

REGULAR COUNCIL MEETING
March 11, 2015
MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Renda at 7:00PM, in the Village Community Building.

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

Also Present: Margaret Cannon, Law Director, Jeff Filarski, Village Engineer, Prashant Shah, Treasurer, Kevin Wyant, Police Chief, Ted DeWater, Service Director, Sherri Arrietta, Clerk of Council, Emily Bacha, WRLC

Mayor Renda asked if there were any additions or corrections to last month's meeting minutes. Mr. Stanard stated that on page 10, the amount in the third paragraph should be \$2,019,000 instead of \$2,000,019,000. Mr. Buczek made a motion seconded by Ms. Sturgis to approve the minutes of the Regular Council Meeting of February 18, 2015, 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 & Other Municipal Officials

Building

Mr. Filarski reported that for the months of January and February, a total of 44 permits were issued and 96 inspections performed.

Law

Mrs. Cannon reported that the Village's current contract for legal services provides for a total of 500 hours and anything beyond that will be billed at an hourly rate. The total hours used for 2014 was 467.7. She stated that the other matter she wanted to discuss was the Sunoco property. Mrs. Cannon stated that the Village has been struggling with this property for some time now. There is a \$390,000 mortgage on the property and it has been in the foreclosure filed by the bank and was set for foreclosure sale on Monday; however, there was no bid on it. The next steps would include; the bank requesting another appraisal of the property, scheduling of another sale and if it does not sell, then the court will have to set the price for which it can be sold. In addition to the outstanding mortgage, no taxes have been paid since 2009 with a total delinquency of \$108,000 including penalties and interest, as well as another \$10,000 in sewer fees. The next step is to figure out the tax foreclosure sale of the property; the County has a land bank program but it only applies to properties in tax foreclosure. Mrs. Cannon stated that since this property was a gas station and has underground storage tanks, BUSTR was contacted about a year & half ago. BUSTR halted the closure process because of the foreclosure process but they are scheduled to come out to do another closure inspection of the tanks. She stated that there are three

components to this which are; the mortgage foreclosure, the unpaid taxes, and the underground storage tanks. Mr. Fritz asked about the second bank sale. Mrs. Cannon stated that what will happen is that the bank will have it reappraised since it did not receive any bids at the first sale, and then the second attempt to sell it will occur at the lowered appraised price and if it does not sell at the second bank sale, then the court will have to set an appropriate price. Ms. Sturgis asked if there was an approximate time on the next sale. Mrs. Cannon stated that she does not know because the foreclosure process has moved very slowly. She stated that she will keep monitoring it. Mr. Richman asked if the Village could possibly purchase the note from the bank at a reduced cost. Mrs. Cannon stated that if that is the Village's wish, we could certainly pursue that, however we have not had discussions with the bank in regard to that. Mr. Stanard asked if there were any thoughts regarding changing the current operations of the facility because of these issues. Mrs. Cannon stated that is not necessarily an option and in order for the Village to gain control, we would have to take a more active role and attempt to condemn it as a nuisance. She stated that she will keep everyone advised on the situation. Mr. Stanard asked if the owner was in compliance with the Conditional Use permit for the use of the U-Haul. Mrs. Cannon stated that she believes he has been in compliance with the stipulations set forth in the Conditional Use Permit. Mr. Buczek stated that it is his understanding that there are two wells requiring inspection; however he has only seen one. Mr. Filarski stated that there is one on Chagrin Blvd. and there has been a recent request to install one on SOM, however, he stated that he does not know who requested it or the reason for the request. Mrs. Cannon stated that she will look into that further.

