

REGULAR COUNCIL MEETING
March 9, 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. Sherck, Mr. Stanard, Ms. Sturgis
ABSENT: Mr. Richman

Also Present: Aimee Lane, Law Director, Jeff Filarski, Village Engineer, Ted DeWater, Service Director, Chief Kevin Wyant, Sherri Arrietta, Clerk of Council,

Mr. Stanard made a motion seconded by Mr. Fritz to approve the minutes of the Regular Council Meeting of February 10, 2016.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resident Comments

Mr. Marko Radivoyevitch, a resident on Quail Hollow asked about the former nursery property at the corner of SOM and Chagrin and if there is anything that can be done to clean up that area. He asked if the Village could place any leverage on them to reduce the asking price for the property, because he suspects that the high price is why it has not yet sold. Mr. Radivoyevitch stated that he has also noticed another property on Chagrin River Road, half way between 87 & Chagrin Blvd. on the west side. The yard is very unsightly as there is timber all over it and it looks like garbage heap. He stated that the neighbor next door to this property also has two boats parked in their yard. Being in real estate and a landlord himself, Mr. Radivoyevitch stated that he is on top of any violations issued to his properties and takes care of them right away. There is an aesthetic issue here at these two Chagrin River Road properties that he would like Council to weigh in on and asked that they please consider doing something about it.

Mayor Renda thanked Mr. Radivoyevitch for being a responsible resident. She informed him that the two properties on Chagrin River Road are actually owned by a father and son. They have both been cited, talked to, etc. and it has been an on going issue for several years. Unfortunately, there has been no effect so far from our efforts. They do get cited and taken to court, which results in things getting cleaned up a bit but they are not particularly cooperative.

Mr. Radivoyevitch stated that he wanted to mention that he is aware that other communities have ordinances about stacked wood having to be elevated because it will attract rodents. He asked if, perhaps, Moreland Hills can consider the same such ordinance. Mayor Renda stated that it will be taken under consideration.

Mayor Renda stated that regarding the property at the corner of SOM and Chagrin, it is her understanding that the Planning Commission will be reviewing some plans for a restaurant at that corner. She stated that the Village cannot put pressure on private property owners. There are certain standards that they need to keep the property in compliance with, but the Village cannot interfere with the sale and the amount they want to sell it for. Mayor Renda stated that she appreciates Mr. Radivoyevitch's comments and informed him that the Village will stay on top of his concerns and will continue to revisit the Chagrin River Road properties.

Reports from the Mayor and Other Municipal Officials

Engineer

Mr. Filarski did not have a report.

Police

Chief Wyant did not have a report.

Service

Mr. DeWater reported that the Forest Ridge bridge repairs are going well and the weekly recycling collection started this week and will run through the end of June, at which time he will review to see if it is beneficial to do weekly pick-ups on a regular basis.

Law

Mrs. Lane updated Council on the retainer hours used so far. January was busy so the hours spent were 70.9, but February was more back on track at 41.2. She stated that she compared this year's retainer hours for February to last years and we were at 40 hours last February.

REPORTS OF COMMITTEES

Facilities Committee

Mr. Buczek reported that the Facilities Committee met on February 24, 2016. It was discussed to build a foyer onto the main entrance of the Village Hall building for more security. Mr. DeWater is currently getting prices on the design work. The roof repairs for the police department and the community building were also discussed. He stated that Mr. Filarski did the sewer rate reviews and so the rates will be lowered from \$400 to \$200. The service department is making progress on the Forest Ridge bridge repairs. Maureen Geck, representing the Historical Society, informed the committee that they have been in talks with the representatives from the Garfield Home in Mentor, who are interested in working with the Village and having someone there to show the cabin during the Republican National Convention. The next meeting is scheduled for March 30, 2016.

