

REGULAR COUNCIL MEETING
August 10, 2016
MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Renda at 7:02 pm in the Village Council Chambers.

PRESENT AT ROLL CALL: Mr. Buczek, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis
ABSENT: Mr. Fritz

Also present: Aimee Lane, Law Director; Jeff Filarski, Village Engineer; Prashant Shah, Treasurer; Chief Kevin Wyant; Ted DeWater, Service Director; Theresa Dean, Assistant Clerk of Council

Mr. Buczek made a motion seconded by Mr. Richman to approve the minutes of the Regular Council Meeting held on July 13, 2016.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

REPORTS FROM THE MAYOR AND OTHER MUNICIPAL OFFICIALS

Police

Chief Wyant reminded those present that there will be a Town Hall Meeting on Monday, August 15, 2016 at 7 pm for the purpose of providing residents with updates on activities in the Village as well as more in-depth information on fraud and scams. A representative from the Cuyahoga County Consumer Affairs division will attend to provide information and answer questions. Additionally, the Village is looking at obtaining body cameras for motor officers since they do not have dash cams in their vehicles. Chief Wyant will be following up with the Mayor with additional data about the cameras.

Finance

Mr. Shah reported that the tax budget is submitted to the County in July; this budget determines how property tax rates are calculated for the following year. He reported that the resolution to adopt the rates for 2017 has been received and will be on the Council's agenda for September. He also reported that revenues for the Village through July have been holding steady and are, in fact, up twenty-one (21) percent to \$429,000; however, there is no guarantee that this trend will continue.

Mayor Renda commented on a recent article on Cleveland.com regarding how municipalities have lost funds because state taxes and the local government fund have been taken away. The amount quoted for Moreland Hills was \$344,000. She said it is amazing what the Village achieves given the lack of state support.

Engineering

Mr. Filarski did not have a report.

Service

Mr. DeWater reported that hydrant flushing started on Monday and that roughly half the Village was done. He anticipates finishing by the end of the week.

Mr. Richman asked about results from a smoke test that was recently completed. Mr. Filarski replied that there was one property at the end of Ridge Creek Trail that failed the smoke test; a dye test will follow for further evaluation.

Mayor Renda said the August 11, 2016 issue of the Chagrin Valley Times will highlight the recycling efforts made in Moreland. Ryan Dentschoff of Chagrin Valley Times figured out that the Village is, per person, one of the top recyclers in the County. She congratulated the Service Department for their help with the program.

Law

Mrs. Lane reported that retainer hours currently total 308.5, slightly ahead of this time last year. However, work on the Planned Development rezoning and some Master Plan Review Committee work has all been handled under the retainer.

Mayor Renda

The Mayor reminded Council that, several years ago, Council rules were amended to provide a means to remove an appointed member of the Planning Commission should they miss three or more meetings in a calendar year. Specifically, rule 121.01(s) states that an individual "...if appointed to the Planning Commission, missing three (3) or more Planning Commission meetings in a calendar year, at the discretion of the appointing authority, may be removed from such committee or the Planning Commission." Mayor Renda went on to say that she is in the awkward situation of being both the appointing authority and needing to miss three Planning Commission meetings this year. She offered her apologies and said she would follow up with Mrs. Lane

REPORTS OF COMMITTEES

Planning Commission

Mr. Stanard reported that the Planning Commission met on July 25, 2016. An application for renovations at the McCormack residence at 45 Hopewell Trail was approved. The Kochis residence at 4355 Giles submitted an application that was approved for a new porch and patio with outdoor kitchen and fireplace. Dr. Ahmed, at 50 Woodburn, applied to convert an existing glass sunroom to a wood-framed three-season room for the same purpose. Dr. Ahmed was unaware of permit requirements and had already begun construction, but he was very cooperative and his application was approved. The Pavlofsky residence on Raea Lane was an application for a new house. There was discussion about a non-conforming landscape mound in the back yard which the applicants agreed to adjust, as well as discussion about a smoker grill/fireplace located against the building. The applicants will ensure compliance by obtaining review and approval from the Fire Marshal.

