

## SPECIAL COUNCIL MEETING

November 23, 2015

### MINUTES

The Special Council Meeting of the Village of Moreland Hills was called to order by Mayor Renda at 7:48pm, in the Village Council Chambers.

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

ABSENT: Ms. Sturgis

Also Present: Aimee Lane, Assistant Law Director, Prashant Shah, Treasurer, Ted DeWater, Service Director, Jeff Filarski, Village Engineer, Sherri Arrietta, Clerk of Council

Mr. Richman made a motion seconded by Mr. Buczek to approve the minutes of the Regular Council Meeting of October 14, 2015.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

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

Nate McConoughey, Domenica McClintock and Jenny Friedhoff from the Cuyahoga County Board of Health were present at the meeting. They are investigating a complaint of a sewage smell coming from the Ellendale and Berkeley Road areas. They have taken samples and have inspected said areas. They will need to continue to move forward with their investigation and so they will be sending letters to the residents on Ellendale and Berkeley and a few on Wiltshire as well, to determine the status of their septic systems. They will compile more information and report it back to the Village. Mayor Renda thanked them for their hard work and for coming tonight.

### **Law**

Mrs. Lane brought members up to date on the Sunoco station. In late October, the title transferred to a new owner. Mr. Loconti noticed activity taking place on the property, including activity with tanker trucks. The Village Zoning Code states that if a non-conforming use is not taking place on the property for a one-year period of time, then that use is abandoned. Making

future use of that property in the same manner would require a use variance. It has not been used as gas station since July 2014. Mr. Loconti sent a letter to the new owners notifying them of this issue. They quickly contacted Mrs. Lane's office and she and the Mayor met with them last Thursday. They indicated that the gas station use is vital to making the property viable and they are considering just a gas station/convenience store use, and doing away with the auto repair and U-Haul use. They were on the BZA agenda tonight and presented a packet of information showing their compliance with BUSTR; the prior owner had outstanding issues which they appear to have addressed. Mrs. Lane stated because of the property sale, the \$126,000 in outstanding property taxes was paid. They do want to go forward with the use variance application and the BZA decided to hold Special Meeting before the Council meeting in December to consider their use variance and make a recommendation to Council.

Mr. Buczek asked what the new owner's intent was. Mrs. Lane stated that they would like to reinstitute the gas station use. She stated that they are flexible; they currently have a lease with the previous owner to continue the auto repair use for a while but they amenable to discontinuing it if the Village so chooses and just having a store there. Mr. Fritz stated that he felt their goal was to have just the gas station and store. Mrs. Lane stated that they just recently purchased a station in Richmond Heights where they got rid of the auto bays and made a store. Mr. Buczek stated that he feels that if they stop the repairs, a lot of people will be unhappy. Mayor Renda stated that the good thing about a conditional use is that it allows us to negotiate with the owner. She stated that when she and Mrs. Lane met with them, she suggested that as good faith effort, they might want to clean up the property, which they did. They took away almost 400 tires and some cars as well. Mayor Renda stated that she believes that they are generally interested in getting along with us and working with us. She stated that this will give first BZA then Council some latitude to say yes or no to what we want. Mayor Renda suggested that Council take advantage now to think about what they want and do not want to see at that corner in order to be prepared for the Council meeting. Mr. Richman suggested that Council members also attend the Special BZA Meeting beforehand to help make things more efficient for them.

### **SERVICE**

Mr. DeWater stated that the snow plows were out yesterday for the first time; there were no problems. The Holiday decorations and lights were beginning to get set up today. He stated that he is also working on the preliminary budget for the Mayor to evaluate before he presents it to Mr. Shah.

### **POLICE**

Mayor Renda gave Chief Wyant's report as he is on the road filling in for officers that are attending Taser training. The Police Department won the "Mocktail Mix-Off" which is a fundraiser for Rainbow Babies and Children's Hospital. It also serves as a reminder to have a "mocktail" (non-alcoholic beverage) this holiday season to stay safe on the roads. Their theme was sharks and their mocktail was called a Bloody Chum Daquiri. The Police Department also won the Silver AAA Community Traffic Award; last year they won the bronze. Patrol Officer Jeff Canter attended a two week course on Fire Investigation so that he will be able to help out the Chagrin Falls Fire Department with fire investigations if needed.

### **Mayor**

Mayor Renda stated that as everyone is aware, she is the President of the Chagrin Valley Dispatch COG. The CVD recently won its second national award. Earlier in the year they won an award for technology and now more recently, this award for leadership. The Dispatch Center came in #2 in the nation. She stated that this is really an astounding award for this small group. Mayor Renda stated that it is her understanding that Mayor Leonard Spremulli gave her the credit for this because she is the president of the COG. She stated that while CVD has a really great leadership team, she is not the reason for that award. Mayor Renda stated that the credit all goes to Nick Diccico. She stated that the leadership team works well together and works behind the scenes to support Mr. Diccico. Mayor Renda referred to the handout that she provided Council with. She stated that it shows that Moreland Hills Dispatch costs have decreased over last several years by 15%.

