

REGULAR COUNCIL MEETING  
June 14, 2017  
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

Mayor Renda asked if there were any additions or corrections to last month's meeting minutes. Mr. Richman stated that on page 10, the first paragraph under Ordinance 2017-31, "purchases" should be "purchased."

Mr. Buczek made a motion seconded by Mr. Stanard to approve the minutes of the Regular Council Meeting of May 10, 2017, as amended.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Reports from the Mayor and Other Municipal Officials**

**Finance**

Mr. Shah did not have a report.

**Police**

Chief Wyant thanked Mayor and Council for their full support for the Third Annual Community Kids Fishing event that was held this past Saturday. It was a big success and had more kids than last year. He stated that he has heard a lot of positive comments about the event.

Mr. Fritz stated that he has taken his daughter in the past and said what a great event it is and that he feels that it represented the community well. He commended the Police Department on the well-organized event.

Mayor Renda stated that she also wanted to thank the Service Department for their efforts in helping to set up for and clean up after the event. Council gave their thanks as well.

Chief Wyant stated that he has already posted a “thank you” to all who helped with the event on the Police Department Facebook page.

**Law**

Mrs. Lane informed Council that 201.4 retainer hours were used through April; she does not have the May hours yet, but she believes they are keeping a good pace with the 500-hour cap.

**Engineer**

Mr. Filarski did not have a report.

**Service**

Mr. DeWater did not have a report.

**Mayor**

Mayor Renda did not have a report.

**REPORTS OF COMMITTEES**

**Roads & Safety Committee**

Mr. Fritz reported that the Roads & Safety Committee met on June 6. He stated that he will have two motions to make as part of this report. He touched on a few highlights from the meeting. All patching for the Road Program has been complete; Specialized Construction did a good job. Kudos to the Service Department for assisting with the less extensive road repairs which helped save the Village money. The rest of the road program will take place over the next few weeks, which includes, chip sealing, crack sealing, and surface rejuvenation where applicable. Bids for the 2017 Culvert & Drainage Program were received on June 2 with Longo Sewer being the lowest and best bidder, for which there is legislation on the agenda tonight.

Mr. Fritz stated that Mr. Filarski had requested that informal bids for pavement marking be solicited. Aeromark was the sole bidder in the amount of \$22,199.78. Mr. Filarski did do some comparisons with other ODOT projects to determine that the price is in line with the market rate.

Mr. Fritz made a motion seconded by Mr. Richman to accept an informal bid for pavement marking in the Village from Aeromark, the sole bidder, in the amount of \$22,199.78, which was determined through ODOT project scope and cost comparisons, to be in line with the market rate.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz further reported on the committee meeting and stated that the Police Department replacement vehicle is on order. Training efforts continue to ensure that all officers receive the required 20 hours annually. He stated that the Service Department update included a discussion over the hazardous tree program, specifically the fact that they have come to realize the significant cost associated with this program. Mr. DeWater has looked at other communities to inquire how they have offset the cost. Some communities will remove a tree in the right of way, but if it is located in an improved area of landscaping, they will require that the homeowner bear the cost of the tree removal. No decisions have been made; we are just trying to look at options. This leads us to the second motion that needs to be made.

Mr. Fritz made a motion seconded by Mr. Richman to allow the Service Director to develop specifications for the removal of hazardous trees and processing of materials throughout the Village of Moreland Hills, and solicit informal quotes or advertise for competitive bids.

**ROLL CALL:**

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

**NAYS:** None

**MOTION CARRIED**

The last item discussed was the joint purchase of a mini excavator with Orange Village which is a very good example of communities working together to keep costs down, for which there is legislation on the agenda tonight.

The next scheduled meeting is August 1, 2017.