A Public Hearing was held for the application by the Blaushild residence at 37801 Chagrin River Road to conduct stream bed restoration in a riparian area. This will require a use variance and, as such, will be discussed further this evening. Mr. Stanard commented that Council has the authority to approve conditional use certificates following Planning Commission recommendation. The streambed needs repair, and Mr. Blaushild has hired a number of professionals to conduct thorough studies and make recommendations to improve drainage, prevent flooding, correct erosion that has already happened, and prevent future erosion. Following a lengthy discussion, the Planning Commission has recommended that Council approve the conditional use variance.

An application was also received to convert the Severin property at 3455 Chagrin Blvd from U-2 Retail Business zoning to U-1 Residential zoning. As the Council may recall, the zoning was changed from U-1 to U-2 several years ago by approval of the voters. The applicant was informed of the rules and procedures for changing the zoning, and this issue will be addressed by Council later in the evening's agenda.

A Public Hearing was held for Ordinances 2016-29, 2016-30, and 2016-31. All three were recommended to be placed on Second Reading at this evening's meeting and for Council's Public Hearing at a future date.

Following the Public Hearing, for which there were no attendees and, therefore, no comments from the audience, a general discussion was held. Mr. Loconti, who is retiring, was thanked for his service to the Village, and Paul Kowalcyk was welcomed as the new Building Official. Mr. Filarski reported that the name of the road that will service the new Chagrin Bluffs subdivision has changed from Lily Lane to Addison Lane. There was also a question about the property at 675 Chagrin Boulevard; the existing home was demolished and a new home was being planned. However, the owner's job has been relocated, and they are now looking to sell the property.

The next Planning Commission meeting will be held on August 22, 2016.

Roads and Safety Committee

Ms. Sturgis reported that the Committee met on July 27, 2016. They addressed concerns brought by the resident at 4152 Giles Road; they will make contact with the resident and feel that the concerns have been properly addressed. She reported that the 2016 Road and Culvert Program

should be completed in the coming month, and Mr. Filarski replied that they are done. She also noted that the rubbish and recycling route changes have brought back time and efficiency for the Service Department and have been well received. Updates on additional items and expenditures are captured in the minutes from the July 27 meeting. The next Committee meeting August 24, 2016 at 8 am.

Facilities Committee

Mr. Buczek reported that the Committee met prior to the Roads and Safety meeting on July 27, 2016. Estimates for the Village Hall foyer are quite high, and the Committee will consider how to proceed. As to building repairs and maintenance, a window was replaced in the police station, and all fire extinguishers and alarms have been checked and certified.

Mr. Buczek asked Mr. Filarski to speak about work being done by the North East Ohio Regional Sewer District. Mr. Filarski reported that the NEORSD is doing a study in all areas they service and are meeting with service directors and engineers regarding problem areas. The only area being looked at in Moreland is the Ridge Creek Trail area, which resulted in the smoke test previously mentioned. Mr. Filarski has also made them aware of the sewer issues in the Wiltshire/Ellendale/Berkeley neighborhood. The NEORSD notifies Mr. Filarski and Mr. DeWater when they are conducting investigations. Their study should conclude at the end of 2017, at which time they will report to communities with recommendations.

Mr. Buczek added that Mr. DeWater reported that a boy scout is working on his Eagle badge by assisting the Service Department with rebuilding the second bridge at Forest Ridge. Also, the Garfield cabin was open for extended hours in June during the Republican National Convention and staffed by volunteers from the Garfield Historic Site in Mentor. Only three visitors attended, though the cabin was open all week.

The next meeting of the Facilities Committee will be on August 24 at 7:30.

