

REGULAR COUNCIL MEETING

June 8, 2016

MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Renda at 7:06pm, in the Village Council Chambers.

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

ABSENT: Mr. Fritz

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,

**Stan Sirk – Proclamation**

Mayor Renda spoke about Stan Sirk, Service Department Foreman who recently retired. She stated that Mr. Sirk worked for the Village for 32 years and retired at the end of April. He is missed every day. Mayor Renda stated that since Stan has been such a wonderful part of our lives for such a long time, she wanted to present him with a proclamation tonight. At this time, Mayor Renda read Mr. Sirk's Proclamation.

Mr. Sirk stated that 32 years went by quickly but that there were a lot of good times. He stated that he worked with a lot of good residents, Mayors and Council Members. Mr. Sirk stated that working here was great and he is sorry to leave it.

Mayor Renda stated that in going through Mr. Sirk's personnel file today she enjoyed seeing the progression in his family and that it feels wonderful because we all feel like family here at the Village, and we are going to miss one of our family members. Mr. Bob Cooke, Service Department employee, stated that he and Stan started working here at the same time and that they have known each other their whole lives. He stated that Stan has been a good friend and that he will miss him. Mr. Cooke stated that he is happy for Stan and congratulated him.

Mr. Richman informed Mr. Sirk that Council has a gift for him and stated that on behalf of Council, it has been a pleasure working with Stan and he appreciates his dedication over the years.

Mr. Stanard made a motion seconded by Ms. Sturgis to approve the minutes of the Regular Council Meeting of May 11, 2016.

ROLL CALL:

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

NAYS: None

ABSTENTIONS:

MOTION CARRIED

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

### **Mayor**

Mayor Renda stated that she received an email from resident Sam Steinhouse who asked that it be shared with Department Heads and Council. At this time she read the email: "The last newsletter talked about the results of the weekly recycling experiment and the decision to keep it and reconfigure the pick-up schedule. The whole project is a great example of process analysis normally seen in industry but not the government sector. The end result is better service to the residents, expanded recycling which benefits our environment, and more efficient use of Service Department resources that will deliver more value to the Village. Please pass my congratulations on to the Village staff that did this great work."

Mayor Renda congratulated the Village staff and stated that it was mostly headed up by Mr. DeWater, our Service Director, and that it really was a good process.

### **Police**

Chief Wyant did not have a report.

### **Engineering**

Mr. Filarski did not have a report.

### **Finance**

Mr. Shah did not have a report.

### **Service**

Mr. DeWater reported that the residents have received the mailer informing them of the new rubbish/recycle routes and stated that by eliminating one pick up day a week, it will save the Village money. He also informed Council that the Govdeals auction for the pick up truck closed and the Village received \$8,600 for it, which was a little more than anticipated.

### **Law**

Mrs. Lane did not have a report.

## **REPORTS OF COMMITTEES**

### **Facilities Committee**

Mr. Buczek reported that the Facilities Committee met on May 25, 2016. He stated that one item worth mentioning is the potential to install sewers in the Wiltshire, Ellendale, and Berkeley area. Mr. Filarski is going through a process now to determine the cost of a sewer system. Mr. Stanard asked whether Mr. Filarski is pursuing a course prescribed by the Board of Health. Mr. Filarski stated that it is prescribed by the Board of Health and our stormwater department, which is Ohio EPA. He stated that he will be getting information together regarding the options; either staying

with septic systems or installing public sewer and will provide that information to Council. The June Facilities meeting has been cancelled; the next meeting is schedule for July 27, 2016.

### **Roads & Safety Committee**

Ms. Sturgis reported that the Roads & Safety Committee met on May 25. The Police Department has completed their schedule for the RNC; staffing will be increased. Street sweeping is completed and approximately 25 tons of material was collected. The Village will receive reimbursement from the Regional Sewer District as part of the Community Cost Sharing program. The rubbish/recycling route change postcards have been mailed out and received by residents. She stated that of the residents she has spoken to about it, they are all on board with the new schedule. The Community Kids Fishing Day will be on June 18<sup>th</sup> from 10:00am to 1:00pm at Potts Pier. There will also be legislation for the Culvert and Drainage program tonight; bids were received on June 3. The June Roads and Safety meeting has been cancelled; the next meeting is schedule for July 27, 2016.

