

REGULAR COUNCIL MEETING
February 6, 2019
MINUTES

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

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

Also Present: William Hanna, Walter Haverfield, Jeff Filarski, Village Engineer, Ted DeWater, Service Director, Chief Wyant, Prashant Shah, Sherri Arrietta, Clerk of Council

Mr. Richman made a motion seconded by Mr. Fritz to approve the minutes of the Organization-Regular Council Meeting of January 4, 2019.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resident Comments

There was no one present wishing to comment.

Reports from the Mayor and Other Municipal Officials

-Service

Mr. DeWater reported that the Village renovation project is moving along smoothly. The framing is complete, the flat roof over the Finance Department has been replaced, and they are currently in the process of sealing the roof. Chagrin Valley Dispatch (CVD) needs to make arrangements with AT&T to get the phone line moved at Village Hall. The interior work (drop ceiling, drywall) at the Police Department has been completed and they are starting to work on the trim and are replacing siding.

-Engineering

Mr. Filarski did not have a report.

-Police

Chief Wyant reminded everyone of the Police Town Hall Meeting being held on Tuesday, February 26 at 7:00pm. A representative from the Cuyahoga County Department of Consumer Affairs will give a presentation about current frauds and scams.

-Finance

Mr. Shah reported that he is currently working on the 2019 budget. He is working with all the department heads and will present it to Council in March. He reported that 2018 ended well as far as revenues are concerned. The first team of auditors will be finished by the end of this week and the State auditors will start in March, at the Mayor's convenience.

-Law

Mayor Renda informed Council that Mrs. Lane was unable to attend tonight because her son had a school concert; however, Bill Hanna is here in her place. Mr. Hanna updated Council on the status of the lawsuit regarding HB49. The Village participated in the group effort challenging the constitutionality of the house bill last year. The case was consolidated down to Franklin County and the court down there dismissed the lawsuit. They have appealed to the Tenth District Court of Appeals and last Tuesday, January 29, the court of appeals upheld the lower courts decision. There is a 10-day period permitted after this decision for a filing of a motion for reconsideration. That deadline would be this Friday and if filed, the period of time to appeal to the Supreme Court is stayed until the court of appeals disposes of the motion for reconsideration, at which point the deadline to appeal to the Supreme Court would be 45 days.

Mayor Renda reported that the Law Department went over the retainer hours by 37.7, for a total of 537.7 in 2018. Those 37.7 hours will be billed at the \$225/hour rate. That overage is mostly due to the Planning Commission and the appeals that they have heard.

-Mayor

Mayor Renda reported that she attended a school board meeting this morning, where Mayor Mulcahy brought up that fact that Orange is having some multi-purpose trails put in and she would like to extend them about 200 feet into Moreland Hills. The trails would extend to the emergency drive behind Hiram House Camp, so that kids can use it to get to and from school. She stated that she is going to set up a meeting to discuss this with Hiram House Camp, the School District Superintendent, and Mayor Mulcahy. Mayor Renda asked that if anyone on Council is opposed to it, to please let her know before she moves forward with it. The superintendent indicated that he would put up cameras to monitor the trails and the maintenance of the trails would be the responsibility of the school. Hiram House Camp Board of Directors will ultimately have the say about what happens with that emergency road.

Mayor Renda stated that she mentioned in her report to the school board that the Moreland Hills Police Department is working with the schools to provide security in Moreland Hills Elementary and Brady Middle School. Chief Wyant stated that it is going very well and he is not having any scheduling issues with his officers. The officers go between both buildings throughout the day and he has received a lot of positive feedback; parents especially comment on the high visibility of the police at the schools. Mayor Renda informed Council that the School Board hires our off-duty officers, therefore is not a financial drain on the Village. The officers are hired for 4-hour increments, which vary from day to day so no one knows exactly when they will be there on any given day. These officers are hired in addition to School Resource Officer Bennett.

Mayor Renda reported that an Orange High School student will be joining the Village for his senior project. She stated that she has promised him time with the Village Engineer, a ride along with an officer and time with Lt. Dietzel, and a snowplow ride along with the Service Department, weather permitting. He will be joining us in late April and she is excited to have him. He is interested in communications and how they work in a local government.

Reports of Committees

BZA

Mr. Stanard reported that the BZA did not meet in February. The next meeting will be on March 4, 2019.

Roads & Safety Committee

The Roads and Safety Committee did not meet in February. The next meeting will be on March 5, 2019 at 8:00am.

Facilities Committee

Mr. Emerman reported that the Facilities Committee did not meet in February. He informed Council that they will be doing a walk through of the facilities after the March meeting, and at the April 30 Meeting they will look at the pump station structures. The next meeting will be on March 5, 2019 at 8:30am.

Planning Commission

Mr. Stanard reported that the Planning Commission met on February 4, 2019. He gave a report based on the meeting minutes, which are attached. An item on that agenda requesting a conditional use certificate for solar panels was referred to Council, which is on this agenda tonight. The next meeting will be on March 4, 2019.