**Facilities Committee**

Ms. Sturgis reported that the Facilities Committee met on June 6. A few items regarding building maintenance was discussed. The Village Hall basement flooded which in turn required that drywall be removed, drains to be snaked, and two locations still have to be dug up to determine a repair plan. The Woodland Glen pumps are not turning off as designed. Mr. Filarski consulted an expert; repairs were made based on his recommendations. The community garden area was rototilled but it is currently not being used. Discussions of potential usage for that area will continue. The County Health Department continues to test the septic systems in the WEB area; to date, nine (9) properties were tested, and seven (7) of those have failed. The nine properties were those previously identified as areas of concern. The Board of Health is also in the process of following up with the properties that have not been tested yet. The Historical Society reported on the two events they held; on May 20<sup>th</sup> they had docent training and a pot luck lunch and on June 3<sup>rd</sup> they held the Garfield Cabin Open House and had about 80 visitors attend. They shared their thanks to the Service Department for the well-maintained yard. The next Facilities Committee meeting is scheduled for August 1, 2017.

Mr. Fritz stated that he forgot to mention in his report that Mr. DeWater did bring up a possible use for the community garden area as a mini nursery so that the Village could then replace the trees that are cut down as part of the Hazardous Tree Program.

Mr. Stanard asked about the piping that is outside Village Hall right now. Mr. DeWater stated that until the Service Department can dig up the entrance corner, he did not want to put the water back down in the floor drains because the gutter pipes are in bad shape and so he is trying to prevent adding unnecessary water to that area. Mr. Stanard asked if the pipes can be buried and left there permanently. Mr. DeWater stated that they can, but that first he needs to figure out why the water is coming in on that side of the building. The pipes were re-done and changed to PVC around 1998, but there is a drain under the old well house, down the side of the building where a pipe could not be replaced which is probably where the problem stems from. He stated that Pepper Pike will come with cameras on Friday and televise it so the problem can be identified.

Mayor Renda informed Council that Vickie Murfello, Service Assistant, has also taken on the job of Landscape Manger, so she should also be complimented on the great appearance of the grounds. She stated that she has been planting all the flowers and plants around the Village campus and is doing a great job.

### **BZA**

Mr. Stanard reported that there were no items on the agenda for BZA this month.

### **Planning Commission**

Mr. Stanard reported that the Planning Commission met on June 5, 2017. The agenda consisted of the following which were all approved: a lot consolidation at 37410 Chagrin Blvd., an addition/renovation at 140 Sterncrest, an addition/renovation at 50 Old Farm Road, an addition at 41 Old Plank Lane, and a new dwelling at 35950 Jackson Road which required some modifications to be made to the drawings, and was approved contingent upon the final review and approval of the Village Architect and Village Engineer.

The was also a Public Hearing for the preliminary development plan for Moreland Commons, located on Chagrin Blvd, which was the first time they were able to exercise the rights of the new Chapter 1159, the U-5 Chagrin Northwest Residential and Planned Development Conservation District. Omni Development, along with their architect, designers, and engineers, gave a 45-minute presentation that included slides and photographs. The Planning Commission then entertained comments from the public; only a few residents out of the full audience made comments. The proposed plan included 59 structures, 18 of which are townhouses. The chapter allows 4 units per acre which would equal up to 80 structures, therefore their plan contains well under that amount which was looked upon favorably. The open space requirement was a critical one. Twenty percent of open space was mandated and the proposed plan has over forty percent. They are leaving a large ravine in the center of the property that extends out to Chagrin Blvd. and to the end of the property, which will be left entirely untouched, just like the borders on the east and west sides. Mr. Stanard encouraged Council to look at those plans, which are available in the Building Department. The Planning Commission did have some concerns that the townhouses are too large and that they back up to Chagrin Blvd. The concept was that that was the public/common area, and the structures were built around that area. Another concern were the front facing garages at the front part of the single-family dwellings and the access drive, which face Chagrin Blvd. There is a mound and landscaping planned for that area, however, the Planning Commission still

did not feel completely comfortable with that. The Planning Commission has asked Omni to look at and consider their concerns.

Mr. Stanard thanked the administration and the Building Department for cutting the meeting time in half, by deferring a few items to an additional meeting scheduled for June 19. This will also afford the Omni Group the opportunity to come back sooner with remedies to the Planning Commission's concerns. Two of the zoning code amendments will be on the agenda that night as well; Medical Marijuana and the Sport Court Lighting.

Mr. Buczek commented that he felt the Planning Commission handled the public meeting well and did not miss a thing. Council concurred.