Mr. Buczek made a motion seconded by Mr. Stanard to allow the Mayor to continue services with AKE for the operations, laboratory testing of samples, and filing of required EPA reports for the Greentree Wastewater Treatment facility, for a 24 month period for a monthly cost of \$736.17 or total contract value of \$17,668.08.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Roads & Safety Committee

Ms. Sturgis reported that the Roads & Safety Committee met on February 24, 2016. She stated that there were four residents who had contacted members with concerns; two from Ellendale, one from Cableknoll, and one from Bentleyville Road. The concerns had to do with either areas of the roads in need of repair or neighbors not bringing their rubbish/recycling containers in from the curb in a timely manner. The committee properly addressed their situations, as noted in the minutes. The 2016 Road Program will be advertised for bids this month and the 2016 Drainage & Culvert Program will be advertised shortly after that. The Service Department introduced a soft recycling program with Simple Recycling; there will be an ordinance tonight for this agreement.

Ms. Sturgis stated that the Service Department also reported the tonnage recycled in that last two years; in 2015 it was 1,122 tons and in 2014 it was 1,451 tons. There were also a few equipment needs brought to the committee's attention. The new truck that was ordered last February was delivered. The 2004 truck that it replaced is going up for auction. Finally the Service Department is continuing to fill the potholes and service the roads and we will continue to discuss in the committee if there are additional areas that need to be addressed. She stated that we are going to look into funding from the Sewer District for street sweeping, which the Village likes to do twice a year. The service department will also be conducting training to remain in compliance with certification requirements.

Ms. Sturgis informed Council that the Chagrin Valley Dispatch has received 2 acknowledgements; they were ranked #1 in nation for technology and ranked #1 in the nation overall for Dispatch. The CVD is led by their administrator, Nick DiCicco.

The next meeting is scheduled for March 30, 2016.

BZA

Mr. Stanard reported that the BZA met on February 22, 2016. The matter of a storage shed on 376 Miles Road was on the agenda; this was the applicant's second time before the board. This applicant will have to come back again because he proposed to place the shed in the protected hillside zone; however he was unaware at the time of submittal that his proposed location was in the hillside. Mr. Stanard stated that this applicant may either come back again with another location or just abandoned the project altogether. The next regular meeting will be on March 28, 2016.

Planning Commission

Mr. Stanard reported that the Planning Commission met on February 22, 2016 immediately after the BZA meeting. There was a discussion regarding a zoning certificate at 675 Chagrin. It is a house with a large front yard, and the applicant intends to demolish the home. If they were to reconstruct a new home in the existing footprint, it would be non-compliant with the floodplain regulations. They have begun initial discussion and an engineering study to determine the feasibility of moving the house up the hill a little bit toward the southeast. After a lengthy discussion, he believes that the applicant is going to pursue a future application by performing the engineering requirements required in the protected hillside ordinances. Representatives from Sunoco were in attendance to inform the board that the mechanic and U-Haul are gone now and that they are going to pursue the retail shop as well as make interior and exterior improvements. There was a lengthy discussion regarding the two entrances on Chagrin and SOM. They also want to place a sign at the corner which has some issues because of the existing utilities located in that island. Mr. Filarski suggested that one of each of those two driveways be either eliminated or modified to help the traffic move better at that intersection. The increased traffic with the new retail shop could cause an issue so they agreed to look into that suggestion. The approval of the retail facility was contingent upon Sunoco's willingness to work with the Village Engineer to reconcile the traffic issue.

Jenny Burke, member of the Master Plan Review Committee, made a presentation. That committee has been analyzing our existing Land Use Plan and developing a comprehensive land use from now until 2025. Ultimately their charge was to determine what, if any, zoning changes should be made in the Village over the next 10 year period. There was a determination of a possibility of a development on Chagrin Blvd. The committee's recommendations were for the Planning Commission to consider the installation of a Planned Unit Development (PUD), which would give developers options in lieu of the strict 2 acre zoning. They looked at Wiltshire, Ellendale, & Berkeley (WEB), which have relatively small size lots and are restrictive (and not economically feasible) for residents to replace a home on those small lots. The committee's recommendation for that area was to adjust the language in the zoning code, such that with text amendments, it will allow residents to purchase 2 lots (which would still be under the 2 acre minimum) which would enable them to put a more substantial home on the lot than they would have been able to because of the zoning restrictions. They also discussed the property at Hiram & SOM and they ultimately decided that no action was necessary at this time, but if the other recommendations were adapted, that property would have some flexibility in the future as well. There was a very robust discussion from the Planning Commission and a lot questions asked relative to the surveys performed by McKenna and the Open House held at the Village. Since there was a lot of information for the Planning Commission to take in, they decided that they needed more time and to make sure everyone had all the necessary data. A Special Meeting was then set for tonight, which occurred at 5:30pm., which Mr. Stanard stated he will get to in a minute. One additional item on the agenda at the February meeting was Omni Development, who has a contract on some of the property that we are speaking of on Chagrin Blvd. The PUD could be a valuable tool to the village in that area and we would have more control over the

