

REGULAR COUNCIL MEETING

July 8, 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 Council Chambers.

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, Kevin Wyant, Police Chief, Ted DeWater, Service Director, Sherri Arrietta, Clerk of Council

Mrs. Cannon informed Council that she was advised by the applicant who is on the agenda for the public hearing requesting to place property in an agricultural use district, that she has withdrawn her request.

Mr. Richman made a motion seconded by Mr. Buczek to approve the minutes of the Regular Council Meeting of June 17, 2015.

ROLL CALL:

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

NAYS: None

ABSTENTIONS: Mr. Sherck

MOTION CARRIED

Reports from the Mayor and Other Municipal Officials

Police: Chief Wyant stated that all the new officers are working out great. He stated that they are waiting for the camera to come in so that it can be installed in the new police vehicle; they do not want to move forward with getting the vehicle set up until then because they will be charged twice if they have to come out twice.

Mayor Renda informed Council that there will be a retirement party for Sgt. Janet Boehler on Saturday, Sept. 12th. There will be a nominal fee for the tickets and a casual dinner will be served. She stated that Lt. Dietzel has been working on the party with her, and so she will keep them informed as she has more information.

Engineering

Mr. Filarski stated that the 2015 drainage program is set to start next week. The road program for North & South Strawberry is completed except for the drive aprons, transitions, and shoulders. Some patching and crack sealing needs to be done as well, but the bulk of the work has been completed.

Building

Mr. Filarski reported that there were 42 permits issued and 73 inspections performed in the month of June.

Mr. Filarski informed Council that MBIS has been acquired by SafeBuilt, which is the largest national company to provide building department services. He stated that they will be taking all current MBIS employees and keeping the ones who want to stay. Mr. Filarski stated that he just announced this today. He stated that it has been an exciting few years creating this company and providing the services for Moreland Hills, but he stated that he will no longer be part of MBIS. SafeBuilt is a very good and reputable company. Mr. Filarski thanked the Mayor and Council for putting their faith in MBIS and for letting them handle the building department here. Mr. Richman asked if someone from SafeBuilt could come and talk to Council. Mr. Filarski stated that he will have the Regional Manager, Steve Burns, come in to talk to them. Mr. Buczek asked if Moreland Hills will be their first municipality in the area. Mr. Filarski stated that they started in Bay Village, and are also now in Olmstead Falls, Sheffield Village and have done some work in Berea. Mr. Stanard asked where SafeBuilt's headquarters are. Mr. Filarski stated that it is in Colorado, but they are in 8 states with about 250 municipalities as clients and they have 300 employees. Mr. Stanard asked if SafeBuilt will honor the contract that the Village has with MBIS until the end of this year. Mrs. Cannon stated that we each have a 90 day termination provision but SafeBuilt will honor all contracts.

Mayor Renda stated that Mayor Sutherland has nothing but good things to say about SafeBuilt. She stated that while she does not like that Mr. Filarski will no longer be the contact person; she has confidence that it will be a great transition.

Service

Mr. DeWater informed Council that the Service Department is still cleaning up the storm damage and starting to clean debris out of ditches. He stated that they are also still working on the mudslide on Chagrin River Road; they had 3 trucks out in the last few weeks and hauled a total of 14 loads away. Mr. DeWater stated that he talked to Mr. Filarski about figuring out something for next year since the slide continues to move. He stated that he received an email from ODOT informing him that the winter salt contract was awarded to Cargill at \$15.89 a ton, which is only up a dollar per ton from last year.

