

REGULAR COUNCIL MEETING
August 14, 2019
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, Ted DeWater, Service Director, Chief Kevin Wyant, Prashant Shah, Treasurer, Sherri Arrietta, Clerk of Council

Mr. Buczek made a motion seconded by Mr. Stanard to approve the minutes of the Regular Council Meeting of July 10, 2019.

ROLL CALL:

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

NAYS: None

ABSTENTIONS: Mr. Fritz

MOTION CARRIED

Resident Comments:

Ms. Diane Collier, resident on Cableknoll Lane, stated that she has lived in the Village for 30 years and that she moved to Moreland Hills for the tranquility of life and the great schools. She feels that she has tried to be an exemplary resident. She has had one issue for a number of years and is representing her street on this issue tonight. Motorists, who are avoiding the left hand turn off Hiram Trail, drive down her street, and either make a U-turn or turn into the first driveway and turn around. She stated that this is very dangerous and she has asked for and has received some improvement from the Village. Rocks were put toward the end of the street but she feels that more can be done. She would like to beg for better signage on SOM Center Road. The current sign "Residents Only" is meaningless. She feels that one day there will be accident which is why she would like a sign that says, "U-turns are illegal" so that a police officer can ticket those people that are making the U-turns

Mayor Renda stated that as she told Ms. Collier earlier, her timing is impeccable because there is a room full of police officers tonight who have heard her concerns. We have the best police officers in the area and so she is sure that they will be responsive to Ms. Collier's concerns. Ms. Collier thanked the Mayor and Council.

Mr. Sam Steinhouse, resident at 75 Winterberry Lane stated that he read the article in the Chagrin Valley Times about the last Council meeting where there was quite a lengthy discussion about the sewer/septic tie in issue. He stated that he took offense at the beginning of it where complaints were made that Mayor Renda and Mr. Filarski were not thorough in the work that was done putting this policy together. Having served on several commissions with this Council and Mayor Renda over the last 12 years, thorough has always been the starting point; therefore, he would argue that point. He stated that he is sure that the policy was very well thought out, as it was a contentious issue, and he feels that it was unfair to say that

they should wait until Mayor Renda is gone.

Mayor Renda asked Chief Wyant to present the Community Kids Fishing Day Awards. Chief Wyant stated that he just wanted to point out that Potts Pier is dedicated to one of our former employees, Building Commission Greg Potts, who passed away unexpectedly several years ago. Naming the pier after him was a way to honor him, as he was an avid outdoorsman who loved to fish. Holding this event at Potts Pier is just another way to honor Greg, who served with dedication to this community. Chief Wyant stated that there was a great turn out for the event this year; roughly 105 people attended and 65 kids signed up to fish.

At this time, Chief Wyant handed out the Biggest Catch Awards to the following:

Awards for the 5- to 8-year-old age group went to: Gold Medal winner, Collin Childs (22" catfish) Silver Medal winner, Paige Chess (14" bass) and Bronze Medal winner, Wyatt Janke, (13.5" bass).

Awards in the 9- to 12-year-old age group went to: Gold Medal winners, Oliver Marriott and Cormac Haas (tie) who each caught a 13.75" bass; and Bronze Medal winner, Grayson Chess (12.5" bass).

Chief Wyant thanked the Police Department and Service Department for their assistance and thanked Mayor Renda and Council for their support. This event would not be possible without them. Mayor Renda thanked the parents of the award winners for taking the time to come here tonight. Mr. Richman stated that it is a great event, and urged those who have not gone before to go next year. He stated that they all do such a great job bringing the community together. Mayor Renda thanked Chief Wyant for organizing this event every year.

Resident Comments

Reports from the Mayor and Other Municipal Officials

Engineering

Mr. Filarski reported that work on Hiram Trail started and will be done by the middle of next week. There is currently no through traffic allowed. The Route 87 slope stabilization project was bid out by ODOT; Marucci and Gaffney Excavating Company from Youngstown were the low bidder at \$1.484 million dollars, which is one-tenth of a percent over the estimated cost. He has not received a schedule yet.

Mr. Filarski stated that he advertised for bids for the sewer lateral project, however no bids were received. He stated that he will re-bid that project at some point. He has not yet heard back from the Health Department about the request to test the septic systems. Mr. Fritz asked if the Route 87 slope incurred any additional damage/costs because of all the rain. Mr. Filarski informed him that there was some additional slippage, but luckily the rain stopped mid-June and it will not affect the final cost of the project. Mr. Emerman asked if the road would be closed in both directions during the work on the Route 87 slope stabilization project. Mr. Filarski stated that it would be.

