

REGULAR COUNCIL MEETING
December 14, 2016
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. Fritz, Mr. Richman, Mr. Stanard, Ms. Sturgis
ABSENT: Mr. Sherck

Also Present: Aimee Lane, Law Director, Chief Kevin Wyant, Prashant Shah, Treasurer, Jeff Filarski, Village Engineer, Ted DeWater, Service Director, Sherri Arrietta, Clerk of Council, Mr. John Crotty, resident

Mr. Buczek made a motion seconded by Mr. Stanard to approve the minutes of the Regular Council Meeting of October 19, 2016.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Reports from the Mayor and Other Municipal Officials

Mayor

Mayor Renda stated that she forgot to inform Council members at the Committee of the Whole Meeting that the boy scouts will be camping behind the House on the Hill. The house will be left unlocked for them to use. Since the Boy Scout Leader, Thatcher Thomas, is a resident and has worked with the Service Department multiple times on boy scout projects in Forest Ridge, we felt it was only fair to let them camp there.

Police

Chief Wyant did not have a report.

Finance

Mr. Shah stated that the Finance Department is in the process of closing the books for the year.

Service

Mr. DeWater did not have a report.

Law

Mrs. Lane updated Council on the hours used by the Law Department this year. Through November, they have used 442.3, therefore she will be monitoring it throughout December. She stated that she spoke with the Mayor and informed her that if there is some time available, she would like to get a jump on working on the Code amendments.

REPORTS OF COMMITTEES

Facilities Committee

Mr. Buczek reported that the Facilities Committee met on October 26, 2016; the November meeting was cancelled. Mr. DeWater is still working on developing a plan for the Village Hall entry foyer. The Forest Ridge bridges are complete; the Service Department and the Boy Scouts did a great job. Maureen Geck, Historical Society President, is searching property records to see if there are any historical properties in the Village. The next meeting will be in January 2017 after the committees are formed at the Council Organizational Meeting.

Roads & Safety Committee

Ms. Sturgis reported that the Roads & Safety Committee met on October 26, 2016; the November meeting was cancelled. The Committee was updated on the application that was submitted to the county for funding for maintenance work in the Village (i.e. crack sealing, patching, etc.). This program awards six projects up to 1.5 million dollars annually and 50 percent of the cost, up to \$250,000. We will find out in the coming months if we are awarded this funding. The Service Department air compressor, built in 2010, needs replacement and is out of warranty. They are looking at replacement options, one being a Champion brand in the amount of \$4,255 with a 5-year warranty. Hydrant painting will be taking place; they will all be painted green and silver and some will be replaced. The Service Department is still working on cleaning and scraping the steel wall on Chagrin Blvd. to keep the corrosion down. The next meeting will be in January 2017 after the committees are formed at the Council Organizational Meeting.

BZA

Mr. Fritz reported that the BZA met on November 28, 2016. The use variance on the Council agenda tonight, came out of the BZA with a unanimous recommendation to Council. Mr. Crotty at 185 Miles Road would like construct a shed in his backyard. He came before the BZA the previous month and the board learned through the detailed plan that was presented to us that the shed was actually in the riparian setback. Mr. Crotty came before the board again in November and made his case for a hardship; the other locations would either require the removal of a large tree in the backyard that he does not want to cut down or the shed would be in his neighbors line of sight, therefore it made sense for the BZA to consider recommending this variance to Council.

A representative from Sunoco attended the BZA meeting. As a part of their conditional use approval, Sunoco was still required to finalize some items. While we have seen major improvements to that property, some of those items have not yet been completed. Sunoco was requesting a variance for signage in the amount 15.5 ft. The BZA agreed that until the required items were complete, no variance would be granted. The sign had already been taken down, but the entrance and exits need to be closed off, which was the requirement of the conditional use. They will come back for a variance for the sign once that has been complete. The next meeting will be in January 2017 after the committees are formed at the Council Organizational Meeting.

Planning Commission

Mr. Fritz stated that the Planning Commission met on November 28, 2016. The Sunoco item was tabled, as it was at the BZA meeting. There were also two decks and a minor addition on Skyline on the agenda. All items were approved. The next meeting will be in January 2017 after the committees are formed at the Council Organizational Meeting.

APPROVAL OF BONDS, CONTRACTS, PLATS, ETC.

Crotty Residence

185 Miles Road

Use Variance –

Construct a Shed in the Riparian Setback

Section 1173.07(f)(1)

Mr. Fritz made a motion seconded by Mr. Buczek to grant the use variance of Section 1173.07(f)(1) to build a shed in the riparian setback at the Crotty Residence located at 185 Miles Road.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

ORDINANCES AND RESOLUTIONS

Ordinance 2016-54 - Introduced by Mr. Fritz

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CLERK OF COUNCIL TO ENTER INTO AN AGREEMENT WITH THE CHAGRIN FALLS SUBURBAN VOLUNTEER FIREMAN'S ASSOCIATION INC. FOR THE PROVISION OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES AND DECLARING AN EMERGENCY.

