

REGULAR COUNCIL MEETING
February 8, 2017
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. Sherck, Mr. Stanard, Ms. Sturgis

Also Present: Aimee Lane, Law Director, Prashant Shah, Treasurer, Jeff Filarski, Village Engineer, Ted DeWater, Service Director, Sherri Arrietta, Clerk of Council

Mr. Buczek made a motion seconded by Ms. Sturgis to approve the minutes of the Regular Council Meeting of January 11, 2017.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Reports from the Mayor and Other Municipal Officials

Finance

Mr. Shah did not have a report.

Engineer

Mr. Filarski did not have a report.

Service

Mr. DeWater did not have a report.

Law

Mrs. Lane did not have a report.

REPORTS OF COMMITTEES

Roads & Safety Committee

Mr. Richman reported that the committee met on January 31. Chief Wyant received \$3740 for CPT (Continued Professional Training). The Police Department will be requesting two replacement vehicles this year; one to replace the Chevy Tahoe that has approximately 100,000 miles on it and one to replace the Sedan that has 80,000 miles on it.

Mr. Filarski presented the summary of the road program, as he did just prior to this at the Committee of the Whole meeting. He also gave a report on the Culvert and Drainage program for this year; it is estimated at \$70,000 and there is \$27,000 available from a prior NEORS D grant from last year that can be applied to this year's program. Mr. Stanard asked if Chief Wyant has already planned for these replacement vehicles. Mr. Richman stated that it has not gone to budget approval yet and stated that these are just items that he will be bringing forth for approval. Mr. Stanard asked if it they were included in the fund put aside for replacement vehicles or if the fund only applied to Service Department vehicles. Mr. Shah stated that the replacement fund includes both Police Department vehicles and Service Department vehicles.

Facilities Committee

Ms. Sturgis reported that the committee met on January 31. The status of each Village building will continue to be evaluated as far as maintenance requirements and will be brought to committee for discussion. The WEB Area study will be available for Council and the public to view on the website as well as in paper form which will be available in Village Hall. A grant in the amount of \$739,220.00 was obtained for this project to help defray the cost on the sewer/septic replacement in that area. There will be a study to evaluate the flow of Winterberry Pump Station, which will begin in May so that they can get a good read on it; the length of the study has not yet been established. The Roads and Safety Committee as well as the Facilities Committee will now be meeting on an every other month basis. The Historical society has done some research and are proposing a name for the cabin to be "The James A. Garfield Birth Site Park," which will be an upcoming resolution at a future Council meeting. The next meeting is scheduled for February 28.

Ms. Sturgis informed Council that there will be a Meeting for the residents of the WEB area on February 21st at 7:00pm at the Orange High School Cafeteria to discuss the study regarding the WEB area septic issue. Mr. Richman asked if there are potential issues with the Winterberry Pump Station or is it just a routine study. Mr. Filarski stated that there is some stormwater infiltration there, so in order to identify possible sources, he stated he is recommending the study be done.

BZA

Mr. Stanard reported that the BZA met on January 30 with one item on the agenda. Sunoco was requesting a variance of 15.5 sq. ft. for monument sign, which had been tabled at the November meeting. The sign has a brick base with half the sign indicating the price of gas and the other half with the "Sunoco" logo on it. He stated that the board did determine that it was the minimum variance that would mitigate the request because it was the smallest sign Sunoco could get to include both their logo and the cost of fuel. They were able to reduce the height of the sign from their original request, which eliminated their need for a height variance which they had originally requested. They also satisfied Mr. Filarski's request by moving the location to the best line of sight location. Sunoco's variance was granted.

Planning Commission

Mr. Stanard reported that the Planning Commission met on January 30, immediately following the

BZA meeting. Sunoco was on the agenda requesting approval of the actual sign, which was granted. There were two lot splits on the agenda. The Snavelly residence on Bentleyville Road requested to split a portion of their lot, which would then be sold to and consolidated with a lot owned by the neighbor, Risman. The other lot split was for 415 Chagrin so that they could make enough room for a driveway, because of the steep grade. They had been using an easement but they wanted to memorialize the easement with a lot split, making just enough room at the entrance on Chagrin Blvd. for an appropriate drive without cutting too deeply into the steep embankment. Both lot splits were approved. The Puflea residence on 280 Miles was on the agenda with plans for a new home, however the location is 40% in Moreland Hills and 60% in Chagrin Falls, so it was just a courtesy look for us. It was already approved by the Chagrin Falls Planning Commission. There will not be a meeting in February because the schedule will be shifting to the first Monday of every month making March 6 the next meeting date.

At this time, Mr. Fritz stated to Council that each year they make a donation to both Chagrin Falls and Orange's After Prom. He stated that with a heavy heart, he would like to suggest that they make both donations in remembrance of Chagrin Falls Senior Grant Wilson. Mr. Fritz explained that on December 31, 2016, his son's best friend, Grant Wilson, had been killed. He expressed the sadness this loss brought his family as well as the devastation it brought Grant's family. Mr. Fritz shared some pictures of Grant and told stories of him dressing up and walking around as Batman and playing the guitar at the top of the falls or in Starbucks.

