

REGULAR COUNCIL MEETING
October 11, 2017
MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Renda at 7:01pm.

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. Buczek made a motion seconded by Mr. Stanard to approve the minutes of the Regular Council Meeting of September 6, 2017.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resident Comments

No one was present wishing to speak.

Reports from the Mayor and Other Municipal Officials

Service Department

Mr. DeWater reported that Greening the Hills was another success. Eight and a half tons of paper was shredded but he does not have the weight for the hazardous materials that were collected as of yet. The service employees are working on plow equipment; two trucks are completed and one more will be complete next week. He stated that they are starting to blow leaves and get ready for winter.

Engineering Department

Mr. Filarski reported that the replacement of pavement on Creekview Circle is ongoing and so far, things are going well and he has not received any complaints from residents.

Police Department

Chief Wyant did not have a report.

Finance Department

Mr. Shah did not have a report.

Mr. Fritz asked Mr. Shah if he had an update on income tax collections. Mr. Shah stated that they are down by 11-12% (\$350,000) as of the last period of collection.

Mayor Renda informed Council that staff continues to talk about the budget and how best to cut costs, at the staff meetings every month.

Law Department

Mrs. Lane reported that the hours on the retainer through August were 331.9. She updated Council regarding the amendments to the traffic code. There was discussion a few months back about how the Code was amended in 2000 to make all offenses first-degree misdemeanors. It was discussed that it be changed to reflect the level of misdemeanors that are set forth in the state law. She stated that her office, in conjunction with the prosecutor's office, have spoken to Walter Drane, the codifier of our traffic code, and will be going through that process to change the code to have the appropriate misdemeanor for each offense. Walter Drane will include that in their annual services of updating the traffic code.

Mayor Renda stated that it was decided to do the updates to the traffic code first since it is such an overwhelming task. After that is complete, then the process will begin to go through and update the rest of the code, the building code in particular, to update any offenses within.

Mayor

Mayor Renda did not have a report.

REPORTS OF COMMITTEES

BZA

Mr. Stanard reported that the BZA met on September 11 and October 2. At the September 11 meeting, there was a request for an area variance for a new garage at 37605 Jackson, Brandon Residence. The original garage was front facing when it was built, however, our Ordinances have since been changed prohibiting them. The best option, preventing significant disruption to the hillside, was to allow them to have the new garage be front facing as well.

At the October 2 meeting, The Lund Residence received approval for an area variance for a fence that had been tabled previously. They originally wanted a 6-foot high fence that was 100% closed. Their neighbor was not in favor of it, but was willing to work with them to find a solution. Their second proposal was for a 5-foot high fence that was less than 50% open, which their neighbor was in agreement with. The Rasmussen Residence at 50 Farwood, was previously granted approval for remodeling, but when they performed the survey, it was discovered that the county's GIS system was a little bit off and they ended up needing a variance for 3.8 sq. ft., which was approved. The Koo Residence at 34000 Hiram Trail requested to split two lots into three lots, however that would make two of the lots non-conforming (1.6 acres and 1.8 acres). It was discussed at length and ultimately tabled until the next meeting. The next regular scheduled meeting is November 6.

Planning Commission

Mr. Stanard reported that the Planning Commission met on September 11 and October 2. At the September 11 meeting, approval was granted for the construction of the garage that had just been approved for an area variance on Jackson Road at the BZA meeting just prior. The Berger Residence at 62 Wychwood was requesting exterior renovations, which was approved. The Joseph residence at 25 Meadowhill Lane received approval for a new porch. The Schaffer Residence at 90 Quail Hollow received approval for a new 2-story addition with a patio. There were also two Public Hearings; Ordinance 2017-40 for solar energy systems and the Paris residence requesting a Conditional Use Certificate, both of which were both recommended to Council for approval and are on the Council agenda tonight. The new home at 50 Murwood, Nisar Residence, was tabled. There was a discussion regarding a discrepancy in the code; there is an ordinance on the agenda tonight which basically makes the BZA and Planning Commission approvals consistent with each other. Currently, BZA approvals allow the applicant 6 months to start the project whereas the Planning Commission approvals allow 12 months. The ordinance will change BZA approvals to also be 12 months.

