

REGULAR COUNCIL MEETING AND PUBLIC HEARING

September 14, 2016

MINUTES

The Council Public Hearing of the Village of Moreland Hills was called to order by Mayor Renda at 7:05pm, 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, Jeff Filarski, Village Engineer, Chief Kevin Wyant, 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 10, 2016.

ROLL CALL:

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

NAYS: None

ABSTENTIONS: Mr. Fritz

MOTION CARRIED

**Public Hearing**

Mayor Renda declared the Public Hearing open at 7:07pm.

Mayor Renda stated that the six (6) ordinances being heard tonight are as follows:

**Ordinance 2016-25** - 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;

**Ordinance 2016-26** - 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 2016-27** - 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;

**Ordinance 2016-29** - 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;

**Ordinance 2016-30** 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 Codified Ordinances of the Village of Moreland Hills regarding the mailing of notices of public hearings;

**Ordinance 2016-31**- 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.

Mayor Renda asked if there was anyone wishing to speak regarding these ordinances; there being none, Mayor Renda declared the public hearing closed at 7:09pm.

### **Reports from the Mayor and Other Municipal Officials**

#### **Mayor**

Mayor Renda did not have a report.

#### **Police**

Chief Wyant did not have a report.

#### **Engineering**

Mr. Filarski did not have a report.

#### **Finance**

Mr. Shah did not have a report.

#### **Service**

Mr. DeWater did not have a report.

#### **Law**

Mrs. Lane did not have a report.

### **REPORTS OF COMMITTEES**

#### **BZA**

The BZA did not meet in August.

#### **Planning Commission**

Mr. Stanard stated that the Planning Commission met on August 22, 2016. He reported that a lot consolidation at 4040 Chagrin River Road was granted. There was a public hearing for Ordinance 2016-40, to change the property, located at 34550 Chagrin Blvd (Severin Property), from U-2 Retail Business district to U-1 Dwelling House district. This Ordinance will be discussed later tonight as it is on the agenda. The Planning Commission also looked at a conceptual plan for the layout of the proposed house to go on that lot, if the zoning district is changed. The Minc residence located at 4005 Ellendale requested and was granted approval for a deck addition. The Schoellkopf residence at 85 Windrush was granted approval for their new deck; they are removing their old

stucco balcony and replacing it with new decking in order to make it more open. The Feltoon residence located at 4355 SOM Center Road was also granted approval for their two-level deck on the rear of their home. The Hadju residence located at 38885 Chagrin Blvd, was requesting some modifications and an addition on the rear of the home. There was a lengthy discussion and the Planning Commission invited him to include the replacement of the cedar shake on the back of the house so that he would have a minimum number of decorative wall coverings, which he agreed to. The next meeting will be on September 26, 2016.

### **Roads & Safety Committee**

Ms. Sturgis reported that the Roads & Safety Committee met on August 24, 2016. She stated that a lot of good feedback was received from the Police Community Meeting. The topic was on fraud and fraud prevention which was very well received and she thanked the Police Department for hosting it. Ms. Sturgis stated that Mr. Filarski informed them that approximately 85 feet of guardrail will be put in at end of Giles Road to deter individuals from parking there. The Service Department discussed the Hazardous Tree program, which she has to make a motion for tonight. Ms. Sturgis noted one change in the program this year; residents will be responsible for stump removal and this will be highlighted in the bid packet. The next meeting is schedule for September 28, 2016.

Ms. Sturgis made a motion seconded by Mr. Richman to allow the Service Director to develop specifications for the removal of hazardous trees and processing of materials throughout the Village of Moreland Hills, and advertise for competitive bids.

Mr. Stanard asked if it was definitive that the Village is going to require that residents will have to grind their own stumps. Ms. Sturgis stated that it is definitive and that it was discussed in committee. Mr. Stanard stated that he could see how some residents may not be happy about that since the Village performs the work but that the residents would be responsible for stump removal, which could get costly. Mayor Renda stated that it is not required that they have to remove the tree stump, it can stay as is. Mr. DeWater explained that there are a few reasons for this; one being the cost issue (grinding is charged per square inch); the second issue is that because of topography, it cannot be done in some yards; the third issue is when the contractor did grind the stumps, the residents would then want Service Department to re-landscape the area after it was ground, which got costly. He stated that about 30% of the stumps were ground.