## **ORDINANCES AND RESOLUTIONS**

### **Ordinance 2017-21 (Second Reading) - Introduced by Mr. Fritz**

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE PLANNING AND ZONING CODE AND THE BUILDING CODE REGARDING THE LIGHTING OF OUTDOOR SPORTS COURTS.

Mr. Fritz stated that this ordinance will be discussed further at the Planning Commission meeting on June 19. A lighting expert, Ron Friedman, will be in attendance to help with the discussion. Mayor Renda stated that Mr. Friedman was recommended by a resident who is a developer and he has quite a list of credentials as well as a business in the area.

Mr. Fritz made a motion seconded by Mr. Stanard to place Ordinance 2017-21 on Second Reading. Mr. Richman stated that he would like to see Section F3 Time Restrictions in the final draft. Mayor Renda stated that that still needs to be discussed further; some Planning Commission members wanted stricter restrictions and others wanted less strict restrictions. She stated that the Planning Commission will determine what it is that they want to recommend to Council and then the proper procedure is that it will come back to Council to make the final determination.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

### **Ordinance 2017-22 (Second Reading) - Introduced by Mr. Buczek**

AN ORDINANCE ENACTING NEW SECTION 1151.21, "SPECIAL PROVISIONS FOR WILTSHIRE, ELLENDALE, AND BERKELEY," AND AMENDING AMENDING SECTION 1151.07(F), "MINIMUM SETBACK REQUIREMENTS," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS REGARDING NONCONFORMING LOT CONDITIONS.

Mr. Buczek stated that many of the lots in the WEB area are quite small. The intent is to encourage consolidation into larger lots without requiring a variance and to prevent large houses on small lots. It will help maintain the character of the neighborhood. Mr. Stanard added that this was born from the Master Plan Committee and that Northstar did a great job of creating a well-written, sensible ordinance.

Mr. Buczek made a motion seconded by Mr. Stanard to place Ordinance 2017-22 on Second Reading.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2017-30 (Second Reading) - Introduced by Mr. Fritz**

AN ORDINANCE AMENDING CHAPTER 1171, "GENERAL USE REGULATIONS" OF THE PLANNING AND ZONING CODE OF THE VILLAGE OF MORELAND HILLS BY ENACTING NEW SECTION 1171.25 "PROHIBITION OF MEDICAL MARIJUANA ENTITIES."

Mr. Fritz stated this will be on second reading and will be going back to the Planning Commission on June 19. He stated that we have had several discussions already and Planning Commission has recommended it back to Council, however, in an effort to keep all three ordinances requiring a public hearing together and to save money on advertising for it, we will place this one on second reading again.

Mr. Fritz made a motion seconded by Mr. Buczek to place Ordinance 2017-30 on Second Reading.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2017-33 - Introduced by Mr. Fritz**

AN ORDINANCE EXTENDING THE MORATORIUM ON APPLICATIONS FOR THE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF MEDICAL MARIJUANA AND DECLARING AN EMERGENCY.

Mr. Fritz stated that Council passed a moratorium in December for a 6-month period, which will expire tonight therefore Council needs to renew it for another 6 months while the other ordinance is still in a holding pattern.

Mr. Fritz made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2017-33.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Buczek for passage of Ordinance 2017-33.

Mrs. Lane informed Council that if the full 6 months is not needed, there is a clause that states “or to such time as a permanent ordinance is enacted...”

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2017-34- Introduced by Mr. Fritz**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LONGO SEWER CONSTRUCTION, INC. FOR THE 2017 CULVERT AND DRAINAGE PROGRAM AND DECLARING AN EMERGENCY.

Mr. Fritz stated that as mentioned in his report earlier, bids were received for the Culvert and Drainage Program on June 2. The bid prices ranged from \$108,958 to \$124,350. Longo Sewer Construction was determined to be the lowest and best bid for \$108,958.

Mr. Fritz made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2017-34.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Richman for passage of Ordinance 2017-34.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2017-35- Introduced by Mr. Fritz**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR THE 2017 CULVERT AND DRAINAGE PROGRAM AND DECLARING AN EMERGENCY.