Blaushild Residence

3780 Chagrin River Road

Conditional Use Certificate - Streambed Restoration Project in a Riparian Setback
Section 1173.07 (e)2(c) & (f)

Mr. Stanard reported that an application has been submitted for the Conditional Use Certificate required for streambed restoration in a riparian setback. The Blaushild residence is located on Chagrin River Road across from the polo fields. The streambed in question needs repair - the course of the waterway has worked out of the stream bed, there has been flooding and erosion in multiple directions and areas, and trees are down in the stream that create dams, increasing flooding and forcing water into new areas. Both the Blaushilds and their neighbors to the north, Mr. and Mrs. Platt, have experienced flooding on their properties. Mr. Blaushild has hired a number of professionals to study the situation and make recommendations for improvements. The Planning Commission held a lengthy conversation about the situation and ultimately recommended to Village Council that they approve the Conditional Use Certificate.

Mr. Stanard made a motion seconded by Mr. Buczek to approve the Conditional Use Certificate for a Streambed Restoration Project in a Riparian Setback at 3780 Chagrin River Road.

Mayor Renda asked if there were any comments prior to calling the roll.

Mr. Cawrse of Cawrse Landscape Architecture, one of the firms hired by Mr. Blaushild, was in attendance and displayed a map showing the stream and preliminary recommendations for improvements. His firm is partnering with the Davey Resources Group for their environmental consultants and Engineering Partners for engineering issues. He mentioned having presented to the Planning Commission a series of photos showing the existing conditions at the stream. He also commented that the NEORSD is looking at the flood plain and culverts on the Metroparks' property.

Mr. Richmond referenced Mr. Filarski's engineering review report to Mr. Loconti as well as correspondence between Mr. Filarski and Mr. Platt. He asked Mr. Filarski to clarify if all of the items in the engineering letter are actual conditions or if the items noted as "please consider" were optional. He also noted that Mr. Platt seems to disagree that the proposed plan will reduce flooding.

Mr. Filarski replied that the letter with engineer comments did include both requirements and suggestions for alternate methods to address some of the concerns at the site. Mr. Cawrse said that he will consider all options. Mr. Filarski also said that he has talked with Mr. and Mrs. Platt. Their contention is that the stream has been narrowed beyond the footbridge, leading to flooding. Mr. Filarski has explained that the proposed plan will help, not exacerbate, the problem, and he felt that Mr. Platt left the Planning Commission meeting feeling that plans are moving in the right direction. Additionally, the NEORSD is now including this area in their regional stream program and will therefore be cleaning out the culvert under the road, which will alleviate some sediment build up.

Mr. Richman asked if trees on the Platt's property will be removed as part of the project. Mr. Filarski replied that the original plan was preliminary and not based on an accurate survey. The work is not anticipated to encroach on the Platt's property but, should encroachment be required to address any of the issues, permission will need to be obtained.

Mr. Richman also asked for a definition of a "bendway weir" and a "tree revetment." Mr. Filarski replied that a bendway weir is a stone structure with the stones stacked at an angle to the flow of water so as to direct sediment deposits either behind the weir or downstream. A tree revetment accomplishes the same function using trees and tree roots and can function better than a stone structure.

Mr. Richman asked if it is safe to assume that, if the use variance is granted but the method(s) used to address the concerns do not work, a condition can be required that plans will be amended. Mr. Cawrse said that is correct. The original plan as presented was a concept plan. A civil engineer will play a big part in determining how the plan moves forward once all studies have been done. He also related that he spoke with the Platts after the Planning Commission meeting about needing

to get a topo on their property, and they have granted their permission. Mr. Cawrse felt there were some errors in the original design, and those will be addressed.

Mr. Buczek commented on Mr. Cawrse's experience working with watersheds and wetlands, citing his work on the Cleveland Clinic's Avon Health Center expansion. They were the only private enterprise to win a grant from the Watershed Partners.

Mayor Renda restated Mr. Stanard's motion, seconded by Mr. Buczek, to grant the Conditional Use Certificate at 3780 Chagrin River Road.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

ORDINANCES AND RESOLUTIONS

Ordinance 2016-25 (Second Reading) - Introduced by Mr. Stanard.

AN ORDINANCE AMENDING SECTION 1151.13(P)(2) "FENCES AND WALLS IN REAR YARDS," AND SECTION 1345.02, "FENCES AND WALLS IN REAR YARDS" OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO REGARDING THE MAXIMUM HEIGHT OF DECORATIVE WALLS IN REAR YARDS.