**ROLL CALL:**

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

**NAYS:** None

**MOTION CARRIED**

Mr. Stanard stated that he thought that the Police Community Meeting was very good and very valuable, however, he felt that it was unfortunate that the audience was not given enough time with Detective Williams and Lt. Dietzel. They are such able and capable speakers and he stated that he thinks there could have been other questions that could have been generated from their speeches. He stated that he thought they were both dynamic speakers and he really enjoyed their

presentations. Chief Wyant explained that they went a little beyond where they had anticipated because the guest speaker they had gone on too long, which cut other people short.

Mr. Stanard asked Mr. Filarski what is wrong with the retaining wall on Chagrin Blvd. Mr. Filarski informed him that it is flaking in some sections, which should be addressed now. He stated that Mr. DeWater will remove all the loose material and then he will put a coating on it. Ms. Sturgis stated that the price for an outside company to perform the work was \$15,000 just for the blasting. Mr. DeWater stated that his employee, Tim Young is going to see if there is another way to clean the scale off.

### **Facilities Committee**

Mr. Buczek stated that the Facilities Committee met on August 24, 2016. He reported that the bridge repair in Forest Ridge is pretty much done. Mr. DeWater stated it will be complete in a few more days. The next meeting is schedule for September 28, 2016. Mr. Buczek also wanted to report that he attended the Chagrin River Watershed Partners meeting yesterday. He stated that this is their twentieth year in existence and the President, Greg Studen, who has been involved since the beginning is retiring. He stated that the dues will increase by 1% again this year. During the discussion, he stated he learned that over the past 20 years, the dues received total about two-million dollars, which has been leveraged into expenditures of about thirty-two million dollars. Mr. Buczek stated that he enjoys going to these meetings because it is interesting to learn what is going on in other communities. Mayor Renda asked Mr. Buczek if he has been involved for all twenty years. Mr. Buczek stated that he has been involved for at least 12 years and was first appointed by former Mayor DeGross as an alternate. Mayor Renda thanked Mr. Buczek and stated that she appreciates the great job he has done over the years, going to all the meetings and keeping Council up to date.

### **ORDINANCES AND RESOLUTIONS**

#### **Ordinance 2016-25 (Third 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 stated that this ordinance has been before Council three times, and total of 6 times before Village Council and Planning Commission combined. This ordinance was born of the Planning Commission as a result of a number of applicants requesting that the 18” maximum height for a decorative wall be considered to be increased to 36” inches so that it will no longer require a variance.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2016-25 on third reading and for passage of Ordinance 2016-25.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2016-26 (Third 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.

Mr. Stanard stated that this ordinance has been before Council three times, and total of 6 times before Village Council and Planning Commission combined. This ordinance clarifies who can convey a conservation easement; a land trust or a third party and not to the land owner or the Village.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2016-26 on third reading and for passage of Ordinance 2016-26.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2016-27 (Third 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 stated that this ordinance has been before Council three times, and total of 6 times before Village Council and Planning Commission combined. He stated that this ordinance will make the building height requirement in the Retail Business District consistent with that of the requirements in the Dwelling House District.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2016-27 on third reading and for passage of Ordinance 2016-27.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2016-29 (Third 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 stated that this ordinance will allow the Village Engineer to analyze each application for an access drive based on the specific conditions at each location, in lieu of a blanket note that currently requires it be 40 feet from the right-of-way line.

Mr. Stanard made a motion seconded by Mr. Richman to place Ordinance 2016-29 on third reading and for passage of Ordinance 2016-29.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2016-30**– Introduced by Mr. Fritz

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 CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS REGARDING THE MAILING OF NOTICES OF PUBLIC HEARINGS.

Mrs. Lane stated that she recalls hearing a discussion at Planning Commission about the requirements for posting an agenda for a conditional use public hearing. She stated that the way our code reads now, it prescribes that our Clerk should post it 7 days prior to the hearing. The Planning Commission had a discussion about finding an appropriate time frame since the Assistant Clerk stated the seven-day posting was not happening currently, so they determined that three days’ prior was appropriate and there was further discussion about posting it on the website instead of at Village Hall. Mrs. Lane stated that she had learned, after that recommendation from the Planning Commission was made, that the normal practice is to post the agenda on the board outside Village Hall and also on the website but not necessarily at the same time. She stated that it is also a little awkward to have a posting requirement for a Conditional Use Public Hearing agenda when, in fact, it is already part of the regular meeting agenda which has its own posting requirements; Section 102.01 sets forth the posting requirements for meetings and meeting agendas for Council, Committees, and Planning Commission. Mrs. Lane stated that her suggestion would be to delete the last sentence of Section 1129.07(f) setting forth an agenda posting requirement since there is a provision already elsewhere in the code.