Mr. Fritz stated that this contract is renewed every three years and it will cover 2017, 2018, and 2019. The increase in price is based on a formula with four factors: property valuation (has gone up 6%), fire calls (has gone up 26% over 3-year period), population (has remained steady), EMS calls (has gone down 7.5%). They were also requested and were granted acceptance by all municipalities to have automatic increases in the second and third years of the contract. The first year will be 5.7% increase and 2% for both the second and third years. Mr. Fritz stated that we receive good service, they are responsive to our needs, and we get it all for a good price, in his opinion. Mr. Fritz mentioned that "Letter H" in the second section, on page 2 it states that they will provide the Village with a monthly report. He suggested making that a regular Roads and Safety Committee agenda item.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2016-54.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Stanard asked why fire calls are up. Mayor Renda stated the Village had four fires that she is aware of, three of which were caused by lightening, and one was caused by electrical wiring in the garage. She stated that it does not seem to be carelessness as far as she knows. Mr. Stanard asked if Chagrin Falls asked for a representative from the Village to be on their committee. Mayor Renda stated that we used to have a representative and it may have been the Safety Committee Chair. Mr. Fritz stated that he did not believe that it required much interaction and was more on paper than an actual duty. Mr. Stanard asked about the form in the contract asking for a representative and if we should appoint someone. Mayor Renda stated that we could appoint a Council member, however, there will probably never be a need for one. Mr. Fritz stated that if we ever want them to come to a meeting and report on things, they are more than willing to do so. Mr. Richman asked if there are any changes in the contract form itself. Mayor Renda stated that there were not, just in the numbers.

Mr. Fritz made a motion seconded by Mr. Stanard for passage of Ordinance 2016-54.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2016-55– Introduced by Mr. Buczek

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH UNITED SURVEY, INC. FOR THE 2015 SEWER REHABILITATION PROGRAM AND DECLARING AN EMERGENCY.

Mr. Buczek stated that this change order is a result of the contract close out with United Survey, in the decrease amount of \$36,993.82.

Mr. Buczek made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2016-55.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek made a motion seconded by Mr. Richman for passage of Ordinance 2016-55.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Richman asked Mr. Filarski about the decrease in lineal feet and whether it was because it was estimated higher or less was done. Mr. Filarski stated that United Survey's performance on this contract was not up to par. After going back and forth trying and failing to get them to finish up, it was removed from the contract. Mr. Stanard asked if Mr. Filarski reviewed the videos yet. Mr. Filarski stated that he reviews them for the next program to determine what rehab work is needed for that program.

Ordinance 2016-56– Introduced by Ms. Sturgis

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH BARBICAS CONSTRUCTION, CO. FOR THE 2016 ASPHALT PROGRAM AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that this change order is due to the closing out of the contract in the decrease amount of \$13,779.48, making the total contract amount \$364,837.32.

Ms. Sturgis made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2016-56.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Richman asked why the drive apron and the partial depth repair were not done. Mr. Filarski explained that the partial depth repair was replaced by full depth repair and the drive aprons on Stonewood and Stonehill did not need to be done because the new asphalt met the new elevations.

Ms. Sturgis made a motion seconded by Mr. Buczek for passage of Ordinance 2016-56.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2016-57 – Introduced by Mr. Stanard

AN ORDINANCE AMENDING CHAPTER 971, “EROSION AND SEDIMENT CONTROL,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, IN ITS ENTIRETY, REPEALING EXISTING CHAPTER 971, AND DECLARING AN EMERGENCY.

Mr. Stanard stated that this will revise and rewrite Chapter 971. The document is very detailed and includes best management practices, stormwater pollution prevention control, and the prevention of sediment entering the waterways of the United States and the State of Ohio. This will basically revise, clarify, and define, in much greater way as well as updating the language and modernizing the chapter to reflect common practices that are going on today. The definition section has the most changes; the purpose and scope did not change.

Mr. Stanard made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2016-57.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek asked how this change came about. Mr. Filarski stated that our current general stormwater permit from the EPA required that this be updated. The watershed groups got together and came up with a template and asked the Ohio EPA if the updates they wanted were included, which they were. He stated that we will have another one for post-construction stormwater in January.