At the October 2 meeting, the Davis Residence at 85 Sterncret requested a patio with a seating wall, which was approved. A new home was approved at 40 Laurel Court for the Immerman Residence. There was a Snavelly lot split/consolidation for the two owners at 309/311 Bentleyville Road, which was also approved. The next regularly scheduled meeting is November 6.

Facilities

Ms. Sturgis stated that Facilities Committee did not meet in September. The next regularly scheduled meeting is October 31.

Roads & Safety Committee

Mr. Richman stated that the Roads and Safety Committee did not meet in September. The next regularly scheduled meeting is October 31. He stated that he did have a motion to make.

Mr. Richman made a motion seconded by Mr. Fritz to allow the Village Engineer to develop specifications for the cleaning and televising of sewers throughout the Village of Moreland Hills, and advertise for competitive bids.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Paris Residence

38700 Jackson Road

Conditional Use Certificate –

Streambank Stabilization Project in a Riparian Setback

Section 1173.07(e)(2)(C)

Mr. Stanard stated that there was an application and public hearing held at the Planning Commission Meeting on September 11. The Paris Residence located at 38700 Jackson Road requested a Conditional Use Certificate of Section 1173.07 “Uses Permitted in Riparian Setbacks.” If someone needs to construct or modify, in any way, areas that are deemed a riparian setback, then it is required that they get a Conditional Use Certificate. The Planning Commission hears that request and refers it to Council for approval.

Mr. Stanard commended them for doing a project like this. Most applications before the Planning Commission are for adding on to a structure, building a new garage, or additions to a structure, while this resident is actually protecting the environment by doing a streambank stabilization project. They have noticed erosion over the years scouring away their slope by Wiley Creek. It is a rather extensive project, consisting of concrete blocks, stone, a significant amount of construction along the bank (about 213 feet), and adding on to an existing structure. It will be a major improvement to the environment.

Mr. Stanard made a motion seconded by Mr. Buczek to approve the Conditional Use Certificate for a streambank restoration project in a riparian setback at 38700 Jackson Road.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Stanard thanked Judge Paris and told her what an impressive project it was. He stated that their engineer made a great presentation at the Planning meeting and that her husband was also very knowledgeable about the project. He stated that the Paris’s have received approval from the Army Corp of Engineers, conditioned upon the Village’s approval.

Mayor Renda wanted to point out, before they move on to Ordinances and Resolutions, that the first ordinance should be on second reading, not third reading. There was not enough time to advertise for the Public Hearing after the Planning Commission referred it to Council. Also, since there will be another ordinance tonight that requires three readings, we will wait so that we can have one Public Hearing, on December 13, which allows us to be more efficient and more cost effective since we will only have to advertisement in the newspaper once.

ORDINANCES AND RESOLUTIONS

Ordinance 2017-40- Introduced by Mr. Stanard (Second Reading)

AN ORDINANCE AMENDING SECTION 1177.11(g), “SOLAR ENERGY SYSTEMS,” OF THE PLANNING AND ZONING CODE OF THE VILLAGE OR MORELAND HILLS.

Mr. Stanard stated that Council has looked at this ordinance twice already. It relates to granting access to firefighters and other first responders to a solar system on the roof. He suggested that Council read it in the coming weeks and learn the language that was added.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2017-40 on Second Reading.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-49- Introduced by Mr. Buczek

AN ORDINANCE AMENDING SECTION 1131.13, "DECISION OF THE BOARD OF APPEALS," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS REGARDING THE EXPIRATION OF BZA APPROVALS.

Mr. Buczek stated that Mr. Stanard described this ordinance well in his report this evening. It will increase the BZA approval period from 6 months to 12 months so that it is line with the Planning Commission approval period.

Mr. Buczek made a motion seconded by Mr. Stanard to place Ordinance 2017-49 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

Ordinance 2017-50- Introduced by Mr. Richman

AN ORDINANCE AMENDING SECTION 931.04(A), "SEWERAGE RATES" OF THE STREETS, UTILITIES, PUBLIC SERVICES AND ENGINEERING CODE OF THE VILLAGE OF MORELAND HILLS AND DECLARING AN EMERGENCY.

Mr. Richman stated that this amends the ordinance to add the rate that will be charged to Cru Uncorked restaurant, in the amount of \$3,138 per year. The amount was established by multiplying the usage by the rate that was previously established for commercial properties by ordinance.

Mr. Richman made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2017-50.