Mr. Stanard reported that this ordinance was previously placed on first reading and sent to the Planning Commission for a public hearing, which has been held. The ordinance would allow residents to increase the height of decorative walls from the current eighteen (18) inches to a maximum thirty-six (36) inches. Multiple applicants have come before the Board of Zoning Appeals for height variances in order to use such walls as additional seating around a patio; this ordinance would satisfy those requests.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2016-25 on second reading.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2016-26 (Second Reading) - Introduced by Mr. Stanard

AN ORDINANCE AMENDING SECTION 1153.19(B) "OPEN SPACE REQUIREMENTS," OF CHAPTER 1153, "OPEN SPACE CONSERVATION DISTRICT," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO.

Ordinance 2016-26 was previously placed on first reading and sent to the Planning Commission for a public hearing, which has been held. Mr. Stanard said that this ordinance adjusts the language in Section 1153.19 to clarify who can hold a conservation easement. Such easement will be conveyed to a land trust or third party, not the land owner or the Village, to ensure sufficient funds and resources are dedicating to monitoring compliance and fulfilling its obligations over time.

Mr. Stanard made a motion seconded by Mr. Richman to place Ordinance 2016-26 on second reading.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2016-27 (Second Reading) - Introduced by Mr. Stanard

AN ORDINANCE AMENDING SECTION 1157.07, "HEIGHT REQUIREMENTS," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO REGARDING THE MAXIMUM PRINCIPAL BUILDING HEIGHT IN THE U-2 RETAIL BUSINESS DISTRICT.

Mr. Stanard reported that ordinance was previously placed on first reading and sent to the Planning Commission for a public hearing, which has been held. The proposed language will make consistent the height requirements in the U-2 Retail Business District with the U-1 Residential District. The current twenty-five (25) foot maximum height in the U-2 District will be changed to a thirty-five (35) foot maximum height.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2016-27 on second reading.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2016-29 (Second Reading) - Introduced by Mr. Stanard

AN ORDINANCE AMENDING SECTION 1179.13(H) "ACCESS DRIVES," OF CHAPTER 1179, "OFF-STREET PARKING REGULATIONS" OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO.

Mr. Stanard said that this ordinance was previously placed on first reading and has been before the Planning Commission for a public hearing. It will replace the language in Section 1179.13, which currently states that a driveway must be at least forty (40) feet from the right-of-way line of the nearest intersecting street, with the requirement that an access drive be located with adequate site

distance to intersections. This change gives the Village Engineer the ability to assess adequate site distances on a case-by-case basis.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2016-29 on second reading.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2016-30 (Second Reading) - Introduced by Mr. Stanard

AN ORDINANCE AMENDING SECTION 1129.07, "CONDITIONAL USE CERTIFICATES," SECTION 1133.09, "PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION," AND SECTION 1173.01, "CHANGING LAND CONTOUR REGULATIONS," OF THE VILLAGE OF MORELAND HILLS REGARDING THE MAILING OF NOTICES OF PUBLIC HEARINGS.

Mr. Stanard reported that this ordinance has been before Village Council for first reading and recommended to the Planning Commission for a public hearing, which has been held. Currently, the notice period required for public hearings for the Board of Zoning Appeals is ten (10) days; for Conditional Use applications, seven (7) days; for Planning or Zoning Code or Map Amendments, seven (7) days; and for applications to change Land Contour Regulations, three (3) days. This ordinance will change the language in each Chapter such that a consistent ten (10) day notice period be required for any of those public hearings.