Service

Mr. DeWater reported that the pump stations have been running without any problems during this melt. The Service Department employees have been out every day making the rounds down every road to attempt to fill every hole using the new asphalt hot box. He stated that they will continue to stay on top of this as the weather gets better. The painting at the Village Hall is almost complete; there is one office in the Finance area left to paint which should be done by next Monday. The mulch piles are being ground to prepare to sell it to the residents. Mr. DeWater reported that the Community Building project is about 90% complete. He stated that they did a walk-through and created a punch list, which is six pages long. An email was sent to the contractor informing them that no further payments will be made until that list is complete. The roofers installed the steel roof today and the elevator should be inspected early next week. The windows in the tower need to be tinted, which is not part of the contract and will cost \$175.00 to have it done. Mr. DeWater stated that they will continue to stay on top of the contractor until the project is done.

Mayor Renda stated that she decided to have the meeting in the Community Building, because next month Council will be asked to approve the final close out of the project. She stated that the Service Department has been working hard in this building as well; they have re-done the bathrooms and the hallway and hung the chandelier in the stairwell. Mayor Renda stated that this is and will be a beautiful space. There will be a stove, refrigerator, and new furniture in this room which will be great to use for seminars. The area downstairs will be used for voting as well as training purposes. She stated that she and Chief Wyant are actually working on another project that they will use this building for. On April 22, we are hosting a Composting Seminar here put on by the Cuyahoga County Solid Waste District. Mayor Renda stated that this building will be well used and we are starting to work on plans to make use of it.

Finance

Mr. Shah reported that currently revenues are down by 7%, however it is too early to tell because not everyone has filed their taxes yet. He stated that he will have a better picture by mid-April.

Police

Chief Wyant reported that he has submitted, through ODNR, a grant request to hold a community kids fishing day at Potts Pier. He stated that they were approved to receive \$500.00 which will go toward food and refreshments, fishing poles, and tackle, etc. He stated that he is also working with Wal-Mart and other stores to see what they may be able to offer. The date for the event is June 13; there is no rain date schedule as of yet. Chief Wyant stated that he has been discussing with the Mayor a date to have the residents come and inquire about Village happenings as well as having a discussion and informing them about frauds and scams.

Mayor

Mayor Renda stated that on Sunday, Mr. Fritz had some of his neighbors over to listen to Lt. Dietzel and Det. Williams inform them about how they can be protected from burglars by making themselves a hard target. She stated that they also discussed how they caught the suspect in the recent burglaries that occurred in Moreland Hills. Mayor Renda stated that both Lt. Dietzel and Det. Williams did a great job. Mr. Fritz stated that they represented the Police Department well.

At this time, Mayor Renda introduced Emily Bacha with the Western Reserve Land Conservancy. She stated that Ms. Bacha is here tonight because one of the ordinances tonight deals with the WRLC and she can answer any questions that Council may have pertaining to it.

REPORTS OF COMMITTEES

Roads & Safety Committee: Mr. Buczek stated that the Roads & Safety Committee met in January and February. Mr. Buczek deferred to Mr. DeWater. Mr. DeWater reported that the Service Department has used less salt this year than they did last year at this time. He stated that they took a different approach this year and turned the spreaders down when there were heavy snows. It is not good to use a lot of salt and the point of salt is to keep the snow from bonding, not necessarily to melt the snow. Mr. Buczek stated that the solid waste truck has been repaired and the up-fitting of the dump truck is set to begin. The next meeting will be on March 24th 8:00am.

Facilities Committee: Mr. Sherck reported that the Facilities Committee met on February 24. The Village Hall painting will be complete soon. He stated that Mr. Filarski reported that the 2014 Sewer Rehab Program is 80% complete, with delays being caused by the weather. The program should be finishing up now that the weather is improving. Cleveland Water came out with maps on Park Lane where there were a number of breaks over the years. There are three sections that need to be repaired but should not need complete replacement. The cost will total \$619,000; Cleveland Water will be responsible for \$551,000 and the Village will have to pay the remaining balance of \$68,000. The Community Building is 90% complete and should be completed within a month, hopefully. Mr. Sherck asked Chief Wyant to talk about the firing range. Chief Wyant stated that the range will be cleaned out on the 16th because it has not been done since it was first open. They will have to seal it off completely while they clean the pit because of the lead contamination. Once that is done, the Service Department will assist in some repair work on the walls because the steel is pulling away from the block walls. This

clean out will ensure that the range will be compliant with all EPA regulations. He stated that they have discussed using a new type of ammunition in the range called frangible which will eliminate lead contaminants, however it does cost a bit more than regular ammunition. Mr. Sherck stated that the Mayor brought a sample of an electronic sign for the Village, as another way to communicate with the residents. He stated that a representative from Brilliant Electric Sign will be at the next meeting to make a presentation.

