

REGULAR COUNCIL MEETING
August 8, 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, Ted DeWater, Service Director, Chief Kevin Wyant

Ms. Sturgis made a motion seconded by Mr. Buczek to approve the minutes of the Regular Council Meeting of July 11, 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.

-Finance

Mr. Shah was not present at the meeting.

-Police

Chief Wyant did not have a report.

-Engineering

Mr. Filarski gave an update regarding the slide project on State Route 87. The alternatives analysis was sent to ODOT and they have agreed on using the single wall system. ODOT needs a little more information first, but they should give us approval to move forward soon.

-Service

Mr. DeWater did not have a report.

-Law

Mrs. Lane stated that the Law Department hours through June are 278.31. That is slightly ahead of schedule; however, there have been two (2) BZA cases where there have been appeals of determinations by the Building Commissioner, which has required some extra meetings and extra time. She stated that they are currently in the process of scheduling one of those appeals for September or October.

Mrs. Lane informed Council about pending litigation. On June 18, the BZA did hear an appeal with respect to the property at 90 Millcreek. The homeowners appealed the decision of the Building Commissioner that an accessory structure could not be rented through Airbnb. The BZA affirmed the Building Commissioner's decision. Two weeks ago, the property owner appealed that decision to the common pleas court. She stated that they will be doing everything they can to defend the Board's decision in that case.

The Village has been involved for some time with two pieces of collective litigation with other municipalities to protect home rule. Senate Bill 331 is the small cell legislation that was adopted a few years ago that had a sweeping impact on the control that the municipalities had with respect to locating small cell facilities in the right-of-way that then precipitated multiple lawsuits across the state. The Village participated in one such lawsuit that was originally filed in Summit County and did not receive a favorable ruling. When the case was on appeal, the wireless telecommunication industry and certain Ohio municipal representatives discussed possible changes to the law, which is now Substitute House Bill 478, which was effective as of July 31, and is the impetus for the Village's current small cell ordinance and the small cell design guidelines.

The Village along with other Ohio municipalities is also involved in a lawsuit pending now in the 10th District Court of Appeals in Columbus, challenging House Bill 49, specifically the provision in that bill that allows for central collection of net profits tax. A favorable ruling in the trial court was not received so it is currently pending in the court of appeals. The briefing has been complete and they are waiting on an argument date. Based on the court of appeals brief, it seems as though the case will turn on the word "levy" because the state constitution grants the authority to pass laws that limit the power of municipalities to levy taxes, to the general assembly. The State keeps arguing that the word "levy" means not just to impose the tax but also to collect and administer municipal taxes while the municipal corporations are arguing that "levy" means just imposing the tax.

Reports of Committees

Roads & Safety Committee

Mr. Fritz reported that the Roads and Safety Committee met on July 31, 2018, and gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is September 4 at 7:30am.

Facilities Committee

Mr. Richman reported that the Facilities Committee met on July 31, 2018, and gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is September 4 at 8:00am.

BZA

Mr. Stanard reported that the BZA met on August 6, 2018, and gave a report based on the meeting minutes, which are attached. The next regular meeting will be on August 27, 2018.

Planning Commission

Mr. Stanard reported that the Planning Commission met on August 6, immediately following the BZA Meeting. He gave a report based on the meeting minutes, which are attached. The next meeting will be on August 27, 2018. Mayor Renda reported that Planning Commission made a motion to amend the Comprehensive Land Use Plan to designate Chagrin River Road as a scenic corridor, which Council will need to consider next month.

ORDINANCES AND RESOLUTIONS

Ordinance 2018-32 - Introduced by Mr. Richman

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SANITARY SEWER DEVELOPMENT AGREEMENT FOR THE PROVISION OF SANITARY SEWER SERVICE TO THE CHAGRIN BLUFFS SUBDIVISION AND DECLARING AN EMERGENCY.

Mr. Richman stated that this would allow Chagrin River Development LLC (Chagrin Bluffs Subdivision developer) to tie into the Village of Chagrin Falls' sewer system. In order to do so, the developer has agreed that it would be at their cost and subject to getting a permit from NOACA, and receiving approval from both Moreland Hills and Chagrin Falls. This agreement involves three legal aspects; (1) a development agreement between the developer, Chagrin Falls, and Moreland Hills; (2) an easement between Chagrin Falls and the property owners of Chagrin Bluffs to be able to construct and maintain the sewer system; (3) an easement between Chagrin Falls and Moreland Hills to be able to construct, operate, etc., part of the sewer line that runs underneath Chagrin Blvd., which will be before Council in September. There were a few changes to the agreement late this afternoon, which Mrs. Lane explained to Council. There was a change to the exhibit for the easement along Addison Lane regarding a typo on a dimension (now shown as 90 ft. instead of 150 ft.), the other revision is in the second "whereas" clause that changed the description of the project as a sanitary sewer force main and as well as the lineal foot of that line. Other revisions to paragraph two reflect that the sewer line is not in the right-of-way.

Mr. Richman made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2018-32.

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. Emerman for passage of Ordinance 2018-32.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-33- Introduced by Mr. Fritz

AN ORDINANCE ACCEPTING THE BID OF, AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH, C.A. AGRESTA CONSTRUCTION CO. FOR THE RECONSTRUCTION OF TWIN ACRE COURT AND DECLARING AN EMERGENCY.

Mr. Fritz stated that three competitive bids were received ranging from \$249,000 to \$275,000. The lowest bid received was in the amount of \$249,725 from C.A. Agresta Construction Co. It was discussed at and recommended by the Roads & Safety Committee to be brought to Council for approval.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2018-33.

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 2018-33.

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

Ordinance 2018-34 - Introduced by Mr. Fritz

AN ORDINANCE ACCEPTING THE BID OF, AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH, TRAFFTECH, INC. FOR THE 2018 PAVEMENT STRIPING PROGRAM AND DECLARING AN EMERGENCY.

Mr. Fritz stated that four bids were received with the lowest and best from Trafftech Inc. This was discussed at and recommended by the Roads & Safety Committee to be brought to Council for approval. Mr. Fritz passed out a map that shows the areas being striped.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2018-34.

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 2018-34.

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

Ordinance 2018-35- Introduced by Mr. Emerman

AN ORDINANCE AMENDING SUBSECTION (A) OF SECTION 131.01, "AUTHORITY TO PURCHASE," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS TO PERMIT THE USE OF BLANKET PURCHASE ORDERS, AND DECLARING AN EMERGENCY.

Mr. Emerman stated that this ordinance clarifies the Mayor's authority to issue blanket purchase orders, which are used for reoccurring purchases or services.

Mr. Emerman made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2018-35.

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. Richman for passage of Ordinance 2018-35.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2018-36 - Introduced by Mr. Emerman

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

Mr. Emerman stated that there was only one transfer this month from the General Fund to the Police Pension fund in the amount of \$15,000, which is a typical fund transfer that is made because the current Safety Levy does not compensate the entire cost for safety services.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2018-36.

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. Stanard for passage of Ordinance 2018-36.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Miscellaneous

Mr. Richman informed Council that the Moreland Hills Historical Society is looking for new board members. He also recommend becoming a member of the Historical Society to help continue to preserve Moreland Hills' historical heritage.

Mr. Buczek made a motion seconded by Mr. Stanard to adjourn the Regular Council Meeting at 7:40pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 7:40pm.

Attest:

Sherri Arrietta, Clerk of Council

Dan Fritz, Council President