### **BZA**

Mr. Stanard reported that the BZA met on May 23, 2016. There were four items on the agenda; Mr. Rick Rule-Hoffman at 36960 Chagrin was granted a variance for a pool. He had appeared previously with plans for a circular pool which would have required a substantial variance and therefore the item was tabled. Mr. Rule-Hoffman ultimately purchased a new, rectangular pool and resubmitted the revised plans which minimized the variance dramatically, therefore the Board voted in favor of it. The Talisman Residence at 202 Meadowood Lane requested an area variance for a backyard wall which per our Code, shall not exceed 18 inches. Mr. Stanard stated that he believes when that was drafted, it was meant to keep large obstructions from being visually displeasing, however lately a lot of residents are decorating their patios and want a brick or stone edge to double as bench seating. For that reason, the Talisman's requested that they be allowed to create a 36 inch decorative patio/seating wall, which the Board granted. The Austria Residence at 36030 Chagrin Blvd. requested essentially the same type of area variance however they only asked for a 6 inch variance, which was also granted. Later this evening, Council will look at an ordinance that will change that height requirement to allow for these types of requests. Lastly, the Miller Residence at 10 Falls Creek requested an area variance to have a third accessory structure for garden equipment storage (they currently have a garage and a pool equipment building), which was granted. The next regular meeting will be on June 27, 2016.

### **Planning Commission**

Mr. Stanard reported that the Planning Commission met on May 23, 2016 immediately after the BZA meeting. The first two items were ones that were also on BZA; the Austria Residence for the patio/pergola, which was approved and the Miller Residence for the third accessory structure, which was also approved. The Voss-Hoynes Residence at 3785 Wiltshire wanted to replace an older, dilapidated accessory structure with a new one, which was approved. The Ungar Residence at 32000 Jackson Road applied to be able to access their property off of Sterncrest; currently their house, which sits on a corner, faces Jackson and their driveway comes in off Jackson Road. This was discussed in great deal with comments from a neighbor being heard as well, and the Commission thought it was a reasonable request and approved it. Chagrin River Development at 551 Chagrin Blvd. requested to have a monument sign for their Chagrin Bluffs Subdivision; it is

a stone and wood structure with lettering that indicates the name of the development. The sign was approved. Cru Restaurant requested and was granted a lot consolidation of 4 parcels into one (at the corner of SOM and Chagrin Blvd.). The final item on the agenda was the discussion about proposed Chapter 1159, which is also on the agenda tonight (Ordinance 2016-19). There was a robust discussion that included input from several residents, including Mr. Richman. Erin Dweik had sent some questions and the answers were presented, Ron Janke, former Planning Commission member, also submitted some comments which were made part of the record, and a document from Meleca Architects, who is an interested outside party, that provided some information and suggestions regarding PUD's. The Planning Commission made a recommendation, subsequent to a previous recommendation that Chapter 1159 be approved with the following conditions or changes that were made at the May 23 meeting:

- Allow 4 units per acre, as was written in the original draft;
- The elimination of any commercial activity from Chapter 1159;
- The Open Space requirement remain at 20%;
- Add a statement, requiring additional drawings and information relative to the size and scale and architectural flavor of the project at the preliminary submission and require the applicant to perform the calculation that would enumerate the number of dwelling places that could be established on that PUD;
- Require a tree survey as part of that preliminary submission.

Mr. Richman stated that he was impressed with the depth of the discussion and the consideration of comments that were brought to the Commission, whether pro or con. He stated that it was a very well-run meeting. Ms. Sturgis asked whether the storm water run off was discussed and what the effects of it would be as it relates to the 20% of green space that remains. Mr. Filarski explained that anything would have to conform to our Storm Water Management Ordinance, so that does not change.

The next regular meeting will be on June 27, 2016.

## **ORDINANCES AND RESOLUTIONS**

### **Ordinance 2016-19 (Second Reading)– Introduced by Mr. Stanard**

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. Stanard stated that this will be placed on second reading again tonight. The Planning Commission made additional recommendations which he summarized briefly earlier tonight. The items were very thoroughly discussed and there was a lot of feedback and discussion amongst the members. Items of discussion included comments submitted by Meleca Architects, Steve

Richman, Erin Dweik and Ron Janke, as mentioned on page 7 of the Planning Commission minutes as well as a recap of the recommendations made, on page 13 of the Planning Commission minutes. All of which have been included in the most recent draft Chapter 1159, which Council was provided with.

Mayor Renda reminded Council that this will remain on second reading. Council will have a Public Hearing on June 28<sup>th</sup> and after that, they will consider incorporating any other changes suggested by residents or other interested parties, then Council will be asked to pass it at the Regular July Council meeting.

Mr. Richman stated that his preference was 3 units per acre and 25% open space. Mr. Richman stated that someone brought up the point that part of the common area can include non-buildable areas. He asked if it was possible to consider reducing part of the common areas that are unbuildable based on our regulations, from the formula. Mr. Filarski explained that the way our Code is written for protected areas like hillside and riparian areas, development is not necessarily prohibited in those areas if certain procedures are followed. Those areas are not set aside for non-development currently so doing that would be different than what we do now. Mrs. Lane explained that the PD was meant to be a flexible process; some things may not be known until later in the review process. Mr. Filarski stated that he agrees with Mrs. Lane and explained that when planning the layout of what will be built, you look at the whole picture; if some trees will be removed but additional ones are planted, you end up with the same result. It is a dynamic process and you have to be flexible but also have controls over it. Mrs. Lane stated that she has also seen developers put together a proposal in which they will exceed the minimum open space requirement but she thinks that by further restricting the calculation may be more of an incentive for a developer to submit plans at the minimum amount. Mr. Filarski stated that quality open space is more important than quantity; just because you have a higher percentage, does not mean it is quality space.

