

REGULAR COUNCIL MEETING
June 13, 2018
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. Emerman, Mr. Fritz, Mr. Richman, Mr. Stanard, Ms. Sturgis

Also Present: Aimee Lane, Law Director, Jeff Filarski, Village Engineer, Lt. Todd Dietzel, Sherri Arrietta, Clerk of Council

Mr. Buczek made a motion seconded by Mr. Fritz to approve the minutes of the Regular Council Meeting of May 9, 2018.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Reports from the Mayor and Other Municipal Officials

Mayor

Mayor Renda did not have a report.

-Engineering

Mr. Filarski did not have a report.

-Police

Lt. Dietzel reminded everyone that the Community Kids Fishing Day is this coming Saturday, June 16 from 10:0am to 1:00pm at Potts Pier.

-Law

Mrs. Lane reported that her retainer hours through April are 163.39.

-Finance

There was no report from the Finance Department.

-Service

There was no report from the Service Department.

Reports of Committees

Facilities Committee

Mr. Richman reported that the Facilities Committee met on June 5, 2018 and gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is July 3, at 8:00am.

Roads & Safety Committee

Mr. Fritz reported that the Roads and Safety Committee met on June 5, 2018 and gave a report based on the meeting minutes, which are attached.

He also showed a map of the drainage work needed on Mill Creek, which was discussed at the Roads and Safety Committee Meeting. Mr. Stanard asked about the flooding on Miles Road, referenced on page 2 of the minutes. Mr. Fritz explained that someone used equipment to move dirt into the ditch, but it is unknown who did it or why it was done. Mr. Filarski stated that he has no update on it and that it was done after the Service Department re-ditched it. The next regularly scheduled meeting is July 3, at 7:30am.

BZA

Mr. Stanard reported that the BZA met on June 4, 2018. There were two applications for area variances for 6-foot fences. The residents at 75 Sterncrest were requesting a 2-foot variance (to install a 6-foot fence) and they also requested a variance to install a fence that is 100% closed. The 2-foot variance was granted but conditioned upon the fence being a board-on-board fence so as not to be 100% closed. The other request at 3870 Wiltshire, was to install a 6-foot fence in the side yards, but a 5 foot chain link fence in the rest of the yard. They failed to prove hardship. It was agreed to table the matter to give them a chance to present again next month (see attached minutes). There is a Special BZA Meeting on June 18, appealing the Building Commissioner's decision regarding the rental of the accessory structure at 90 Millcreek. The next regular meeting will be on July 2, 2018.

Planning Commission

Mr. Stanard reported that the Planning Commission met on Monday, June 4 immediately following the BZA Meeting. The following were the items presented at the meeting: a request for a lot consolidation for a septic issue at 4021 Ellendale; a deck with a screened enclosure at 60 East Juniper; an entry addition at 190 Glen; and three new dwellings at 242 Meadowood Lane, 40 Addison Lane, and 45 Addison Lane. All items were approved, however, both Addison Lane homes were conditionally approved pending the submittal of their application for permission to put in a septic system. Both Addison Lane homes plan to get a sewer system eventually (see attached minutes). The next regular meeting will be on July 2, 2018.

ORDINANCES AND RESOLUTIONS

Ordinance 2018-15 -As Amended (Second Reading) - Introduced by Mr. Fritz

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF MORELAND HILLS OF A PROPOSED AMENDMENT TO ARTICLE IX, SECTION 4 OF THE CHARTER OF THE VILLAGE OF MORELAND HILLS, AND DECLARING AN EMERGENCY.

Mrs. Lane contacted Bond Counsel regarding the state rollback. The current levy qualifies for the state rollback and this proposed measure would change that levy by increasing it from 3 mills to 6 mills. Bond Counsel informed her that in order for the rollback to continue to apply to the existing levy, we should amend the pending ordinance to establish a new tax levy for 3 mills. The existing levy will be kept intact

with the date that was attributed for the tax year commencing, and the new tax levy will be established with the new tax year commencement date for the additional amount of the 3 mills. She will send the ballot language to the Board of Elections, as she did with the previous language, for them to review. The amount initially given to the residents is still correct because it did not include the rollback.

This ordinance needs to go to the Board of Elections on or before September 7. The charter levy can be changed at any time, however even a reduction in the mills would require a vote.

Mayor Renda informed Council that she would like to have an informational meeting for the residents sometime before the August meeting. The Village will send a postcard to all residents notifying them of this informational meeting.

Mr. Fritz stated that this ordinance will be on second reading again tonight and contains the language that will be provided to the voters for a 3-mill increase of our safety levy.

Mr. Fritz made a motion seconded by Mr. Stanard to place Ordinance 2018-15 on second reading.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-22 - Introduced by Mr. Fritz

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH RONYAK PAVING, INC. FOR THE 2018 ASPHALT PAVEMENT PROGRAM AND DECLARING AN EMERGENCY.

Mr. Fritz informed Council that the Roads and Safety Committee and the Village Engineer recommended this ordinance. Five bids were received ranging in price from \$155,157.50 to \$214,150.00. Ronyak Paving was the lowest and best bid received.