## **REPORTS OF COMMITTEES**

### **BZA**

Mr. Stanard reported that the BZA met on October 26<sup>th</sup>. Les Vinney at 85 West Juniper requested a variance to place a generator 28 feet from the side property line instead of 35 feet. The Board approved this request. Mike Ambrose at 376 Miles requested three (3) variances for an accessory structure; the first variance was to allow a third structure, the second request was to allow placement of said structure in the front yard, and the third was for a front yard setback variance. Mr. Ambrose already put the shed up, adjacent to the garage, without obtaining a permit. There was a lot of discussion and ultimately the Board decided to continue the matter to the January meeting.

### **Planning Commission**

Mr. Stanard reported that the Planning Commission met immediately following the BZA meeting on October 26<sup>th</sup>. Mrs. Cooper recused herself for the item at 55 Riverstone Drive since

she is a neighbor adjacent to that property. They had a previous application for a remodel and this time they were requesting to add a front porch which the board approved. The other item on the agenda was for the Garcia residence at 429 Bentleyville Road, for a stand-alone garage, which was also approved.

### **Facilities Committee**

Mr. Sherck reported that the Facilities Committee met on October 27, 2015. The 2015 Sewer Rehabilitation Program was discussed and it is on the agenda tonight. The Park Lane Water Renewal Program proposal was resubmitted to Cleveland Water in the amount of \$503,000; the first proposal did not make the cut. If we make the list this time, the water line replacement will be paid for by Cleveland Water. Mr. Filarski is in the process of a sewer rate review. The Cuyahoga County Board of Health representatives were present and spoke to the committee about the same issue they discussed earlier tonight. The Service Department continues cleaning and repairing the trails at Forest Ridge. The pump stations and the sewage treatment plants are ready for winter. The Village had its annual Veteran's Day ceremony at Veterans Park which was well attended and we had beautiful weather for. Katie Martin, President of the Historical Society gave a summary of their successful summer. The next meeting will be tomorrow, November 24, at 7:30am.

Mr. Stanard stated that he thinks that the Facilities Committee should be commended for the work they put forth on the Board of Health issue. He asked Mr. Filarski if the wet well clean out and other sanitary items get tabulated into the sewer cost to prepare the bid. Mr. Filarski stated that all costs are put into that calculation.

Mayor Renda stated that she had the great privilege of having dinner with Mr. Filarski and Mr. Stanard when they looked at the bridge plans and pictures at Forest Ridge and talked about repairs to the bridges instead of tearing them down. She stated that it was an amazing process and they came up with creative solutions that can be done in house. The Village will not only be able to save the bridges but also save a lot of money by doing it this way. Mayor Renda thanked them both. Mr. Filarski stated that after his meeting with her and Mr. Stanard, he spoke with Mr. DeWater and conveyed to him what was discussed and came up with a plan. He stated that he gave Mr. DeWater the finalized plan and will also pass it on to Mr. Stanard. Everything is being done in house; however some equipment may have to be rented. The bridges are currently open to pedestrian traffic.

### **Roads & Safety Committee**

Mr. Buczek reported that the Roads & Safety Committee met on October 27, 2015. He stated that Patrol Officer Gary Byers gave a presentation on the new Tasers. Officer Byers informed them that the use of the Tasers is another tool that can be used to subdue an unruly suspect and will minimize putting the officers in harms way. The Police Department is currently being trained on the use of the new Tasers. Mr. Buczek stated that Mr. Filarski provided the report regarding the Giles Road slope stability. The slide has gotten worse and concrete barriers have been put up for safety reasons. A study was done by SME which gave three options; the best option was to remove the concrete barriers and put a guard rail up as well as moving the storm sewer to the east of Giles Road. Mr. Filarski stated that part of the road provides access to one driveway and the cost of the third option to put in a retaining wall in the amount \$300,000, is significant since it would only give a 20% factor of safety. He stated that it is not worth spending that kind of money for access to one driveway especially since there currently is and will continue to be access to that driveway the way it is now. If it continues to slide, we will be better off moving that driveway to the north in an area that is not affected. We would have to purchase some land from the neighbor to reconfigure the drive. Mr. Filarski stated that at this time, it would not be recommended to put in a wall; drainage facilities can be put in to keep water from going over the edge causing more instability. We will also monitor it and if it is okay, we can put the guardrail in and take the barriers out. The guardrails are strictly a safety measure since there is a two foot drop over the edge.

### **ORDINANCES AND RESOLUTIONS**

#### **Ordinance 2015-85-Introduced by Mr. Stanard**

AN ORDINANCE ENACTING NEW SECTIONS 1313.14 AND 1331.09 OF THE BUILDING CODE OF THE VILLAGE OF MORELAND HILLS, OHIO REGARDING DELINQUENT APPLICATIONS FOR PERMITS AND CONTRACTOR REGISTRATION AND DECLARING AN EMERGENCY.