Approval of Bonds, Contracts, Plats, etc.

Stark Residence

60 East Juniper
Conditional Use Certificate –
Solar Panels

Mr. Stanard stated that the Planning Commission recommended approval to Council for a solar panel installation at 60 East Juniper Lane. The Planning Commission thought that the applicant did a thorough job putting together the information and materials. Mr. Kowalczyk created a checklist of all items they were to look at as outlined in our Ordinance, as it relates to solar panels. They do need some upgrading/ additional support to the roof but they did provide a detailed plan for that as well. There will be 21 panels and the plan has been approved by the Chagrin Falls Fire Department, which is also required.

Mr. Stanard made a motion seconded by Mr. Richman to approve the conditional use certificate for the installation of a solar panel system on the back roof located at 60 East Juniper Lane.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

ORDINANCES AND RESOLUTIONS

Resolution 2019-02-Introduced by Mr. Emerman

A RESOLUTION APPROVING THE SOLID WASTE MANAGEMENT PLAN UPDATE FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT AND DECLARING AN EMERGENCY.

Mr. Emerman stated that every solid waste district is required under Ohio law to develop plans and update them every 5 years. The plan before Council tonight will run from 2019-2033, but will be updated every 5 years. There is a fee change being proposed from \$1.50 to \$2.00 starting in 2023. This fee pays for administrative and other services provided by them. When comparing the county's fee of \$4/ton to neighboring communities at \$5/ton, ours are significantly lower. Mr. DeWater has participated in developing parts of this plan and he supports it as well. Mr. DeWater stated that the county continually works on this plan and that we generally get that money back in the form of grants that we apply for every year. He stated that they have very low costs and so he feels that the residents of Cuyahoga County get a good deal.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Resolution 2019-02.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Buczek for passage of Resolution 2019-02.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-03-Introduced by Mr. Richman

AN ORDINANCE TO CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION'S ("ODOT") REPAIR OF THE SLOPE ALONG SOUTH WOODLAND ROAD (SR-87) IN THE VILLAGE OF MORELAND HILLS (PID 108127) AND DECLARING AN EMERGENCY.

Mr. Richman stated that this ordinance requests our consent to ODOT's repair of the slope on South Woodland. The funding amount that is promised from ODOT is \$300,000, with \$240,000 of that from Federal funds and \$60,000 from State funds. We are also getting an OPWC grant for \$421,000, and a \$200,000 OPWC loan.

Mr. Richman made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2019-03.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Buczek for passage of Ordinance 2019-03.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-04-Introduced by Mr. Stanard

AN ORDINANCE ENACTING NEW SECTION 1151.10, "DWELLINGS PERMITTED ON A LOT," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS.

Mr. Stanard stated that this new Section is a one sentence addition which states, "there shall not be more than one single-family dwelling located on a lot." When the Code was revised several years ago, this was thought to have been included, however it was unfortunately left out.

Mr. Stanard made a motion seconded by Mr. Buczek place Ordinance 2019-04 on First Reading and refer it to the Planning Commission.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-05-Introduced by Mr. Buczek

AN ORDINANCE AMENDING SECTION 1171.03, "SWIMMING POOLS," AND SECTION 1313.13," BUILDING PERMIT APPLICATION; ISSUANCE RESTRICTIONS; CONFLICT WITH ZONING," OF THE CODIFIED ORDINANCES TO CLARIFY APPROVAL PROCEDURES FOR SWIMMING POOLS AND TENNIS COURTS.

Mr. Buczek stated that this ordinance clarifies approval of plans for swimming pools and tennis courts. As pointed out by the Building Commissioner, some areas of the Code stated that swimming pools and tennis courts were required to be approved by the Planning Commission while others stated that the Building Commissioner could approve the plans. This ordinance will allow the Building Commissioner to approve all plans for both swimming pools and tennis courts in order to resolve that conflict within the Code.

Mr. Buczek made a motion seconded by Mr. Stanard to place Ordinance 2019-05 on First Reading and refer it to the Planning Commission.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-06-Introduced by Mr. Fritz

AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Mr. Fritz stated that each year the Walter H. Drane Company will look over our ordinances and apply the changes made throughout the previous year and make sure there are no conflicts with state laws. He noted that one section of the ordinance was changed to note that the 2018 updated codified ordinance pages are available in the Council Clerk's office, as opposed to being attached to the ordinance.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2019-06.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Buczek for passage of Ordinance 2019-06.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-07-Introduced by Mr. Stanard

AN ORDINANCE AUTHORIZING CHANGE ORDER NOS. 1, 2, 3, AND 4 WITH SANDER CONTRACTING, INC., FOR THE POLICE STATION ROOF AND VILLAGE HALL ENTRANCE PROJECT AND DECLARING AN EMERGENCY.