Mr. Fritz made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2018-22.

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 2018-22.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-23 - Introduced by Ms. Sturgis

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH STRAWSER CONSTRUCTION FOR CRACK SEALING, MICRO SURFACING AND CAPE SEALING THROUGH OHIO DEPARTMENT OF TRANSPORTATION CONTRACT NO. 101-G-19 AS PART OF THE 2018 ASPHALT PAVING PROGRAM; WAIVING COMPETITIVE BIDDING AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that the Roads and Safety Committee and the Village Engineer recommended this ordinance. Strawser Construction is an ODOT prequalified construction company for the State of Ohio. Because the state already completed the competitive bid process, that process is waived for the Village. The amount of the contract is \$276,073.46

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2018-23.

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. Buczek for passage of Ordinance 2018-23.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-24 - Introduced by Mr. Fritz

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH EUTHENCIS, INC. FOR GEOTECHNICAL AND STRUCTURAL ENGINEERING WORK FOR STATE ROUTE 87 SLOPE STABILIZATION AND DECLARING AN EMERGENCY.

Mr. Fritz stated that both the Roads and Safety Committee and the Village Engineer recommended this ordinance. It allows Euthenics, Inc. to determine the type of retaining wall system necessary to stabilize the slope along State Route 87, in the amount of \$63,362.00. The Village sent out several requests for proposals and only received the one from Euthenics Inc., in return.

Mr. Fritz made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2018-24.

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 2018-24.

ROLL CALL:

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

NAYS: None
MOTION CARRIED

Ordinance 2018-25 - Introduced by Mr. Stanard

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LABELLA ASSOCIATES, P.C. FOR ARCHITECTURAL DESIGN PROFESSIONAL SERVICES FOR VILLAGE BUILDING IMPROVEMENTS AND DECLARING AN EMERGENCY.

Mr. Stanard stated that ordinance is to contract with LaBella Associates, P. C. for the Police Department roof and other building maintenance repairs for the Village. He stated that he sat in on the interview process and in his opinion, LaBella is well experienced and in tune with the market. They were also 30% less than the other bidder.

Mr. Stanard made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2018-25.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Richman asked Mrs. Lane if she feels that the limitation of liability in the contract should be excluded. Mrs. Lane stated that she has already negotiated some changes, to which they were accommodating. She stated that she will check into it and Council can adopt it with the stipulation that she will ask about that provision.

Mr. Stanard made a motion seconded by Mr. Buczek for passage of Ordinance 2018-25 with the stipulation that the Law Director will ask about removing the limited liability provision.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-26 - Introduced by Mr. Stanard

AN ORDINANCE ENACTING NEW CHAPTER 903, "USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES" OF THE STREETS, UTILITIES, PUBLIC SERVICES AND ENGINEERING CODE.

Mr. Stanard stated that Mr. Bill Hanna from Walter|Haverfield explained this ordinance in detail at the Committee of the Whole Meeting last week. This ordinance will put requirements in place so that the Village can regulate the location, position, size, aesthetics, etc. of small cell wireless facilities and wireless support structures.

In response to a question Mrs. Lane explained that the language on indemnification comes from the statute. It could be broadened, but if it were ever to be challenged, we may still have to comply with what the state

law provides for anyway.

Mr. Stanard made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2018-26.

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 2018-26.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-27 - Introduced by Mr. Emerman

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

Mr. Emerman stated that the amendments to the current appropriations are as follows: Building Department Capital in the amount of \$1500 was for a new computer for Theresa Dean; Service Department Capital in the amount of \$5,000 was for plow blade repairs; Council in the amount of \$75.00 was for business cards for a council member; SCM&R in the amount of \$5,000 was for a hit and run that occurred on a guardrail in the Village. The insurance paid \$2400 but that goes into another account; Property Improvement in the amount of \$2500 is for the grant preparation work for the House on the Hill. The normal transfers to the Police Pension and Fire and Safety Levy funds were made, as well as one to the Property Improvement fund in the amount of \$550 which was a donation for the House on the Hill.

Mr. Emerman made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2018-27.

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 Ordinance 2018-27.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Miscellaneous

Mr. Emerman reminded Council that he will not be at the July 11 Council meeting since his wife is due to give birth on July 9.

Mayor Renda reminded Council about the Community Kids Fishing event at Potts Pier from 10:00-1:00. It also happens to be the fifth anniversary of Greg Potts' passing so she will give a little speech about Greg and how wonderful he was. She has reached out to Greg's wife, Joyce, and asked her and other family members to attend. Lt. Dietzel thanked the Mayor and Council and stated that this event would not be possible without their support, along with some very generous sponsors and donors. He also wanted to mention how much work Chief Wyant puts into this event as well.

Mr. Buczek made a motion seconded by Mr. Richman to adjourn the Regular Council Meeting at 8:02pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 8:02pm.

Attest:

Sherri Arrietta, Clerk of Council

Dan Fritz, Council President