REPORTS OF COMMITTEES

BZA

Mr. Stanard reported that the Board of Zoning Appeals met on June 22. Just prior to the meeting a training session was given by Mrs. Cannon, which was very interesting. Mr. Hodgson withdrew his request for an area variance for a barn; if he were to build the pavilion that he was also requesting, he would have needed an 880 sq. ft. variance. He did still request the pavilion at Planning which was approved; no variance was required for it. The Smith's on Miles with the 35 acre lot, were requesting an expansion of a non-conforming use for an accessory building on their property which has been used as a second home in the past and they will continue that use with the expansion, which was approved. They also needed a variance because the addition to the accessory structure exceeded the allowable square footage; their requested 730 sq. ft. variance was approved. Lastly, the Hunt Residence on Meadowhill, was requesting an 8.5 foot variance in order to put an addition on her house so that her children could move in and help take care of her ("age in place"). The variance was

required because the proposed placement of the addition would have otherwise blocked her view. The variance was granted.

Planning Commission

Mr. Stanard reported that the Planning Commission met on June 22 immediately after the BZA Meeting. The garage addition for the Smith Residence was on the agenda. They need additional space to store equipment needed to maintain 35 acres; it was approved. The Goldberg Residence at 45 Stonewood, requesting an addition was approved. Mr. Hodgson's request for a lot consolidation in order to conform with county septic requirements was approved as was his pavilion which was previously mentioned. The Alves Residence at 110 Millcreek requesting a porch addition was approved. The Hunt residence addition was approved as well. Mr. Wheatt's request for a 3 season room had some points of contention. The Village Architect did not approve the plans and the applicant's architect claimed he was not aware of that, however Mr. Strichko had sent him an email prior to the meeting informing him of that. Mr. Wheatt decided to withdraw his application and rework the plans with our Village Architect and re-present them to the Planning Commission in the future.

Mr. Stanard explained that currently a BZA application requires a \$50 fee. There is a fair amount of expense incurred by the Village to advertise and prepare for the meeting, which exceeds the application fee. The fee will be increased to \$250.00 in order to reimburse the Village for expenses; it is not intended to be a money making scheme.

Mr. Stanard made a motion seconded by Mr. Buczek to update the Residential and Non-Residential Building Department fee schedule to increase the BZA application fee from \$50.00 to \$250.00.

Mr. Buczek asked if it is a flat fee or if the applicant will get back any amount not used. Mayor Renda stated that it is a flat fee and in general, she stated that at least that amount is spent preparing for the meetings. There is time spent at the pre-planning meeting which involves a lot of discussion of these variances, Mrs. Arrietta puts in time determining who needs to receive the letters, writing and sending out the letters, as well as the time spent at the actual meeting. She stated that she has given this some thought and does not believe that it is unreasonable. Orange Village charges \$500 and they will refund any amount not used, but it is her understanding that nothing ever gets refunded. Our legal fees are covered under our retainer so they were not figured in, but perhaps that is the case in Orange's, which could be why their fee is more than ours. Mayor Renda stated that if she is still Mayor next year, she may revisit that and take the legal fees out of the retainer because that does not benefit all residents of the Village so they should not pay for all those costs. Mrs. Cannon stated that it is important that people give serious thought before they apply for a variance and that they have an incentive to think more seriously before they apply and put more time and energy and thought into the application process so everyone's time is better spent.

Mr. Fritz stated that he thinks the jump in price is substantial and he is not in favor of it. He stated that he does not believe that he needs to be financially incentivized to think about it more. Mayor Renda stated that it would cover our costs and it is also much less than the cost for a variance in Orange or the Board of Health. Mr. Fritz stated that he does not think that someone requesting a small variance should have to pay that large of an amount.

Mayor Renda stated that since we changed our Zoning Code, we are required to notify all the neighbors adjacent to that home which takes time to identify, time to write and mail the letters, as well as making sure they are sent out within the time constraints. Mayor Renda stated that applicants come before this board and have not filled out the application appropriately or they change their mind at the last minute, after we have put a lot of time and effort into it. She stated that if the fee is more significant, then they will not waste our time. It actually serves two purposes; it will cover our costs and it will discourage frivolous variances requests.

