

REGULAR COUNCIL MEETING
September 11, 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.

Mayor Renda asked for a moment of silence in remembrance 9/11.

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, Lt. Todd Dietzel, 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 August 14, 2019.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resident Comments:

No residents present wished to speak.

Reports from the Mayor and Other Municipal Officials

Mayor

Mayor Renda informed Council that she nominated Fire Chief Zupan in mid-July for an award from NOPEC. They were interested in giving awards to Safety Chiefs who were really dedicated to their jobs. She stated that she finds that Chief Zupan is an amazing example of leadership and dedication. Mayor Renda stated that she has worked with him for 18 years and he is an amazing human being. Chief Zupan serves six communities through his job at Chagrin Falls Suburban Fire Department. He is engaged in every aspect of fire fighting, including fire prevention and education. She said that it is her opinion that his employees respect and appreciate him, as she does.

NOPEC agreed that Chief Zupan should be recognized for his work; therefore, tonight Caitlyn Albright from NOPEC is here to present his award. Mayor Renda stated that she feels that this is a great day to recognize all our first responders and thanked them all for their service. She stated that it is especially meaningful to her that Chief Zupan receives this award on this day.

Mayor Renda introduced Caitlyn Albright from NOPEC. Ms. Albright informed Council that in 2016, NOPEC created the Recognition Program to allow community officials to acknowledge the hard work and dedication of their colleagues. At this time, Ms. Albright presented the award to Chief Zupan.

Chief Zupan stated that he appreciated Mayor Renda and NOPEC for this award. He thanked Mayor Renda for recognizing him and stated that he will miss her.

Mayor Renda informed everyone that NOPEC also sponsored the Village's 90th Anniversary Event on Saturday. They provided us with a grant for \$1500, which turned out to cover about half of the entire cost. Mayor Renda thanked Ms. Albright for attending that event. Ms. Albright said that it was a lot of fun and she had a good time.

Chief Zupan informed Mayor Renda that all the firefighters here tonight are actually here for her. He stated that she has been such a supporter of theirs for so many years, from helping them to cover the costs of apparatus to the three-year project of much-needed department renovations to helping start Chagrin Valley Dispatch. Chief Zupan stated that he cannot thank her enough for constantly voicing her support for them.

At this time, Chief Zupan read the following from the plaque that he presented to Mayor Renda: "Honorable Mayor Susan Renda, we are humbled and grateful for your support, dedication and generosity over your many years of Public Service. As Mayor, you have been our strongest ally and a wonderful friend to us. Your grace in leadership will be missed but fondly remembered by your Firefighters. With sincere gratitude Chagrin Falls Suburban Fire Department September 11, 2019"

Chief Zupan stated that they have a long tradition of naming an Honorary Fire Chief. It is highly regarded and the last person given that honor was Tim Conway. Tonight, they would like to make Mayor Renda an Honorary Fire Chief. At this time, Chief Zupan presented Mayor Renda with an Honorary Fire Chief Badge.

Mayor Renda thanked Chief Zupan and the firefighters and said that it meant the world to her.

Police

Lt. Dietzel did not have a report.

Finance

Mr. Shah did not have a report.

Service

Mr. DeWater gave an update on the treatment plant failure. On August 26, there was a catastrophic failure of both pumps at the Jackson Valley Pump Station that caused them to switch to overflow. By the time his employees arrived, within the first thirty minutes, they had stopped the overflow and got it pumping into the tanks, and notified the EPA. The cause of the failure were cracked and ruptured glass bulbs, which allowed effluent to spray throughout the control panel, saturating everything.

He stated that he, Stewart Thompson, and Mr. Filarski came up with a plan of attack. By the end of the first day, Mr. Filarski had the emergency backup pump on its way here and Mr. Thompson cleaned everything up and analyzed what needed to be done. They called a pump equipment company who hot-wired one of the pumps to get it up and running, so by the end of the first day, it was pumping with a manual on and off switch that required Service employees to come in and operate it. By the end of the second day, all the parts were on their way and by the third day, the pumps were running normally, so it

did not require anyone to come in to operate it, only to check to make sure it was working correctly. To date, all the pumps and the telemetry equipment have been replaced and are up and running again. (Both pumps, both motors, and both vacuum pumps have been replaced). The only thing they are waiting for is the computer control center. The manufacturer informed them that it is still about 4 weeks out but not having it does not affect daily operations. Once it is all up in running, they will gather all the bills and work with the Finance Department, so that they can process the insurance claim that is on file.

Mr. Stanard asked if there was any further action required per the EPA, since some effluent made it into the tributary. Mr. DeWater stated that he was required to put the EPA on notice initially when it happened as well as doing a 5-day follow up, and they had to check the outflows to clear out any solids that may have made it in there, luckily, there were none and only liquid got through. The hole that it was coming out of was only the size of a quarter; however, the amount that came out was estimated at 10,000 gallons. He stated that no further action is required with the EPA but they will have to file an additional SSO report at the end of the year.