Mr. Stanard made a motion seconded by Mr. Buczek for passage of Ordinance 2016-57.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2016-58 – Introduced by Mr. Stanard

AN ORDINANCE ADOPTING A MORATORIUM ON APPLICATIONS FOR, AND THE GRANTING OF BUILDING PERMITS, ZONING APPROVALS, CERTIFICATES OF BUSINESS OCCUPANCY AND CERTIFICATES OF OCCUPANCY THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS IN ORDER TO ALLOW THE VILLAGE TO REVIEW APPLICABLE STATE AND LOCAL LAWS, TO PLAN FOR REGULATIONS RELATING TO SUCH USES; AND DECLARING AN EMERGENCY.

Mr. Stanard stated that occasionally bills make it through the Ohio House without clear and definitive instructions. Therefore, the Village is just asking for a period of time to try to understand the impact of this issue and how it will be dealt with in the Village.

Mr. Stanard made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2016-58.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek asked if six months is enough time. Mayor Renda stated that Mrs. Lane suggested six months but did say that we can easily extend it, if needed. She stated that we are hoping that the state will have rules for us within that time period.

Mr. Stanard made a motion seconded by Mr. Richman for passage of Ordinance 2016-58.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2016-59 – Introduced by Ms. Sturgis

AN ORDINANCE FIXING THE COMPENSATION OF VARIOUS OFFICERS AND EMPLOYEES OF THE VILLAGE OF MORELAND HILLS AND DECLARING AN EMERGENCY.

Ms. Sturgis that this is the salary ordinance which is looked at annually. There are a few increases in the ranges to ensure that when we look at increases in compensation, that we have the appropriate ranges. Mr. Richman asked if the part-time police officer range was expanded because some of the part time officers have been around long enough that they may be outside that range. Ms. Sturgis stated that it seems to be because the original range only had a \$2.00 difference.

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2016-59.

ROLL CALL:

AYES: Mr. Buczek, 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 2016-59.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Fritz to approve a 2.5% salary increase for 2017 for Village officers and employees.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2016-60 – Introduced by Mr. Fritz

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

Mr. Fritz made noted that Mr. Shah provided Council with an updated spreadsheet for this ordinance. This ordinance shows the adjustments to all our funds and accounts in accordance with and in line with the Ohio Revised Code, which requires us to ensure that none of our accounts are over or under budgeted.

Mr. Fritz made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2016-60.

ROLL CALL:

AYES: Mr. Buczek, 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 2016-60.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mayor Renda informed Council that the \$30,000 under General Administration is for the IT services she discussed with them at Committee of the Whole. She stated that they have done amazing work and we can already tell the difference by how our computers are working.

Ordinance 2016-61 – Introduced by Mr. Fritz

AN ORDINANCE ESTABLISHING THE TEMPORARY APPROPRIATIONS FOR THE FIRST QUARTER OF THE FISCAL YEAR OF 2017 FOR THE VILLAGE OF MORELAND HILLS, AND DECLARING AN EMERGENCY.

Mr. Fritz stated that the state requires the Village to establish temporary appropriations for the first quarter of the fiscal year 2017.

Mr. Fritz made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2016-61.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Shah explained that since we pass our permanent budget in March, the temporary one will take us to that point. He stated that we have to have the temporary numbers on the books in order to expend any money and the permanent budget will then replace this one.

Mr. Fritz made a motion seconded by Mr. Buczek for passage of Ordinance 2016-61.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Miscellaneous

Mr. Richman stated it has been an honor and privilege to serve as Council President. He stated that it would be an honor to serve again next year if nominated but if not, he would be just as happy if Council wants to give someone else the opportunity for leadership. Mr. Richman stated that for a number of years, it has been tradition for the Council President to host a holiday party after the December Council Meeting. It has been graciously hosted by the Mayor for several years, as well as by a few others. He stated that he thinks that since it is the 50th anniversary of the Police and Employees Foundation, in lieu of a party, he would like to donate \$125.00 on behalf of Council and the administration to the foundation. Mayor Renda stated that it is very thoughtful and appreciated.

Mr. Buczek stated he spoke to Mr. Kowalczyk about Berkeley Road (Hodgson's property) and how dirty and muddy the trucks were making it. He stated that he received a call back very quickly and there had already been a street cleaner out that cleaned all of Ellendale and Berkeley, all the way to Chagrin Blvd. Mr. Filarski stated that they got on the project manager quick about that situation.

Mayor Renda stated that she wanted to thank Council on behalf of the employees for the raise, as she knows they will be appreciative of it. She stated that she thinks that the Village has a phenomenal group of employees. Mayor Renda stated that it is not just Council members that get the level of attention that Mr. Buczek just described; all residents receive good attention and service from our employees. She will inform the Village employees about their raises at the annual Holiday luncheon this Friday.

Mr. Buczek made a motion seconded by Mr. Richman to adjourn the Regular Council at 7:45 pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 7:45pm.

Attest:

Sherri Arrietta, Clerk of Council

Steve Richman, Council President