Mr. Sherck stated that he did not think the fee was enough. He stated that if you look at applications like the Smiths on Miles, for example, and take Mrs. Arrietta's cost per hour, it would not take much to get to that \$250.00. He suggested perhaps having a sliding scale based on the significance of the variance. Mayor Renda stated that while she has not done the actual numbers, she has costed it out in her head and she believes that residents are getting a bargain by being charged \$250.00 for a variance. Mr. Richman suggested that Council can always revisit and reevaluate the amount in the future if necessary, but stated that he is comfortable with the amount at this point. Mr. Stanard stated that he agrees that it is unfortunate that some residents will have minor variances, so in a way they are paying for one that is more complicated and would require consultation, more meetings, etc. He stated that he does not think it is bad to be aware of the cost and maybe after getting an idea of what it costs, it can be reconsidered later. Mr. Stanard stated that it is important to cover the Village's costs.

Mrs. Cannon stated that if you focus on the mechanics of the variance process (whether the request is large or small) it is not necessarily going to be that different. Mr. Buczek asked Mrs. Cannon if she is saying that the effort put into a variance is going to be same no matter how complicated the variance is. Mrs. Cannon stated that for example, the way our code is now drafted, every single variance requires a notice to be sent to the neighbor. Whether that notice has to go out to 2 people or 10 people, does not depend on the magnitude of the variance, it depends on how many people need to be notified. There is not necessarily a direct correlation between the mechanical cost and the magnitude of the policy issue regarding the variance.

ROLL CALL:

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

NAYS: Mr. Fritz

MOTION CARRIED

Facilities Committee

Mr. Sherck stated that the meeting was held on June 23. There is a contract with Absolute to repair the Police Department roof as well as do some minor repairs to the salt barn. The 2014 Sewer Rehabilitation Program is finished; there is legislation on tonight's agenda for that. The engineer is reviewing 2014 videotapes for 2015 program. Mr. DeWater is waiting for CEI to do the hook up at Gateway Park. Mr. DeWater interjected that it was hooked up last week. Mr. Sherck stated that they will also be adding the military branch flag poles there

in the near future. The Service Department is working on the improvements to the Forest Ridge trails that sustained damage with the recent rains. Mr. Sherck made a motion seconded by Mr. Richman to advertise for bids for the 2015 Sewer Rehabilitation Program.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Roads & Safety Committee

Mr. Buczek stated that the meeting was held on June 23. He stated that regarding the Giles Road sliding, the Village contracted with SME Consultants to do soil borings and stability analysis, and to make recommendations. They will also be looking at the information from the slide that occurred in the 1990's. The cost estimate was \$11,200. A lateral was repaired on West Juniper in the amount of \$13,724.00. Mr. DeWater did not want his crew to do that work, which he agreed with. It was 18 feet down and the Service Department does not have the equipment to do that type of work properly and safely. The next meeting will be on July 22.

Master Plan Review Committee Update

Mr. Fritz reported that the Master Plan Review Committee had their first meeting last night to update the Comprehensive Land Use Study, last updated in 2003. They discussed demographics and what their roles will be; all the members seemed eager and engaged. He stated that this meeting did not count as one of 4 meetings that will be facilitated by McKenna Associates. It was simply to get to know everyone and inform them of their roles on this committee. The next meeting is anticipated to be in the next 30 days. Mr. Fritz stated that he will keep Council updated and informed.

Resident Comments

Ms. Michelle Paris (38700 Jackson) introduced herself and informed Council that she is running for Judge in Bedford Municipal Court. She stated that she is reaching out to the residents of 14 suburbs. While they all have their strengths and weaknesses; they all want the same thing; safety, housing and employment. She informed Council of her background as a Chief Magistrate and discussed her love of the law. Ms. Paris stated that she also has a deep understanding of the administrative side of the law, since that was also part of her duties as Chief Magistrate. She thanked everyone and stated that if they decide to support her, she will not disappoint and definitely does not want to forget her home base.

ORDINANCES AND RESOLUTIONS

Ordinance 2015-60-Introduced by Mr. Sherck

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH UNITED SURVEY, INC. FOR THE 2014 SEWER REHABILITATION PROGRAM AND DECLARING AN EMERGENCY.