BZA: Mr. Stanard reported that the BZA/Planning Commission has a new resident member, John Pogatschnik, who joined the committee in January. He stated that Mr. Pogatschnik has taken to the process very well. At the January meeting, Govberg Jewelers came before the board requesting to put in a clock and sign at the Moreland Towne Center, which was approved. Mr. Rule-Hoffman came before the board requesting four variances: front, two sides, and a driveway setback at 36960 Chagrin Blvd. for a new dwelling. It is a non-conforming lot and is very narrow. Originally, Mr. Rule-Hoffman had presented his request in December asking for only 4 feet of clearance on the side lines and the board asked him to try to re-work it in order to increase that clearance. He came back with a request that was double the amount of clearance on the side which still required a variance; however, it was a considerably lesser amount. The BZA approved this variance. In February, the Kahn residence at 35 Ridgecreek Trail were proposing a new pool house which required an eave height variance to keep the roof pitches symmetrical; the board granted up to a 2.3ft. variance. The Korner residence at 70 Farwood was requesting an eave height variance for a detached garage in the amount of 6ft. After deliberation and discussion, Mr. Korner withdrew his application.

Planning Commission: Mr. Stanard reported that immediately following the January BZA meeting, the Planning Commission held a meeting. After receiving their variances, Govberg Jewelers and Richard Rule-Hoffman also received approval for the design portion of their requests. Mr. John Brown's request for a garage was approved at 45 Fircrest Lane. Mr. Tim Daunch, who had received a variance in December for a new home off Giles Road on Eastview Lane, came before the board and received approval of the new structure itself. Mr. John Conomy also received approval for a new home at 400 Chagrin Blvd. The Haas Residence at 10 Manderly Lane was before the board for an administrative motion to attach to their occupancy permit a note informing any potential buyers that they can find out more about this property in Village files. In February, the same two items that appeared at the BZA meeting just prior to this one appeared before the Planning Commission as well. The new pool house, patio and an addition at 35 Ridgecreek Trail were approved. The Korner residents at 70 Farwood requested a considerable re-build to the back of the house. There were issues with the grade and aesthetics so ultimately the board decided to table the issue and Mr. Korner will appear before the board again next month. The Rahims requested a new home at 80 Lancaster Lane in Moreland Mews which was approved. The Orange Schools bus garage renovation was also approved. Mr. Stanard stated that there were also four ordinances regarding changes to the Zoning Code (Ordinance 2015-14, 2015-15, 2015-16, 2015-17) on the agenda. A motion was made for the Planning Commission to hold a public hearing for these ordinances at their next meeting in March. At the end of the meeting, Mrs. Lane gave the members a training session, informing and refreshing the members on issues relating to the members function on this board.

ORDINANCES AND RESOLUTIONS:

ORDINANCE 2015-14– Introduced by Mr. Stanard

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE PLANNING AND ZONING CODE OF THE VILLAGE OF MORELAND HILLS REGARDING PLANNING COMMISSION REVIEW OF ACCESSORY BUILDINGS AND STRUCTURES.

Mr. Stanard stated that the Planning Commission will hold a public hearing on this Ordinance at their March 23, 2015 meeting. Council placed this ordinance on first reading last month and will ultimately have a public hearing on this matter as well.

Mr. Stanard made a motion seconded by Mr. Richman to place Ordinance 2015-14 on second reading.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

ORDINANCE 2015-15– Introduced by Mr. Stanard

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE CODIFIED ORDINANCES TO CLARIFY THE MANNER IN WHICH THE FRONT YARD SETBACK IS MEASURED ON PUBLIC STREETS.