Mr. Fritz made a motion seconded by Ms. Sturgis to make a donation of \$500 to the Chagrin Falls High School After Prom, in remembrance of Grant Wilson.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Richman to make a donation of \$500 to the Orange High School After Prom, in remembrance of Grant Wilson.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

ORDINANCES AND RESOLUTIONS

Ordinance 2017-05-Introduced by Mr. Richman

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDED AND RESTATED AGREEMENT WITH THE VILLAGE OF WOODMERE FOR THE USE OF THE VILLAGE OF MORELAND HILLS FIRING RANGE AND DECLARING AN EMERGENCY

Mr. Richman stated that this ordinance is similar to the one with Bentleyville that was passed last month. This is an agreement renewal because it had expired, and it is for a term of five years, with automatic five year renewals.

Mr. Richman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2017-05.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Buczek for passage of Ordinance 2017-05.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-06 – Introduced by Mr. Buczek

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE NORTHEAST OHIO REGIONAL SEWER DISTRICT RELATING TO PUBLIC INVOLVEMENT AND PUBLIC EDUCATION PROGRAMMING AND DECLARING AN EMERGENCY.

Mr. Buczek stated that there are requirements under the EPA for our NPDES permit for stormwater management. These are services provided by soil and water conservation district and the sewer district. NEORSO will reimburse the Village the \$5,000.

Mr. Buczek made a motion seconded by Mr. Richman to suspend the rules for Ordinance 2017-06.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek made a motion seconded by Mr. Richman for passage of Ordinance 2017-06.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-07– Introduced by Ms. Sturgis

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA COUNTY BOARD OF HEALTH RELATING TO ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAMMING AND POLLUTION PREVENTION/GOOD HOUSEKEEPING ASSISTANCE AND DECLARING AN EMERGENCY.

Ms. Sturgis stated the Village is responsible for carrying out stormwater management with the National Pollution Elimination System and the Village wants to collaborate with other agencies that have the technical and educational expertise to help the Village carry out such requirements. in partnership with NEORS.

Ms. Sturgis made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2017-07.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Richman for passage of Ordinance 2017-07.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-08– Introduced by Mr. Sherck

AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Mr. Sherck stated this is an annual ordinance to approve the codification and publication of replacement pages to reflect the ordinances passed by Council the previous year.

Mr. Sherck made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2017-08.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Sherck made a motion seconded by Mr. Buczek for passage of Ordinance 2017-08.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-09– Introduced by Mr. Sherck

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WICHERT INSURANCE SERVICES, INC. FOR THE PROVISION OF GENERAL LIABILITY, POLICE PROFESSIONAL, PUBLIC OFFICIAL, AUTOMOBILE, AND PROPERTY INSURANCE TO THE VILLAGE OF MORELAND HILLS, AT A TOTAL AGGREGATE COST OF \$63,026.00 SUBJECT TO ADDITIONS AND DELETIONS DURING THE TERM OF THE AGREEMENT AS APPROVED BY THE MAYOR; WAIVING COMPETITIVE BIDDING AND DECLARING AN EMERGENCY.

Mr. Sherck stated that this is the Village’s annual insurance renewal ordinance. The rates have gone down by 8%.

Mr. Sherck made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2017-09.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Richman asked about PROPERTY 1F, page 3 of the contract, the term “disappearing deductible” was used, which he is not familiar with. Mr. Shah explained that there is a deductible to start with, and if losses exceed a certain amount, the deductible vanishes or “disappears” (does not have to be paid). He stated that we have never had that happen.

Mr. Sherck made a motion seconded by Mr. Buczek for passage of Ordinance 2017-09.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-10– Introduced by Ms. Sturgis

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

Ms. Sturgis stated that this month’s ordinance reflects the standard two transfers and five current appropriations.

Ms. Sturgis made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2017-10.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Buczek for passage of Ordinance 2017-10.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-11– 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 OPEN FENCING IN REAR YARDS.

Mr. Stanard stated that the Code currently reads that fences in the front and side yards are to be 50% open. In order to make rules consistent, this ordinance will add “rear yard” to that stipulation.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2017-11 on First Reading and refer it to the Planning Commission.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-12– Introduced by Mr. Buczek

AN ORDINANCE AMENDING SECTION 1183.09 “SIGNS IN RESIDENTIAL DISTRICTS,” AND SECTION 1325.08, “SUBDIVISION DEVELOPMENT SIGNS,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO TO REMOVE THE PROHIBITION ON ILLUMINATED SIGNS.

Mr. Buczek stated that this will allow the illumination of signs in residential subdivisions.

