \$3,500.00. This is a "then and now" expense.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resident Concerns

Mr. John Everard of Giles Road wanted to address Council concerning residents not respecting the speed limit on his street. He has spoken to Chief Wyant about this issue numerous times. The Chief has done all he can; he has had officers sitting on the street but it does not seem to be helping. They have offered to sit in his driveway, but of course people slow down when they see the officers and he stated that he understands that the police cannot sit there all day, every day. Mr. Everard stated that he would like to suggest putting speed bumps in, however he does not know the specifications of getting it done. He fears that someone is going to get hit and/or killed, in fact he has had 3 of his cats hit in the last few years, one of which died. People are afraid to walk on his street now because of this. Mr. Everard stated that he believes it is some of the newer residents on the street that seem to be the ones speeding.

Mr. Fritz stated that he had the same problem in his neighborhood and the police presence helped and he also suggested starting a neighborhood email chain to remind everyone to slow down, in a non-confrontational way. He stated that there are some community efforts that can be done.

Mayor Renda stated that she understands Mr. Everard's concerns and stated that she has stopped walking her dogs in her neighborhood for the same reason. She stated that she understands that it is frustrating and informed Mr. Everard that this will be discussed at the Roads & Safety Committee meeting and they will get back to him.

Miscellaneous

Mr. Richman informed everyone of the joint meeting of Mayors, Council, and the Board of Education is on May 5 at 8:00am at the Pepper Pike Learning Center. They will be discussing the state report cards and an update regarding the finances. He stated that it is a good way to get to know the neighboring communities' council members.

Mr. Richman informed Council that since he missed last month's meeting, he should not have made the motion to approve the minutes tonight and so he needs to withdraw that motion.

Ms. Sturgis made a motion seconded by Mr. Stanard to approve the minutes of the Regular Council Meeting of March 9, 2016.

ROLL CALL:

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

NAYS: None

ABSTENTIONS: Mr. Richman

MOTION CARRIED

Mr. Buczek informed Council that he will be out of town for 3 weeks, but he will be back in town for the Committee of the Whole Meeting in May. Mr. Sherck will cover the April Facilities Committee Meeting for him.

Mr. Buczek made a motion seconded by Mr. Stanard to adjourn the Regular Council Meeting at 8:00pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 8:00pm.

Attest:

Sherri Arrietta, Clerk of Council

Steve Richman, Council President