ultimate development. Mr. Bryan Stone from Omni presented a potential project in that area, with a number of single family homes, townhomes, and the possibility of few small commercial developments.

Mr. Stanard reported that the Special Planning Commission Meeting that occurred tonight at 5:30pm was to ultimately conclude the discussion of the PUD and the potential text changes for amendments to the Zoning Code for the WEB area. Mr. Sam Steinhouse, Master Plan Review Committee member, presented some different considerations and aspects and it appeared that the committee was very cohesive in their recommendations and did quite a bit of work and deliberating over the past couple of months. He stated that Mr. Steinhouse wanted to point out that the decisions that the Committee made were unanimous, and that they thought it was in the Village's best interest to be proactive on this issue and take a really hard look at other properties in the Village that could be developed in a fashion other than the standard 2 acre zoning.

The Planning Commission accepted the recommendations from the Master Plan Review Committee and decided to forward them to Council. The motions to approve those recommendations are as follows:

Mr. Stanard made a motion seconded by Mr. Buczek to approve the Master Plan Review Committee's recommendation to pursue a Planned Unit Development (PUD) zoning amendment and to rezone certain properties located on Chagrin Blvd. to PUD and formally initiate such zoning amendments, including authorizing the Mayor to retain a planning consultant to draft a PUD code amendment.

Mr. Fritz stated that Master Plan Review Committee stipulates that there are a number of parameters that are going to have to be very intricately discussed and applied as it relates to the PUD overlay. He stated that he wanted to clarify that the decisions being made are in no way an endorsement of any projects that have been seen or looked at, but explained that the decisions are more of an advancement of something that we are going to pursue with the Planning Commission in order to come up with the parameters of the PUD so that it will be in the best interest of the Village.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Stanard made a motion seconded by Mr. Buczek to approve the Master Plan Review Committee's recommendation to pursue certain Planning and Zoning Code text amendments applicable to the WEB area and to formally initiate such text amendments, including authorizing the Mayor to retain a planning consultant to draft the text amendments.

Ms. Sturgis asked for clarification about the number of lots that can be combined. Mr. Stanard stated that the objective is to give developers or land owners flexibility as to the size of a structure and size of the lots. Mayor Renda explained that when using the same setbacks that were designed for a small house for a larger house (on a small lot), some of the character of the neighborhood will get lost. She stated that the Master Plan Review Committee's purpose is to protect the character of the neighborhood and make it easier for future land owners to build. Mr. Fritz stated that if someone were to buy three, .5 acre lots, they would still be considering a non-conforming lot because they are under the 2 acre minimum. So what this text change does is remove the requirement for a variance for a lot under that minimum 2 acres. Currently, under our Code, it would require a variance. The lot coverage is up to 18% on some lots and the maximum allowed in the Village is 12% (maximum allowed on 2 acres). This will help deter from the massing problem in that area.

Mrs. Lane explained that the idea is to encourage the creation of larger lots in the area and create lots that would reduce the non-conforming nature, which would be more in keeping with the existing character and nature of the neighborhood. Ms. Sturgis asked if this would require people to have to buy more than one lot. Mrs. Lane stated that it will not. Ms. Sturgis asked if this will be reviewed by the consultant. Mayor Renda stated that it will be same process as the zoning code rewrite we did a few years ago. We will hire a planner that will write the text, the Planning Commission and Council will review it and add their input in as well. She stated that what is being asked of Council tonight is just to allow the Mayor to enter into an agreement with a planner for those text changes.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Stanard informed Council that the Building Department has determined that there are a number of fees that are not clean in terms of their location on the building department fee schedules; some that are listed on the residential fee schedule and not on the non-residential fee schedule and vice versa, and some that are on the application forms but not listed anywhere in the fee schedules. Mr. Stanard referred to the revised fee schedules included in the Council packet.