Mr. Stanard stated that the Planning Commission will hold a public hearing on this Ordinance at their March 23, 2015 meeting. Council placed this ordinance on first reading last month and will ultimately have a public hearing on this matter as well.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2015-15 on second reading.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

ORDINANCE 2015-16 – Introduced by Mr. Stanard

AN ORDINANCE ENACTING SECTION 1151.19, “STREETS,” OF CHAPTER 1151, “U-1 DWELLING HOUSE DISTRICT REGULATIONS,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS.

Mr. Stanard stated that the Planning Commission will hold a public hearing on this Ordinance at their March 23, 2015 meeting. Council placed this ordinance on first reading last month and will ultimately have a public hearing on this matter as well.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2015-16 on second reading.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

ORDINANCE 2015-17 – Introduced by Mr. Fritz

AN ORDINANCE AMENDING SECTION 1173.01, “TOPSOIL REMOVAL,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO.

Mr. Fritz stated that this ordinance follows the same procedures as the three previous introduced by Mr. Stanard.

Mr. Fritz made a motion seconded by Mr. Stanard to place Ordinance 2015-17 on second reading.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

ORDINANCE 2015-23 – Introduced by Mr. Fritz

AN ORDINANCE AMENDING CONDITION NUMBER FIVE OF THE AMENDED AND REVISED WESTERN RESERVE LAND CONSERVANCY CONDITIONAL USE PERMIT AND DECLARING AN EMERGENCY.

Mr. Fritz stated that in 2011 and in 2012 Council approved then amended a conditional use permit with the WRLC. The purpose was to look out for all involved by ensuring traffic safety by monitoring the volume of the public events being held. He stated that Council received updates by the Mayor as required, and she received notification of requests for events that exceeded the allowed amount of 20, or that exceed the maximum amount of 40 attendees. This amendment removes Part “B” from Section 5 and readdresses Part “A” to allow 40 events per year, with 15 of those events having more than 40 attendees. The need to ask permission to the Mayor will no longer be required.

Mr. Fritz made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2015-23. Mr. Stanard asked if there have ever been any complaints regarding the WRLC. Mayor Renda stated that once the construction was over, she does not believe so other than perhaps one minor issue. She stated that she enjoys working with Emily Bacha from the WRLC, and has found that the WRLC is more responsive than in the past. Mayor Renda stated that we are also allowing them to use parking, if needed, at the House on the Hill which would eliminate a possible safety issue of having to cross the street. Ms. Bacha stated that the WRLC also works with the Metroparks for use of parking at the Polo Fields as well, or will request a Police Officer or a valet service so that no one will have to cross the street which will ensure the safety of their guests. She stated that they often hit the 40 mark for the number of attendees but if they were going to be over, they had to call the Mayor and inform her. Mayor Renda stated that this amended conditional use permit eliminates the WRLC’s need to call in such situations. Chief Wyant stated that the WRLC as always communicated well with his department, given considerable notice if they needed to schedule an officer, and informed them of where their guests would be parking. Ms. Bacha thanked Council members.

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 2015-23.

ROLL CALL:
AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis
NAYS: NONE
MOTION CARRIED

ORDINANCE 2015-24 – Introduced by Mr. Buczek

AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE UP-FITTING EQUIPMENT FOR THE NEW 2015 FORD F-550 CAB AND CHASSIS, FROM CONCORD ROAD EQUIPMENT MFG., INC. THROUGH THE STATE OF OHIO, DEPARTMENT OF ADMINISTRATIVE SERVICE COOPERATIVE PURCHASING PROGRAM, AND DELCARING AN EMERGENCY.

Mr. Buczek stated that the up-fitting comes from a secondary supplier to be put on the already purchased cab and chassis. He stated that Mr. DeWater has negotiated the price lower by about \$2,000.

Mr. Buczek made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-24.