Ms. Sturgis asked Mr. DeWater if there were any warnings or alerts. Mr. DeWater said that unfortunately, when the system went down and started spraying effluent, it shot right into the warning system and the power went out. Mr. Buczek told Mr. DeWater that he is impressed by the way he and his staff handled this situation, especially in a short amount of time. Mr. DeWater stated that a lot of the credit belongs to Stewart Thompson for getting it up and running and staying as long as was needed.

Mr. Fritz asked if a “trouble warning” was received. Mr. DeWater stated they did receive a message that the pump was off-line, however, after that message was received, another alert came through that the pump was back online.

Mr. DeWater stated that Mr. Thompson did update the telemetry system with a watertight system so if this ever happens again, it will not saturate the entire system.

Mayor Renda thanked Mr. DeWater and Mr. Filarski for taking care of that situation.

Engineering

Mr. Filarski reiterated that Mr. DeWater and Mr. Thompson did a great job handling the pump station situation. Everyone was levelheaded figuring out what needed to be done and following up by calling the septic haulers. He stated that they did a really nice job, which he feels was a result of the training that Mr. Thompson has gone to over the years. Mr. Filarski stated that it is important to have well-trained employees on staff.

Mr. Filarski informed Council that they did decide that all electrical equipment should be replaced. Also, Mr. Thompson had the idea to drill a hole in that base plate, so if something like that happens again, the water will drain out and not shoot up. He stated that they still need to follow up with the manufacturer to find out why it went out in the first place. Mr. DeWater stated that the two electric motors (pumps) and two of the three glass bulbs were sent back to them, so they are waiting to hear back about what went wrong. Mr. Stanard informed Council that in conversation with Mr. DeWater, he made it known that Mr. Filarski was also quite responsive and made himself available to deal with this situation.

Law

Mrs. Lane did not have a report.

Reports of Committees

Roads & Safety Committee

The Roads and Safety Committee did not meet in September. The next meeting will be on September 24, 2019 at 8:00am.

Mr. Richman made a motion seconded by Mr. Buczek to authorize JD Striping, Inc. to perform the annual pavement marking within the boundaries of the Village of Moreland Hills, in the amount of \$17,526.80.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Facilities Committee

The Facilities Committee did not meet in August. The next meeting will be on September 24, 2019 at 8:30am

Mr. Emerman made a motion seconded by Ms. Sturgis to authorize the Mayor to enter into an agreement with Nerone and Sons, Inc. for sewer lateral repairs, as recommended by the Village Engineer, in the amount of \$12,000. Mr. Emerman informed Council that this is for repairs within laterals related to sink holes.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

BZA

Mr. Stanard reported that there was not a BZA meeting in September. The next meeting will be on October 7, 2019.

Planning Commission

Mr. Stanard reported that the Planning Commission met on September 9, 2019. He gave a report based on the meeting minutes, which are attached. The next meeting will be on October 7, 2019.

APPROVAL OF BONDS, CONTRACTS, PLATS, ETC.

Schulz Residence

35750 So. Woodland Road
Conditional Use Certificate –
Solar Panel Installation

Mr. Stanard stated this was a very neatly put together application for a solar system. He stated that a representative from the company, Yellowlite, who submitted the application packet, is here tonight if anyone has technical questions to ask.

They have observed all the requirements in the Code that governs the installation of solar panel systems. The disconnection switch was planned to be put on the side of the garage, however, Mrs. Lane noted that the regulations do not allow any component to be placed in the side yard. The Planning Commission was in favor of the application otherwise, so it was decided to recommend it to Council contingent upon on the switch either being re-located or the applicant obtaining a variance to keep it in the side yard. Since that time, the engineers were able to relocate the switch to the rear yard, obviating the need for a variance.

Mr. Fritz asked what type of equipment was located in the garage. Mr. Stanard stated that is a transfer switch, which will disconnect the main panel to allow the solar energy system to disconnect in the event of an emergency; it also prevents back flow. The disconnect switch that he was speaking of, strictly shuts down the solar system so that first responders can identify that as the disconnect for the solar system and as soon as that switch is pulled, no energy goes to or from the system

Mr. Stanard made a motion seconded by Mr. Richman to approve the Conditional Use Certificate for solar panel installation at 35750 So. Woodland Road.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

ORDINANCES AND RESOLUTIONS

Ordinance 2019-48-Introduced by Mr. Richman

AN ORDINANCE ENACTING NEW CHAPTER 905, "USE OF PUBLIC RIGHT-OF-WAY BY SERVICE PROVIDERS," OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

Mr. Richman stated that this ordinance provides guidelines, due process protections and regulations applicable to the use of the Village's public rights-of-way for the provision of telecommunications and other utility services. It also ensures that any utility construction within the Village's right-of-way is permitted in a timely manner to protect the Village's residents and infrastructure, as stated in the ordinance.