Mr. Stanard made a motion seconded by Ms. Sturgis to incorporate the changes (as listed on the attached revised fee schedules) into the non-residential and residential building department fee schedule.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

ORDINANCES AND RESOLUTIONS

Ordinance 2016-13 – Introduced by Ms. Sturgis

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GREAT LAKES RECYCLING, INC., DBA SIMPLE RECYCLING OF CUYAHOGA COUNTY FOR THE CURBSIDE COLLECTION OF SOFT RECYCLING MATERIALS IN THE VILLAGE OF MORELAND HILLS AND DECLARING AN EMERGENCY

Ms. Sturgis stated that this was discussed at the Roads & Safety Committee meeting and at the Green-Parks Commission meetings. This recycling program will allow residents to recycle clothing items and have them picked up curbside. This service is provided at no cost to the village, however that residents cannot use it as a tax deductible donation. Mr. DeWater explained that Simple Recycling will send out a mailing to every resident explaining the program along with two green bags, and labels to be put on larger items, which will be picked up on their regular rubbish/recycling day. He stated that they will take clothing and even small household items.

Ms. Sturgis made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2016-13.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Buczek for passage of Ordinance 2016-13.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2016-14– Introduced by Mr. Buczek

AN ORDINANCE AMENDING CHAPTER 931, “SEWERS,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS TO AMEND SEWER RATES AND CONNECTION CHARGES AND DECLARING AN EMERGENCY.

Mr. Buczek stated that Mr. Filarski worked on this for several years, so we now have a baseline for the cost of putting in the pump stations and eliminating waste water treatment plants. This is a reduction in the sewer rates for the residents.

Mr. Buczek made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2016-14.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek made a motion seconded by Mr. Stanard for passage of Ordinance 2016-14. Mr. Stanard stated that he wants to commend the Village Engineer, the committee, and all the work the Village did to get away from the waste water treatment plants. He stated that the added benefit is that the user's fee is being reduced. Mr. Buczek added that another benefit is the efficiency in waste reduction the sewer district treatment plants create compared to what the Village's plants did.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2016-15– 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 ordinance approves and adopts the current replacement pages of the Village Codified Ordinances. Various ordinances have been passed by Council last year and will now be included in the Codified Ordinances.

Mr. Sherck made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2016-15.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Sherck made a motion seconded by Mr. Buczek for passage of Ordinance 2016-15.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2016-16– Introduced by Mr. Fritz

AN ORDINANCE AMENDING CHAPTER 139, "SERVICE DEPARTMENT," CHAPTER 141, "POLICE DEPARTMENT," AND CHAPTER 153, "EMPLOYEES GENERALLY," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS AND DECLARING AN EMERGENCY.

Mr. Fritz stated that former Law Director, Margaret Cannon has been working to rewrite the Personnel Policy Manual. She has completed the project and so several changes need to be made to the ordinances based on new stipulations in the employee handbook.

Mr. Fritz made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2016-16.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Buczek for passage of Ordinance 2016-16.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2016-17– Introduced by Mr. Stanard

AN ORDINANCE ESTABLISHING THE PERMANENT APPROPRIATIONS FOR THE FISCAL YEAR 2016 FOR THE VILLAGE OF MORELAND HILLS, AND DECLARING AN EMERGENCY.

Mr. Stanard stated this will establish the appropriations for the fiscal year ending December 31, 2016, subject to monthly appropriations changes. The proposed budget was presented to Council members last week where they all had a chance to review it. He stated that the expected funds are put in the expected locations that we intend to use the funds for. As the month and year progresses, adjustments are made so that the balances are appropriate for the expenses.

Mr. Stanard made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2016-17.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Stanard made a motion seconded by Mr. Buczek for passage of Ordinance 2016-17.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek made a motion seconded by Mr. Stanard to adjourn the Regular Council Meeting at 7:53pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 7:53pm.

Attest:

Sherri Arrietta, Clerk of Council

Steve Richman, Council President