Mr. Stanard stated that this ordinance is for four changes that needed to be made to the current Village Hall Entrance and Police Department Roof Project. Change Orders 1, 2, and 4 are for the Police Station Roof for a total increase amount of \$11,444.00 for additional work required (replace gutters and siding and remove trees). Change Order 3 is for the Village Hall entrance to make it code compliant in the increase amount of \$750.00.

Mr. Stanard made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2019-07.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Stanard made a motion seconded by Mr. Emerman for passage of Ordinance 2019-07.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-08-Introduced by Ms. Sturgis

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA COUNTY BOARD OF HEALTH RELATING TO ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAMMING AND POLLUTION PREVENTIONS/GOOD HOUSEKEEPING ASSISTANCE AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that it is the Village's responsibility to carry out the National Pollution Discharge Elimination System (NPDES) Phase II Municipal Storm Water Permit obligations. In doing so, the Village recognizes that collaboration is needed with the Cuyahoga County Board of Health. This allows the Village to enter into that agreement with the experts to continue to allow to meet that mandate.

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2019-08.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Richman for passage of Ordinance 2019-08.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-09-Introduced by Mr. Fritz

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WICHERT INSURANCE SERVICES, INC. FOR THE PROVISION OF GENERAL LIABILITY, POLICE PROFESSIONAL, PUBLIC OFFICIAL, AUTOMOBILE, PROPERTY AND CYBER LIABILITY INSURANCE TO THE VILLAGE OF MORELAND HILLS, AT A TOTAL AGGREGATE COST OF \$49,387.00 SUBJECT TO ADDITIONS AND DELETIONS DURING THE TERM OF THE AGREEMENT AS APPROVED BY THE MAYOR; WAIVING COMPETITIVE BIDDING AND DECLARING AN EMERGENCY.

Mr. Fritz stated that Wichert Insurance is recommended to be the broker representing Travelers Insurance for the Village. The amount is a 13% reduction from what we are currently paying with Selective Insurance, with the same coverage.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2019-09.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Ms. Sturgis for passage of Ordinance 2018-09.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-10-Introduced by Ms. Sturgis

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

Ms. Sturgis stated that the transfer of \$1600 from the General Fund to the Water Maintenance & Repair fund is for fire hydrant fees.

Ms. Sturgis made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2019-10.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Stanard for passage of Ordinance 2019-10.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-11-Introduced by Mr. Fritz

AN ORDINANCE AMENDING CHAPTER 903, "USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES" OF THE STREETS, UTILITIES, PUBLIC SERVICES AND ENGINEERING CODES, AND DECLARING AN EMERGENCY.

Mr. Fritz gave a recap of the creation of the Small Cell Ordinance. House Bill 478 passed in August 2018 and in June 2018, we proactively passed Ordinance 2018-26 creating this chapter. In September, the FCC came out with a small cell order, which stipulated what municipalities could and could not do. In December 2018, the FCC declined a motion from local governments to stave off that order, which went into effect on January 14, 2019. This ordinance before Council tonight is to make the Small Cell Facilities ordinance consistent with the ORC and FCC small cell order. The small cell order will also affect our small cell design guidelines and will need to be changed.

Mr. Bill Hanna went over the history of this ordinance and went through the changes that were made to the ordinance in order to comply with the FCC small cell order. (see attached marked up copy of the ordinance)

It was decided to add the term “scenic corridor” to Section 903.01(a)(2) and to rephrase the last part of the last sentence of Section 903.01(b)(11)(ii) to read “...and (iii) which also satisfies the definition of “Small Wireless Facilities” found in the FCC’s Small Cell Order adopted September 26, 2018, FCC 18-133.”

Mr. Fritz made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2019-11.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Richman for passage of Ordinance 2019-11 as amended.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ms. Sturgis stated that there is an outstanding invoice that needs to be paid to Ronyak Paving for the road repair work done on SOM Center Road. This is a “then and now certification” for money that was spent previously. Anything more than \$2,000 is required to be certified to guarantee that the funds are available and Council’s approval is needed to do that.

Ms. Sturgis made a motion seconded by Mr. Buczek to allow the Mayor to authorize payment to Ronyak Paving for the completed water main pavement repair located at 4920 SOM Center Road in the amount of \$13,583.91.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Miscellaneous

Mr. Fritz informed Council that he has received the requests for donations to both the Orange Village and Chagrin Falls After-Prom Committees, which he will make a motion for at the next meeting.

Mr. Buczek made a motion seconded by Mr. Fritz to adjourn the Regular Council Meeting at 8:33pm.

ROLL CALL:

AYES: Mr. Buczek, Mr. Emerman, Mr. Fritz, Mr. Richman, Mr. Stanard, Ms. Sturgis
NAYS: None
MOTION CARRIED

The meeting was adjourned at 8:33pm.

Attest:

Sherri Arrietta, Clerk of Council

Dan Fritz, Council President