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 2017-50.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-51- Introduced by Mr. Richman

AN EMERGENCY ORDINANCE ENACTED BY THE VILLAGE OF MORELAND HILLS, CUYAHOGA COUNTY, OHIO HEREINAFTER REFERRED TO AS THE "MUNICIPALITY" THAT REQUESTS THE COOPERATION OF THE COUNTY OF CUYAHOGA, OHIO, HEREINAFTER REFERRED TO AS THE "COUNTY," IN THE MATTER OF THE HEREINAFTER DESCRIBED IMPROVEMENT.

Mr. Richman stated that this ordinance formally establishes the village's agreement with the county, for the county to replace structural components of the Chagrin River Road Willey Creek Bridge. The county will do the design and the construction, at their expense. The village will perform post-construction maintenance. The village's obligations are not many: to keep the bridge open to traffic and to comply with storm permits. The Village does have input and approval rights of the design.

Mr. Richman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2017-51.

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 2017-51.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resolution 2017-52- Introduced by Mr. Richman

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY TO THE OHIO PUBLIC WORKS COMING FOR A POTENTIAL GRANT FOR THE FUNDING OF CAPITAL INFRASTRUCTURE IMPROVEMENT PROJECTS IN THE VILLAGE OF MORELAND HILLS AND DECLARING AN EMERGENCY.

Mr. Richman stated that this allows the village to apply or a grant for the South Woodland slide project. It is for the engineering and the construction in the amount of \$600,000. The Village will ask for the remaining share of \$600,000 from ODOT since South Woodland is a State Route.

Mr. Richman made a motion seconded by Mr. Stanard to suspend the rules for Resolution 2017-52.

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 Resolution 2017-52.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mayor Renda acknowledged the individual in the back of the room taking notes and asked if she wanted to introduce herself. She introduced herself as Julia and said she was a senior at Kenston High School and explained that she has to attend a Council Meeting for a school project. At this time, Mrs. Lane explained to Julia why Council suspends the rules, which actions the rules cannot be suspended for, and what passing an ordinance “as an emergency” means.

Ordinance 2017-53- Introduced by Mr. Fritz

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MEDICAL MUTUAL FOR THE PROVISION OF HEALTH CARE INSURANCE TO VILLAGE EMPLOYEES, AT THE TOTAL ESTIMATED MONTHLY COST OF \$38,579.76 AND DECLARING AN EMERGENCY.

Mr. Fritz stated that the monthly charge for health care for village employees only increased 2% from last year and it is with the same provider we have had for several years.

Mr. Fritz made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2017-53.

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 Ms. Sturgis for passage of Ordinance 2017-53.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-54- Introduced by Mr. Fritz

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH METLIFE FOR THE PROVISION OF DENTAL COVERAGE TO VILLAGE EMPLOYEES AND DECLARING AN EMERGENCY.

Mr. Fritz stated that there was no increase from last year and the dental coverage is with the same company it has been for several years.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2017-54.

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 Ms. Sturgis for passage of Ordinance 2017-54.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-55- Introduced by Mr. Fritz

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GUARDIAN LIFE INSURANCE COMPANY OF AMERICA FOR THE PROVISION OF LIFE INSURANCE TO VILLAGE EMPLOYEES AND DECLARING AN EMERGENCY.

Mr. Fritz stated that the village provides the employees with \$25,000 life insurance policies and \$25,000 Accidental Death and Dismemberment. The cost is the same as last year. He stated that most municipalities provide their employees with \$10-15,000 policies, so this is a good policy and he is glad that the village can provide it to the employees.

Mr. Fritz made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2017-55.

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 Ms. Sturgis for passage of Ordinance 2017-55.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-56- Introduced by Mr. Richman

AN ORDINANCE AMENDING SECTION 951.02 AND ENACTING NEW SECTION 951.04 OF THE CHAPTER 951, "SOLID WASTE COLLECTION AND DISPOSAL," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, AND DECLARING AN EMERGENCY.

Mr. Richman stated that he would like to make a motion to table the ordinance so that the Roads and Safety Committee can meet and discuss it. Mayor Renda stated that she just wanted to say that this ordinance came out of cost saving measures by the Service Department, which Mr. Shah had asked each department to do. By offering the three special pick-ups, we have trucks on the road with multiple crews all day Monday that are doing just that. She stated that it was not done to try to bypass Council; it was just an efficiency and cost savings measure.