This ordinance was researched, drafted, revised and presented to Council by Mrs. Lane and her colleague, Mr. Hanna. Mrs. Lane explained that Council would have to put this ordinance on first reading because there is a requirement that a 45-day notice be given to PUCO, who then notifies the utilities to give them a chance to comment. That notification letter was sent yesterday. She stated that when they discussed this ordinance at the Committee of the Whole meeting last week, Mr. Buczek had a question about the relocation provisions for requiring a utility or service provider to relocate facilities in the case of a public improvement project. She spoke with her colleague, Bill Hanna, who made her aware of Ohio Case Law where the courts have confirmed the municipalities' authority to order the relocation of facilities, but it is

not definitive as to who is responsible for the cost. The way the ordinance is written, it provides for the municipality to order the relocation and for the service provider to pay for it, unless otherwise provided by State law, which trumps local law.

Mr. Richman made a motion seconded by Mr. Fritz to place Ordinance 2019-48 on First Reading.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-49 - Introduced by Mr. Emerman

AN ORDINANCE AUTHORIZING PAYMENT OF RETAINAGE TO SANDER CONTRACTING, INC. FOR THE POLICE STATION ROOF AND VILLAGE HALL ENTRANCE PROJECT AND DECLARING AN EMERGENCY.

Mr. Emerman stated that this ordinance relates to the Sander contract for the upgrades and improvements to the Village Campus. The amount of \$93,604.10 is the last amount due under this contract. Mr. DeWater did a walk-through inspection and determined that all work was complete and acceptable. Mr. Richman asked if there were any punch list items that would justify retaining part of the advance. Mr. DeWater stated that there are no punch list items remaining; all items have been complete. He stated that he is, however, waiting for a few letters certifying that all sub-contractors were paid in full; however, we will not give Sander the check until they are received. Part of the retainage money coming to them also goes to Sander's contractors because they hold 10% from their contractors as well. This will serve as the final close out for this contract.

Mayor Renda reminded Council that the Village Open House is September 25 for the residents to come and see the improvements made to the Village campus.

Mr. Emerman made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2019-49.

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 Ms. Sturgis for passage of Ordinance 2019-49.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resolution 2019-50 - Introduced by Mr. Emerman

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER.

Mr. Emerman stated that this ordinance has to do with our tax rates. A few months ago, we submitted to the county the millage, tax rates and the funds that they go into. The county then reviews and approves that and sends it back to us to approve so that we can receive the levies in taxes.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Resolution 2019-50

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 Resolution 2019-50.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-51- Introduced by Mr. Emerman

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

Mr. Emerman stated that there were no transfers this month. There are a number of appropriations which are as follows: Auditor and Treasurer Fees which was an amount over what we anticipated and believe that it has to do with additional amount of our safety levy causing the additional work from the County Treasurer; Other Operations-Land and Building is for unexpected trailer repairs and landscaping work on the Village Campus; Contract Services – Street Construction was approved last month by ordinance for the road work done on SR 87; WWTP – Salaries & Capital are both related to issues that Mr. Dewater informed us of earlier regarding the pump failure, however, some of the capital expense should come back to the Village via the insurance claim; Service Facility Improvements is a return to the appropriations which relates to the wash bay door in the Service Department, because the cost was less than expected.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2019-51

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 2019-51.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resolution 2019-52- Introduced by Mayor Renda

A RESOLUTION OF SUPPORT FOR NATURAL AREA LAND CONSERVANCY'S EFFORTS TO SECURE THE CLEAN OHIO FUND GREEN SPACE CONSERVATION FUNDING TO PURCHASE AND PERMANENTLY PROTECT THE CHAGRIN MEADOWS PRESERVE PROPERTY IN THE VILLAGE OF MORELAND HILLS, OHIO.

Mayor Renda stated that this property is on Chagrin River Road, just north of South Woodland. The WRLC is trying to find funding for it so that they can preserve it. They are looking for a conservation buyer. For any application such as this, it is required to have a resolution from the municipality in which it is located to apply for said funds. She stated that she thinks that they are all in support of the conservation of this property, which is beautiful and has a lot of topography. She hopes that the WRLC is successful. Mrs. Lane informed Council that since this is a resolution of support, the rules do not need to be suspended.

Mayor Renda made a motion seconded by Ms. Sturgis for passage of Resolution 2019-52.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Miscellaneous

Mr. Ethan Spencer, resident, asked if the Chagrin Meadows Preserve property would be for public or private use. Mayor Renda explained that Clean Ohio grant money could only be used if the land is being preserved for public access.

Mayor Renda reminded everyone that the Village received a letter of commendation from Representative Philip Robinson for our 90th anniversary. She has it with her if anyone wants to read it after the meeting, but she will get it framed and hang it in Council Chambers. She stated that she also wrote a proclamation for Global Cleveland in honor of celebrating their Welcoming World campaign next week, if anyone would like to read that as well.

Mr. Richman made a motion seconded by Mr. Buczek to adjourn the Regular Council Meeting at 7:46pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 7:46pm.

Attest:

Sherrri Arrietta, Clerk of Council

Dan Fritz, Council President