Mr. Stanard made a motion seconded by Mr. Richman to place Ordinance 2016-30 on second reading.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2016-31 (Second Reading) - Introduced by Mr. Fritz

AN ORDINANCE AMENDING SECTION 1125.03, "BUILDING INSPECTOR," AND SECTION 1311.01, "BUILDING INSPECTOR; APPOINTMENT, COMPENSATION AND BOND," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO. (SECOND READING)

Mr. Stanard reported that this ordinance will adjust and modify the language to make the term "Building Official" interchangeable with the terms "Building Inspector" or "Building Commissioner." As a state certified building department, this will make the language in the Village's Code consistent with the state requirements regarding residential and non-residential

regulations. The ordinance has been before Village Council for a first reading and recommended to the Planning Commission for a public hearing, which has been held.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2016-31 on second reading.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2016-40 - Introduced by Mr. Stanard

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF MORELAND HILLS TO CHANGE THE ZONING CLASSIFICATION OF PARCEL 912-10-011 ON CHAGRIN BOULEVARD FROM U-2 RETAIL BUSINESS DISTRICT TO U-1 DWELLING HOUSE DISTRICT.

Mr. Stanard said that the applicant is Susie Severin. The property is near the intersection of State Route 91 and Chagrin Boulevard, adjacent to what will be the CRU restaurant parking lot. Several years ago, the parcel was changed from residential to commercial zoning. However, with the advent of the CRU restaurant and inability to include that parcel in the commercial development, the applicant would like to return it to U-1 Residential zoning. A general discussion was held at the July 25, 2016 Planning Commission meeting, and the Law Director has presented the applicant with a letter describing the procedures to change the Zoning Map. As requested, the applicant has written a letter requesting the zoning change, which Mr. Stanard read to Council members.

The request will need to be placed on first reading tonight and then recommended to the Planning Commission for a public hearing.

Mr. Stanard made a motion seconded by Mr. Richman to place Ordinance 2016-40 on first reading and refer it to the Planning Commission for a public hearing.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mayor Renda commended the Council for their work on amending ordinances as needed, which can be a tedious process. Mr. Richman stated that he assumed these changes often come about due to prior requests for variances. Mayor Renda said that some changes have been recommended due to receiving multiple variance requests to a specific ordinance and others come about to improve how the administration works.

Ordinance 2016-41 - Introduced by Mr. Buczek

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

Mr. Buczek reported that these are two additional appropriations and transfers, one for \$8,000 for the Building Department relating to the leased software used by the Department, and the other for guaranteed deposits in the amount of \$5,000.

Mr. Buczek made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2016-41.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Buczek made a motion seconded by Ms. Sturgis to approve Ordinance 2016-41.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Miscellaneous

Mayor Renda thanked the Assistant Clerk for filling in at this month's meeting.

Mayor Renda said she would like to hold an informational meeting regarding the proposed zoning change on Chagrin Boulevard. She has talked with Rich Cochran at the Land Conservancy about hosting the meeting, which he has said they will be happy to do. A proposed date for the meeting is to be determined, and this will need to be a Public Meeting as a quorum may be present. All Village residents will be invited. As well as being able to ask questions about the proposed rezoning, residents will have the chance to see the Land Conservancy building at the foot of Forest Ridge. Hopefully, this will also highlight the balance between land preservation and the zoning change being requested.

Mayor Renda also said she will be meeting with Michael Graham of Strategy Design Partners. They have helped with the messaging surrounding previous zoning changes. The goal is to have a message that addresses both the basic details of the legislation and the balance between preservation and development in the Village. Once the message is finalized, Mrs. Lane will review it to ensure it does not cross the line between explaining the legislation and advocating for it.

Mr. Richman mentioned that the Village is overdue for hosting the annual Chagrin Fire appreciation dinner. He will contact Chief Zupan to get an idea for potential dates.

At this time, Mr. Richman made a motion seconded by Ms. Sturgis to convene an Executive Session to confer with legal counsel regarding imminent litigation.

Prior to calling the roll, Mayor Renda told the staff in attendance that there would be no further business and that they were free to go.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

The Executive Session was convened at 7:57 pm.

Mr. Sherck was excused from the meeting at 7:58 pm.

Mr. Buczek made a motion seconded by Mr. Stanard to come out of Executive Session and adjourn the Regular Council Meeting at 8:45 pm.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Respectfully Submitted,

Theresa Dean, Assistant Clerk