ROLL CALL:
AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis
NAYS: NONE
MOTION CARRIED

Mr. Buczek made a motion seconded by Mr. Richman for passage of Ordinance 2015-24. Mr. Stanard asked Mr. DeWater how he ensures that all the equipment is included and installed. Mr. DeWater stated that they go line by line and check that it is all there.

ROLL CALL:
AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis
NAYS: NONE
MOTION CARRIED

ORDINANCE 2015-25 – Introduced by Mr. Sherck

AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE A 2015 CHEVY TAHOE 4X4 VEHICLE FOR THE POLICE DEPARTMENT FROM BYERS CHEVROLET THROUGH THE STATE OF OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES COOPERATIVE PURCHASING PROGRAM; WAIVING COMPETITIVE BIDDING AND DECLARING AN EMERGENCY.

Mr. Sherck stated that this vehicle is a replacement for Police vehicle 4934, which is also a Tahoe with 80,000 miles. This replacement was budgeted for.

Mr. Sherck made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2015-25.

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 Ordinance 2015-25. Mr. Buczek pointed out that on the second to last page of the supporting documentation, there is a deduction for daytime running lights in the amount of \$9.00, but the amount is added instead of subtracted.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

ORDINANCE 2015-26 – Introduced by Mr. Richman

AN ORDINANCE FIXING THE COMPENSATION OF VARIOUS OFFICERS AND EMPLOYEES OF THE VILLAGE OF MORELAND HILLS AND DECLARING AN EMERGENCY.

Mr. Richman stated that this was discussed at the Committee of the Whole meeting. It will amend the salary ordinance to create pay ranges for the Police Department employees, comparable to how it is laid out for all the other employees.

Mr. Richman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-26.

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 2015-26.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

ORDINANCE 2015-27 – Introduced by Ms. Sturgis

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

Ms. Sturgis stated that it was recommended by the auditors to get Council approval for the two transfers to the Equipment Depreciation Fund, one from the General Fund and one from the Police and Fire Levy. She stated that these funds were transferred last year, however there were no appropriations for them.

Mr. Shah further explained that last year when this Fund was created and the Police and Service Departments were being charged for the depreciation of their vehicles, we put it in the reserve fund. The auditor recommended that we go back to those same transfers and have Council approve them, in order to accommodate last year's transfers. The money was moved back so the transfer is actually happening this year, even though it is for 2014.

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-27.

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. Fritz for passage of Ordinance 2015-27.

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. Richman to approve the purchase of liquid de-icer from Nature Stone for the Service Department in the amount of \$3,503.00.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Miscellaneous

Mayor Renda informed Council about the new development in Orange called Pinecrest. She stated that Mayor Mulcahy and the Orange School Board have worked out a deal for financing. According to Mayor Mulcahy, there will be a delay in the need for a new levy by one or two years and it will be 1 mil less than it would have been without Pinecrest. This negotiation is between Orange and the School Board but it does affect Moreland Hills financially. Mayor Renda stated that her concern with this relates to Phase II, which is the residential portion of it. She stated that a large residential development may change the dynamics of the school; Orange Schools provide, in essence, a "private school" education for free. With more residents, what is the tipping point where that would change.

Mr. Buczek stated that he thought last week's Committee of the Whole meeting was the best meeting he sat through in a long time. He stated that everything on the agenda was discussed and he thinks all meetings should be like that. Mr. Stanard stated that he was going to make a similar point.

Mayor Renda stated that the TV's for the Council Chambers are installed and there is now a lock on the Council Chambers door. She stated that Will Robinson would like to have training session with Mr. Strichko regarding the new technology and she would also like Mr. Filarski and Mr. Stanard to be there.

Mr. Richman reminded Council Members of their Fire Appreciation Dinner on April 2nd between 6:30 and 6:45 for the Chagrin Falls Fire Department.

Mr. Buczek made a motion seconded by Mr. Fritz to adjourn the Regular Council Meeting.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

The meeting was adjourned at 8:12p.m.

Attest:

Sherri Arrietta, Clerk of Council

Steve Richman, Council President