Mr. Richman asked if it is possible if the modification provisions allow a developer to go to certain percentage, if their plan shows harmonious character. Mrs. Lane explained that the modification provision specifically states that the density can not be increased. The modifications provision could further call out things that are non-negotiable. Mr. Stanard stated that the section in the chapter that defines common open space requirements gives the Planning Commission some latitude because it states that it “shall be located and designed to the satisfaction of the Planning Commission.” He stated that there are other requirements and tools to negotiate with, which is essentially what he feels the chapter was working toward.

Mr. Stanard stated that he also wanted to mention that a Planning Commission member had also wanted a requirement added into the chapter that includes diversity in the structures, so that there

are not numerous amounts of the same one; this was also added in the most recent revisions to the Chapter.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2016-19 on second reading.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2016-20 (Second Reading) – Introduced by Mr. Stanard**

AN ORDINANCE ADOPTING THE 2016 COMPREHENSIVE LAND USE PLAN AND DECLARING AN EMERGENCY.

Mr. Stanard stated that Council is familiar with this plan and that no recent changes have been suggested by the Planning Commission.

Mr. Stanard made a motion seconded by Ms. Sturgis to place Ordinance 2016-20 on second reading.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2016-23– Introduced by Ms. Sturgis**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LONGO SEWER CONSTRUCTION INC. FOR THE 2016 DRAINAGE REPAIR PROGRAM AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that five (5) bids were received on June 3. The bid amounts ranged from \$57,000 to \$68,805, with Longo Sewer Construction, Inc. being the lowest at \$57,000.

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2016-23.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Buczek for passage of Ordinance 2016-23.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2016-24**– Introduced by Mr. Richman

AN ORDINANCE AMENDING SECTION 123.01, “METHOD OF PUBLIC NOTICE,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS AND DECLARING AN EMERGENCY.

Mr. Richman stated this will amend the current method of notification in two ways; it removes the requirement of posting the notices in the box in the parking lot and it allows that a summary of the ordinances and resolutions can be posted on the website instead of a full copy of each.

Mr. Richman made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2016-24.

ROLL CALL:

AYES: Mr. Buczek, 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 2016-24.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2016-25**– Introduced by Mr. Stanard

AN ORDINANCE AMENDING SECTION 1151.13(P)(2) “FENCES AND WALLS IN REAR YARDS,” AND SECTION 1345.02, “FENCES AND WALLS IN REAR YARDS,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO REGARDING THE MAXIMUM HEIGHT OF DECORATIVE WALLS IN REAR YARDS.

Mr. Stanard stated that as mentioned earlier, the BZA has been receiving a lot of applications requesting to have the rear yard decorative wall height requirement increased in order to allow

bench seating on rear patios. This ordinance will increase the maximum allowable height from 18 inches to 36 inches.

Mr. Stanard made a motion seconded by Mr. Buczek to placed Ordinance 2016-25 on first reading.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2016-26– Introduced by Mr. Stanard**

AN ORDINANCE AMENDING SECTION 1153.19(B) “OPEN SPACE REQUIREMENTS,” OF CHAPTER 1153, “OPEN SPACE CONSERVATION DISTRICT,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO.

Mr. Stanard stated this clarifies where the conservation easement will go to or who it will be drafted to. It will be required to be conveyed to a land trust or a third party (not the Village or a land owner) and this entity should have sufficient funds and resources dedicated to be able to sustain the conservation easement.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2016-26 on first reading.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2016-27– Introduced by Mr. Stanard**

AN ORDINANCE AMENDING SECTION 1157.07, “HEIGHT REQUIREMENTS,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO REGARDING THE MAXIMUM PRINCIPAL BUILDING HEIGHT IN THE U-2 RETAIL BUSINESS DISTRICT.

Mr. Stanard stated this ordinance will clean up the code and make the height requirement for the Business District consistent with that of the Residential Districts.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2016-27 on first reading.

ROLL CALL:

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

NAYS: None  
MOTION CARRIED

**Ordinance 2016-28**– Introduced by Mr. Sherck

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

Mr. Sherck explained the listed appropriations.

Mr. Sherck made a motion seconded by Stanard to suspend the rules for Ordinance 2016-28.

ROLL CALL:

AYES: Mr. Buczek, 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 2016-28.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Miscellaneous**

Mr. Stanard informed Council that Ordinances 2016-25, 2016-26, and 2016-27 will be required to have Public Hearings by both the Planning Commission and Council, which he failed to mention earlier.

Mr. Buczek made a motion seconded by Mr. Richman to adjourn the Regular Council Meeting at 8:05pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 8:05pm.

Attest:

---

Sherri Arrietta, Clerk of Council

---

Steve Richman, Council President