Service

Mr. DeWater reported that he and Mr. Kowalczyk did a final punch list walk-through with LaBella regarding the renovations at Village Hall and the Police Department. They found 9 items that needed to be fixed and all of which have been addressed by the contractor. The close out documents and warranty documents are being worked on currently. Once those items are complete, he will work with Mr. Shah

and Mrs. Lane to finalize the contract with a final change order. He stated that all the work turned out well and Sander Contracting was a great company to work with. Mr. Fritz complimented the Service Department and the administration regarding the drainage projects in Bentleyville Road and Skyline Drive area. He has heard nothing but good things about the work that was done as well as the notification to the residents of closures ahead of time.

Mayor Renda stated that since they are discussing the Village Campus renovations, she wanted to remind everyone that the Village is having an open house on September 25 from 6:00pm-9:00pm. Residents can come and see the improvements that were made and see the firing range and our other Village offices. There will be a lot of staff on hand to point out the improvements, most of which will be hard to see because a lot of work was done to the roofs.

Law

Mrs. Lane reported that the Law Department hours through June are 236, which is good for this point in the year. She gave an update on the House Bill 49 case. The Ohio Supreme Court accepted jurisdiction over the home rule issue. This is a big deal because the Court of Common Pleas and the Court of Appeals rejected those claims so they will now be moving toward a briefing and oral arguments. Mr. Fritz asked why they did not want to hear the argument on the one subject rule. Mrs. Lane explained that she is unsure but she does know that home rule is always a hot topic. Mr. Fritz asked if the court will accept the case on multiple fronts or if they typically take one angle. Mrs. Lane stated that when you are pleading to the court, you offer the issues that you would like them to take on and they can take all of them or just one.

Police

Chief Wyant did not have a report.

Finance

Mr. Shah did not have a report.

Mayor

Mayor Renda informed Council that she would be meeting on Monday with Nate McConoughey and Rick Novickis from the Health Department. She is hopeful that she can get one of them to come to the Committee of the Whole meeting in either September or October, whichever works better.

Mayor Renda reported that she walked Moreland Commons today with Bryan Stone of Axiom. The Developers got a late start because of all the rain in the spring, making it too wet for them do any work. They are currently doing a lot of excavating, getting ready to do the entrance to the development; they are ready to put in the infrastructure, roads, storm water management facilities and utilities. It is going really well. She could see the commons, which is the center of development where they have saved mature trees. It is already really beautiful and that is without the landscaping and houses. She stated that what they have done shows a remarkable respect for nature. Even though they have done a lot of excavating and removed some trees, you can still see plenty of nature and it is beautiful. Mayor Renda stated that they should all be proud of themselves for the thought and effort that they all put into getting that development done correctly. She is also very grateful to Axiom for following through with that.

While she was on site, she saw Tracy with Chagrin Valley Engineering. She is in charge of keeping up on all the storm water issues, which she is well monitoring. She feels confident that Mr. Filarski and his

firm, as well as Mr. Kowalczyk will ensure that this project goes well. She feels that this will be a beautiful development and she stated that they all have a lot to be proud of and to look forward to.

Reports of Committees

BZA

Mr. Stanard reported that there was not a BZA meeting in August. The next meeting will be on September 9, 2019, which is a week later than normal because of Labor Day.

Planning Commission

Mr. Stanard reported that the Planning Commission met on August 5, 2019. He gave a report based on the meeting minutes, which are attached. The next meeting will be on September 9, 2019, which is a week later than normal because of Labor Day.

Roads & Safety Committee

The Roads and Safety Committee did not meet in August. The next meeting will be on September 3, 2019 at 8:00am.

Facilities Committee

The Facilities Committee did not meet in August. The next meeting will be on September 3, 2019 at 8:30am

Mayor Renda stated that she is very happy to introduce our new Police Officer, Paul Hobart. After an extensive interview process, Chief Wyant and Lt. Dietzel recommended that the village hire him. He is very impressive. Officer Hobart's former boss, Don and his Chief speak very highly of him. He comes to us from the Maple Heights Police Department. Officer Hobart is a Northeast Ohio native and lives in the area with his wife and two small children. Mayor Renda stated that we could not be happier to welcome him into our group.

Chief Wyant stated that Officer Hobart was recently assigned to the detective bureau in Maple Heights, so he brings a lot of knowledge and experience to the Village.

ORDINANCES AND RESOLUTIONS

Ordinance 2019-43-Introduced by Mr. Richman

AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF THE VILLAGE OF MORELAND HILLS OF PAUL HOBART AS A FULL TIME PATROL OFFICER, AND DECLARING AN EMERGENCY.

Mr. Richman stated that he is pleased to introduce the ordinance. He stated that Officer Hobart was with Maple Heights for 10 years and was recently assigned to the detective bureau. He replaces the opening we had in the department from Officer Lance Priest leaving. As everyone has already heard, he is extremely capable and qualified, with the highest character, as all of our officers are.

Mr. Richman made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2019-43.

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 2019-43.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

At this time, Mayor Renda swore in Officer Hobart. Mayor Renda thanked everyone for coming and she and Council congratulated Officer Hobart.