Mr. Stanard stated that this was designed to help the Village recoup costs that are in excess of normal costs when work is done without approvals and permits. This is not strictly punitive; it was designed to encourage the applicants to do the right thing and abide by the rules like everyone else. If work is performed without a permit or if a contractor fails to register with the Village, it will cost the applicant/contractor two times the permit value and/or the contractor registration fee.

Mr. Stanard made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2015-85.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Stanard made a motion seconded by Mr. Buczek for passage of Ordinance 2015-85.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2015-86 – Introduced by Mr. Sherck**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH UNITED SURVEY, INC. FOR THE 2015 SEWER REHABILITATION PROGRAM AND DECLARING AN EMERGENCY.

Mr. Sherck stated that the only bid received for this program was from United Survey and was rejected because it was over 10% of the Engineer's estimate. It was re-bid and again, United Survey was the only bidder in the amount of \$139,082 which is within 10% of the Engineer's estimate of \$121,000. Mr. Filarski informed Council that the biggest difference between United Survey's bid from last time was with item #5 - storm sewer culvert. Their first bid amount for that item was \$46,000 because they did not have a good picture of what was needed. He stated that he defined it better on the second bid, which brought United Survey's amount down by \$5400. Their other items were in line with their original bid amounts. Mr. Filarski explained that they are starting to see only one bid come in more often with sewer rehab work especially with smaller contracts, so it is not out of the ordinary. The prices are still what we are currently used to.

Mr. Sherck made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2015-86.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Sherck made a motion seconded by Mr. Stanard for passage of Ordinance 2015-86.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2015-87**– Introduced by Mr. Fritz

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

Mr. Fritz stated that the \$20,000 relates to a number of property related issues outside of the retainer such as, MBIS changing to SafeBuilt and the subsequent hiring of Mr. Loconti, the Smith property's application for agricultural use, new income tax, and a personnel issue relating to Tricia Ingrassia, all of which brought the outside retainer fees to that amount. The two transfers for the Police Pension fund and the Police and Fire levy fund are regular transfers for operations of the Police Department which are budgeted for.

Mr. Fritz made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2015-87.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Buczek for passage of Ordinance 2015-87.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2015-88**– Introduced by Mr. Richman

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. Richman stated that this ordinance is to provide dental coverage for Village employees. The rates will most likely be pretty close what they were last year; we do not know the monthly cost to the Village yet because it is based on the coverage selected by the employees.

Mr. Richman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-88.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Stanard for passage of Ordinance 2015-88.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2015-89– Introduced by Mayor Renda**

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

Mayor Renda asked that the members put this on first reading since Council has discussed increasing this benefit over the years and so she would like to wait until Ms. Sturgis is here to discuss it.

Mr. Richman made a motion seconded by Mr. Stanard to place Ordinance 2015-89 on First Reading.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Miscellaneous**

Mr. Stanard thanked Mayor Renda and Mr. Fritz for putting together the presentation for the Master Plan Open House last Wednesday. He stated that a lot of effort went into it and thought that the residents that did attend were definitely interested. Mr. Fritz stated that our turn out was actually pretty good; McKenna had told them that 30 to 40 people would have been a pretty good amount and we ended up with about 80 to 100 people in attendance. He stated that as of the date of that meeting, we had 150 surveys that were taken and so he asked Council to remind their neighbors again to please fill it out. Mayor Renda asked Mr. Fritz if he had an idea as to what our next step with McKenna will be. Mr. Fritz stated that all the information gathered at the meeting will be put into a format so that we can look at. As of now, there is not another meeting date schedule yet, but he will be following up with McKenna this week to see if we can set up a meeting to discuss findings and survey results. Mayor Renda stated that she believes that McKenna plans on presenting their findings to the Planning Commission and Council in January.

Mr. Richman reminded Council that the Organizational meeting will need to be scheduled for some time within that first week of January. All members agreed on Wednesday, January 6 at 7:00pm.

Mayor Renda asked Council to determine whether they wanted to have the Holiday party after the Council Meeting in December this year or not. Council decided to have a potluck style party in the Community Building after the December Council Meeting.

Mayor Renda stated that Mrs. Cannon will swear her in on Sunday, January 3. She and her husband, Mike, will host a party at their house and she would like to ask that everyone attends with their spouses.

Mr. Stanard informed Council that Mrs. Lane made partner at Walter|Haverfield. He also congratulated Mayor Renda and Council members Buczek, Fritz, and Richman on their re-elections.

Mr. Buczek made a motion seconded by Mr. Stanard to adjourn the Special Council Meeting at 8:56pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 8:56pm.

Attest:

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Sherri Arrietta, Clerk of Council

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Steve Richman, Council President

12/4/2015 3:25:00 PM

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