Mr. Buczek made a motion seconded by Mr. Stanard to place Ordinance 2017-12 on First Reading and refer it to the Planning Commission.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-13– Introduced by Mr. Stanard

AN ORDINANCE AMENDING CHAPTER 1151, “U-1 DWELLING HOUSE DISTRICT REGULATIONS” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO TO PROHIBIT FRONT FACING, ATTACHED GARAGES AND PROVIDING AN EXCEPTION FOR ATTACHED GARAGES LOCATED ON WILTSHIRE ROAD, ELLENDALE ROAD, AND BERKELEY AVENUE.

Mr. Stanard stated that this ordinance will prohibit front-facing attached garages, unless the garage is located on Wiltshire, Ellendale, or Berkeley or in the U5 District.

Mr. Stanard made a motion seconded by Ms. Sturgis to place Ordinance 2017-13 on First Reading and refer it to the Planning Commission.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-14– Introduced by Mr. Buczek

AN ORDINANCE AMENDING SECTION 1173.07(f)(1), “USES PROHIBITED IN RIPARIAN SETBACKS,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS TO PERMIT CONSTRUCTION OF SMALL STRUCTURES IN THE RIPARIAN SETBACK.

Mr. Buczek stated that this ordinance deals with allowing buildings up to 200 sq. ft. to be built in the riparian setback, with the Village Engineer’s approval.

Mr. Buczek made a motion seconded by Mr. Stanard to place Ordinance 2017-14 on First Reading and refer it to the Planning Commission.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-15– Introduced by Mr. Stanard

AN ORDINANCE AMENDING SECTION 1151.07(f), “SCHEDULE 1151.07 MINIMUM SETBACK REQUIREMENTS,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS.

Mr. Stanard stated that this ordinance refers to “Footnote C” and stated that it is complicated. It relates to preventing a huge side of a building close to a neighboring property line. While the intent of the ordinance was clear, enforcement has been quite confusing for some time and therefore needs to be clarified.

Mayor Renda stated that this is one of those ordinances where it was realized that they were providing more variances for it than actually using the ordinance itself. She stated that the intent was good, but it needs to be revised and fixed.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2017-15 on First Reading and refer it to the Planning Commission.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-16– Introduced by Mr. Buczek

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS TO ESTABLISH A MAXIMUM GRADIENT FOR DRIVEWAYS IN THE U-1, U-4, AND U-5 RESIDENTIAL ZONING DISTRICTS.

Mr. Buczek stated that this is a clean up of this ordinance. The maximum grade of a driveway is 10% and the verbiage needs to be added to additional sections of the Code.

Mr. Buczek made a motion seconded by Mr. Stanard to place Ordinance 2017-16 on First Reading and refer it to the Planning Commission.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-17– Introduced by Mr. Stanard

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS TO ESTABLISH SETBACKS AND OTHER REGULATIONS FOR AIR CONDITIONING AND AIR HANDLING EQUIPMENT AND POOL EQUIPMENT.

Mr. Stanard stated that the Village currently has rules for generators and their allowed distance from the rear and side lots. He stated that it is important to be consistent with air conditioners, air handling units, and pool equipment to make the same requirements apply. This ordinance will require several different changes because there are a number of different sections in the Code where it will need to be added.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2017-17 on First Reading and refer it to the Planning Commission.

ROLL CALL:

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

NAYS: None
MOTION CARRIED

Ordinance 2017-18– Introduced by Mr. Richman

AN ORDINANCE AMENDING SECTION 1149.01 “ESTABLISHMENT OF DISTRICTS,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO.

Mr. Richman stated this would simply amend the table that labels all the zoning districts to add the new U-5 Chagrin Northwest Residential and Planned Development Conservation District, which was approved by voters in this past election.

Mayor Renda stated that speaking of the new district Mrs. Arrietta and Ms. Dean both follow the transfer of properties in Moreland Hills, and it seems that all the properties in that area have been purchased and the titles transferred.

Mr. Richman made a motion seconded by Ms. Sturgis to place Ordinance 2017-18 on First Reading and refer it to the Planning Commission.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2017-19– Introduced by Mr. Fritz

AN ORDINANCE AMENDING SECTION 1173.05, “REGULATIONS FOR THE CUTTING OF TREES,” AND SECTION 1353.06 “CONDITIONS OF PERMIT; BOND,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS.

Mr. Fritz stated that this will add the requirement of stump removal for residents having trees removed from their property.

Mr. Fritz made a motion seconded by Mr. Buczek to place Ordinance 2017-19 on First Reading and refer it to the Planning Commission.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek made a motion seconded by Mr. Stanard to go into Executive Session to discuss personnel matters at 7:36pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek made a motion seconded by Mr. Stanard to come out of Executive Session and adjourn the Regular Council Meeting at 7:45pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 7:45pm.

Attest:

Sherri Arrietta, Clerk of Council

Dan Fritz, Council President