Mr. Stanard asked if the Service Department is having any issues with residents. Mayor Renda stated that there are habitual abusers that call and say that their garbage was not picked up, when the truth is that it was not put out in time. It is becoming expensive to keep going back and picking up the "missed" rubbish pick-ups. Part of the ordinance states that if a resident calls for a missed rubbish pick-up, then it will count as a special pick-up. This ordinance also specifies that residents will now get one free special pick-up and one that they pay for and no more after that. The automated recycling and rubbish trucks were bought so that we can be more efficient, and we are, except when we have to go back and pick them up. We are always evaluating costs, so we are concerned that if we do not get this under control, we will price ourselves out of the recycling and rubbish pick-up service.

Mr. Richman stated that he just thought it would be helpful to get the numbers and learn how often it happens. Mr. DeWater stated that on a daily basis, on average, they are going back 15-20 times for missed rubbish. If the rubbish/recycling truck is on the other side of town, he has to pull another crew to go back and pick them up, which entails driving the resident's cart to the rubbish/recycling truck, unloading it, and then bringing the carts back. On average, they spend 40 minutes doing this and they are not doing the job they were originally assigned to do on top of it. Mr. Richman asked what the breakdown of cost savings would be for the village if they provide one free pick-up as opposed to three free pick-ups. Mr. DeWater stated that he does not have the exact numbers, but he stated as far as the special pick-ups, they went from having one full page (approximately 8 pick-ups) when they offered one free, to currently having about four pages of special pick-ups now that they offer three free pick-ups. He stated that a lot of the items that are put out, are items the Service Department is not supposed to be taking anyway, like construction materials, etc. They are also seeing an increase in rental properties dumping everything at the street when tenants move out, instead of getting a dumpster. Mr. DeWater explained that this is just taking up a lot of time and manpower. The Service Department went automated for a reason; to be more efficient.

Mr. Richman asked what the cost difference for a year would be if it were changed from three to two special pick-ups. Mr. DeWater explained that one pick-up can consist of cleaning out an entire house, which is what he is trying to prevent. He explained that it is also increasing their tonnage and disposal fees.

He stated that if the Village cannot control costs, we would have to contract out. Usually once you get out of it and sell your equipment; it is difficult and costs too much to get back into it.

Mr. Richman made a motion seconded by Mr. Buczek to table Ordinance 2017-56 and refer it to the Roads and Safety Committee.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-57- Introduced by Ms. Sturgis

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

Ms. Sturgis stated that aside from the usual transfers to the Police Levy, Motor Vehicle, and Police Pension funds, there were three additional amendments: \$30,000 for Contracts, which includes the slope stabilization work in the Miles Road area, \$3,000 for Expenses and \$20,000 for the refunds going out from engineering deposits that were made.

Ms. Sturgis made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2017-57.

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. Buczek for passage of Ordinance 2017-57.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Miscellaneous

Mayor Renda informed Council that the Chagrin River Watershed Partners are applying for a grant and need matching funds for it. They have asked us for \$2500 in 2018 and \$2500 in 2019, but only if they get the grant. She stated that she let the CRWP know today that we will be providing the \$5,000 over the next two years, if they get the grant. They provide a whole lot of information and support for us and they have been helpful at looking at and working on the OMNI project, especially in dealing with some of the neighbors' concerns.

Mr. Buczek pointed out that the CRWP has thirty members, so that will add up to a lot of money. Mayor Renda reminded Council that Mr. Buczek has been involved with the CRWP since the year after their inception. She told Mr. Buczek that she appreciates his service on that board and the backup that they provide to us.

Mr. Fritz informed Council that earlier this year, family friends of his died in a fire. He wanted to remind everyone since it is Fire prevention week, to make sure everyone has working smoke detectors and carbon monoxide detectors in their home. This year's theme is "Know Two Ways Out of the House." They also have an open house on October 29 where they build a replica room with couches and other furniture in it, and set it on fire, using a piece of paper in a waste basket to see how fast fire spreads. He stated that fire rips through a home at a rate you would be amazed by. Modern building materials and other items in our homes (veneers, plastics, electronics, etc.) catch fire and spread very fast.

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

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 7:55pm.

Attest:

Sherri Arrietta, Clerk of Council

Dan Fritz, Council President