Mr. Fritz stated that residents pay stormwater fees as part of their sewer bill; 25% of those fees are going into a fund to help municipalities facilitate projects. Our Village Engineer applied for assistance from that fund, and was granted \$48,000. The total cost of the project is \$108,958, bringing the amount the Village has to pay down to \$60,958. Mayor Renda stated that she feels that Mr. Filarski did a fantastic job on this. Council agreed. Mr. Filarski thanked everyone but stated that they should also thank Mr. Shah for staying on top of him to find funds for projects.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2017-35.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Stanard for passage of Ordinance 2017-35.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2017-36- Introduced by Mr. Richman**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ORANGE VILLAGE FOR THE JOINT PURCHASE AND OPERATION OF A MINI EXCAVATOR, AND DECLARING AN EMERGENCY.

Mr. Richman stated that this ordinance is yet another example of regionalism and cost management. The total cost of the mini excavator is \$50,756.20, with the Village's share being half that amount (\$25,378.10). Also attached to the ordinance is the agreement, which spells out divisions of responsibility concerning the purchase process, maintenance, and operations. The agreement is for 10 years, but either village can remove themselves early from the agreement with a one-year notice, and it includes a prorated allocation of the value of the equipment at that time.

Mr. Richman made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2017-36.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Stanard for passage of Ordinance 2017-36. Mr. Stanard stated that he feels that since this piece of equipment is not always needed, it is good idea to share. Mr. Richman added that the operating costs during the year are based on an allocation of prorated hours used. Mr. Buczek asked Mr. DeWater what this equipment is used for. Mr.



DeWater explained that he has been renting mini excavators for 10 years, and in the past 5 years, has spent over \$11,000 doing so. He stated that he uses them in Forest Ridge and to maintain the area behind the West Juniper drainage easement; it is quicker and does less damage to the area.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2017-37- Introduced by Mr. Richman**

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A PERPETUAL DRAINAGE EASEMENT FROM CAROL SIMECEK, TRUSTEE, FOR THE CONSTRUCTION, OPERATION, MAINTENANCE AND REPAIR OF A STORM SEWER AND APPURTENANCES UPON THE PROPERTY KNOWN AS 3829 WILTSHIRE ROAD, AND DECLARING AN EMERGENCY.

Mr. Richman stated that as part of the culvert and drainage program, occasionally there are areas that are not in our right of way that we need to access to install storm sewers, storm sewer lines, other drainage control, which requires an easement. This area was highlighted as a necessary one by the Village Engineer. It is a perpetual easement, which means “forever” unless it is agreed that both parties no longer need it.

Mr. Richman made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2017-37.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Buczek for passage of Ordinance 2017-37.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Resolution 2017-38- Introduced by Mr. Sherck**

A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET OF THE VILLAGE OF MORELAND HILLS FOR THE FISCAL YEAR 2018 AND DECLARING AN EMERGENCY.

Mr. Sherck stated that this is the annual budget that sets the property tax rate for the Village for the year of 2018. This document is used to justify the need for the Property Tax revenues received by the Village based on the current maximum Charter millage of 4.3 mills in the General Fund and 3.0 mills in the Police Levy Fund.

Mr. Sherck made a motion seconded by Ms. Sturgis to suspend the rules for Resolution 2017-38.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Sherck made a motion seconded by Ms. Sturgis for passage of Resolution 2017-38.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2017-39- Introduced by Mr. Sherck**

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

Mr. Sherck stated that the amendment is a combination of principle and interest on the OPWC loan, which is an adjustment to bring those amounts in line with the actual invoice received for the annual OPWC loan payment. The other entry is the normal housekeeping transfers from the General Fund.

Mr. Sherck made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2017-39.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Sherck made a motion seconded by Mr. Buczek for passage of Ordinance 2017-39.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Miscellaneous**

Mayor Renda encouraged all Council members to attend the Planning Commission Meeting on Monday at 6:00pm. She feels that it is very helpful to see this project evolve and very clarifying to have Omni explain what it is that they are trying to achieve. The chapter was written so that the Planning Commission does the “heavy lifting” on this issue and they have taken that very seriously. It would be good for Council to get familiar with their concerns so that they can fully understand the process when it comes before them.

Mr. Buczek made a motion seconded by Mr. Stanard to adjourn the Regular Council Meeting at 7:54pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 7:54pm.

Attest:

---

Sherri Arrietta, Clerk of Council

---

Dan Fritz, Council President