Mr. Sherck stated that this ordinance closes out the 2014 Sewer Rehab Program for the decrease amount of \$26,574.45. The original contract amount was \$131,647, making the final amount of the contract \$105,072. Mr. Richman asked if they just over estimated the

storm sewer cleaning at the beginning. Mr. Filarski stated that it was more of a contingency, if needed.

Mr. Sherck made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2015-60.

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 2015-60.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resolution 2015-61 – Introduced by Mr. Richman

A RESOLUTION OPPOSING PROPOSED HOUSE BILL 8; AND DECLARING AN EMERGENCY.

Mr. Richman gave a thorough explanation about pooling and unitization laws. House Bill 8 allows the state to be able to force the use of public lands in that unitization. It also includes a 30 day review period and makes it mandatory to loop in public lands except State parks; however local parks are mandatory. He stated that it makes sense for this Council to oppose this bill. Mrs. Cannon stated that it is believed that this bill was started in the House because the oil and gas interest wanted to accelerate the process by which ODNR considered these applications. At some point, they decided that the ODOT right-of-way would be included into mandatory unit and then at some point, it morphed into “must” put all public land (except some State park land) into these mandatory unitizations. The bill passed the House 98 to 0. Local communities, Metroparks, School Districts, etc., were completely unaware of what was going on. When the bill hit the Senate that is when people became aware and started to make some noise about this bill. The General Assembly is adjourned for the summer; the budget bill, which already passed, did not include this language but HB8 is still out there. She stated that we want to be prepared when the General Assembly reconvenes in the fall.

Mr. Richman made a motion seconded by Mr. Buczek to suspend the rules for Resolution 2015-61.

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 2015-61.

ROLL CALL:

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

Ordinance 2015-62- Introduced by Ms. Sturgis

AN ORDINANCE AMENDING SECTION 139.04, "COMPENSATORY TIME IN LIEU OF OVERTIME PAY," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that the Village currently has an ordinance that allows comp time to be earned year round for all departments within the Village; however, The Service Department is only allowed to earn comp time from November through April 30. This legislation will allow them to gain comp time for the entire year. This does not present a hardship on behalf of the Service Department if they are allowed to accrue on an annual basis versus just the winter months, and it would also allow the Village to continue to operate and provide services to the residents.

Ms. Sturgis made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2015-62.

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 2015-62.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-63 – Introduced by Mr. Fritz

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

Mr. Fritz explained the line items as follows; \$125,000 was for furniture for the Mayor's office; \$15,000 was based on legislation approved last month for the addition of security improvements to Village Hall and also included some roof repairs; \$177,000 under contracts is an addition to our Culvert & Drainage program – \$150,000 was budgeted for but the bids came in a little higher; \$3,300 was for a new pump at the Falls Creek Pump Station; the Police Pension and Police & Fire Levy had the usual housekeeping transfers.

Mr. Fritz made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2015-63.

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 2015-63.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-64- Introduced by Mr. Buczek

AN ORDINANCE APPROVING AN ADDITIONAL INVESTMENT OPTION THROUGH FTJ FUNDCHOICE, LLC UNDER THE VILLAGE'S FINANCIAL NETWORK OF AMERICA DEFERRED COMPENSATION PLAN AND DECLARING AN EMERGENCY.

Mr. Buczek stated that the Village participates in a deferred compensation plan. This legislation adds another fund that the employees can choose to participate in. There are over 2,000 mutual funds in this fund.

Mr. Buczek made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2015-64.

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 Ms. Sturgis for passage of Ordinance 2015-64.

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 Ms. Sturgis to go into Executive Session to discuss pending or imminent litigation at 8:17pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Stanard made a motion seconded by Mr. Fritz to come out of Executive Session and adjourn the Regular Council Meeting at 8:48pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 8:48pm.

Attest:

Sherri Arrietta, Clerk of Council

Steve Richman, Council President