Ordinance 2019-44 - Introduced by Mr. Stanard

AN ORDINANCE AMENDING CHAPTER 1363, "RENTAL DWELLING REGISTRATION," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS REGARDING REGISTRATION REQUIREMENTS, ENDING THE MORATORIUM ON SHORT-TERM RESIDENTIAL RENTALS, AND DECLARING AN EMERGENCY.

Mr. Stanard stated that this ordinance is relevant to a lot of discussion that Council has had about short term rentals (including Airbnb and VRBO) that was confronting the Village with issues that we have not seen before. We were also getting calls from residents that were concerned about it. He read the third "whereas" clause in the ordinance because he feels that it neatly defines the work that Council did. "Council has decided to amend the existing rental dwelling registration ordinance to include additional requirements as part of the registration and inspection process to ensure that all rental dwellings, regardless of the duration of the rental, are maintained in a safe and sanitary manner for all renters in the Village"

Mr. Stanard further explained that a few definitions were amended, and it was made clear that a rental dwelling is subject to the requirements of this chapter, regardless of the rental duration. The definition of family was amended such that it is consistent with accepted law (family can consist of four unrelated persons). He feels that the Findings and Purpose portion neatly defines what Council was faced with... "Village Council has concluded that this chapter shall apply to all rentals of dwellings, regardless of duration to ensure that all rentals are provided with safe and sanitary conditions and to protect the adjacent properties from the potentially adverse effects of transient or temporary rentals." Proof of homeowner's insurance policy will be required and the Building Commissioner will be responsible for monitoring that when the applications are made. The fee was increased to \$100.00 from \$25.00 for the initial registration to rent a dwelling and registration renewals will be \$75.00 every year. Occupancy limits were made consistent with previous chapters of our Ordinance, which is also consistent with Ohio law. Only the principal or main dwelling can be a rental dwelling: an accessory structure cannot be rented. The renting of individual rooms is also prohibited. The property owner is required to provide to the renter contact information of the person responsible to take action, make repairs, or resolve any complaints. The property owner shall also provide trash and recycling rules and regulations to the renter. Under the penalty

section it states, “The imposition of any penalties shall not preclude the Village from instituting an appropriate action or proceeding in a court of proper jurisdiction.” This statement means that the Village is going to make certain that it works, but if it does not, we can modify and/or invite further amendments to the ordinance.

Mayor Renda thanked Mr. Stanard for his very thorough explanation and Mrs. Lane for her very work in capturing everyone’s concerns.

Mr. Stanard made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2019-44

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. Buczek for passage of Ordinance 2019-44.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-45 - Introduced by Mr. Fritz

AN ORDINANCE AMENDING SECTION 131.02, “CLERK-SECRETARY,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS TO CLARIFY THE DUTIES OF CLERK-SECRETARY, AND DECLARING AN EMERGENCY.

Mayor Renda first pointed out that Mrs. Arrietta found this discrepancy and informed Mrs. Lane of it. Mr. Fritz stated that this is a housekeeping issue. He stated that as Council knows, the clerk-secretary does attend meetings and prepares the minutes, which she does an outstanding job at, therefore this ordinance should be amended to remove “not” so that it reads that “such duties *shall include* attendance at Council Meetings and *the taking* or preparing of Council minutes.” Additionally, some other language was found under Section 1(b) that should be changed from “shall serve during his pleasure” to “shall serve at the pleasure of the Mayor.” Mr. Richman stated that he wanted to reiterate what Mr. Fritz about Mrs. Arrietta. Mr. Emerman informed Mrs. Arrietta that was a good catch and stated that she did a good job with the minutes. He stated that he feels that it is also important that we catch and correct gender specific wording.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2019-45

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 2019-45.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-46 - Introduced by Mr. Emerman

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

Mr. Emerman stated that the \$15,000 transferred to contract services was for painting inside the Police Station and tree removal work on Village property (Village Campus and Forest Ridge).

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2019-46

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 2019-46.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Miscellaneous

Mr. Emerman saw that Supreme Court put out an opinion today against the Village of Bratenahl regarding open meeting laws. When the Village Council members in Bratenahl were electing Council President, they did it by secret ballot. The Supreme Court ruled that it was a violation of Ohio Open Meeting Laws. He stated that he knows that we do not do that here, but thought that it was of interest. Mayor Renda stated that one of the first things she did when she came into office was to stop that practice, which was in 2008. Margaret Cannon, who was the Law Director at that time, was the one that said it must be done publicly because one should be able to stand by their vote. Mr. Emerman stated that the courts agreed with the Village of Bratenahl all the way, up until they went to the Supreme Court, and then they ruled against the Village.

Mayor Renda thanked everyone for attending the meeting tonight.

Mr. Buczek made a motion seconded by Mr. Stanard to adjourn the Regular Council Meeting at 7:53pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 7:53pm.

Attest:

Sherri Arrietta, Clerk of Council

Dan Fritz, Council President