Mr. Fritz made a motion seconded by Ms. Sturgis to place Ordinance 2016-30 as amended, on third reading and for passage of Ordinance 2016-30, as amended.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis  
NAYS: None  
MOTION CARRIED

**Ordinance 2016-31**– 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.

Mr. Fritz stated that this ordinance clarifies the semantics of the phrases “Building Inspector,” “Building Official,” and “Building Commissioner” and makes them all interchangeable.

Mr. Fritz made a motion seconded by Mr. Richman to place Ordinance 2016-31 on third reading and for passage of Ordinance 2016-31.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis  
NAYS: None  
MOTION CARRIED

**Ordinance 2016-40 (Second Reading)** – 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 stated that this ordinance has been before Council once, and before the Planning Commission twice; one regular meeting and one public hearing. Council will also have a Public Hearing at the next regular meeting for this ordinance.

Mr. Stanard made a motion seconded by Mr. Buczek to place Ordinance 2016-40 on second reading.

ROLL CALL:

AYES: Mr. Buczek, Mr. Fritz, Mr. Richman, Mr. Sherck, Mr. Stanard, Ms. Sturgis  
NAYS: None  
MOTION CARRIED

**Ordinance 2016-42** – Introduced by Mr. Fritz

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CHAGRIN VALLEY DISPATCH COUNCIL FOR MANAGED IT SERVICES AND DECLARING AN EMERGENCY.

Mr. Fritz stated that the Chagrin Valley Dispatch and the Council of Governments have been in the forefront of the County and this is yet another example of regionalism and the way it is made to work, in incremental steps. He stated that he commends the Council of Governments, Mayor Renda, Nick DiCicco, and Chagrin Valley Dispatch for paving the way for other entities to look for examples of regionalism. This model should be integrated into the County because they could learn a lot from the efforts that were undertaken with CVD to support regionalism. This ordinance will change our IT provider (full support for computers, workstations, etc.) to Chagrin Valley Dispatch. There are currently a lot of technology issues with the Police Department and various departments in the Village. The Village currently pays approximately \$40,000 annually for these services. CVD has proposed \$1250/month, which would be a savings of \$25,000. Mr. Fritz stated that Nick DiCicco does the IT work for the Fire Department and they have not had any problems with IT issues being address immediately and the services are outstanding.

Mr. Fritz made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2016-42.

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. Stanard for passage of Ordinance 2016-42.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2016-43 – Introduced by Ms. Sturgis**

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH LONGO SEWER CONSTRUCTION CO., INC. FOR THE 2016 DRAINAGE AND CULVERT PROGRAM AND DECLARING AN EMERGENCY.

This item was removed from the agenda prior to the meeting. Mr. Filarski explained that the contractor has an extra work request for a utility conflict so Mr. Filarski informed him that he would remove it from the agenda tonight and square everything away next month.

**Ordinance 2016-44 – Introduced by Ms. Sturgis**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH METLIFE FOR THE PROVISION OF DENTAL COVERAGE TO VILLAGE EMPLOYEES AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that this ordinance is for dental coverage for Village employees in 2017. The monthly cost for dental insurance will depend on the which type of coverage the Village employees choose; the fee structure was included in the documentation sent by MetLife.



Ms. Sturgis made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2016-44.

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 2016-44.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2016-45 – Introduced by Mr. Buczek**

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

Mr. Buczek deferred to Mr. Shah to discuss the first three items. Mr. Shah explained that the first item is for appropriations needed in the Treasurer's Office for a new laser printer and a bookcase; the second item is for General Administration and it was for a wireless router, file cabinet and a custom framing job; the third item is a payment of real estate taxes for one of our Village owned parcels that a cell tower sits on. This year, the County finally decided to start charging us property taxes because it is a revenue generating parcel. The Village pays the County, but the cell company reimburses us. Mr. Fritz asked how the contract was set up regarding the payment of property taxes. Mr. Shah stated that typically cell tower contracts have that language included in them. The County never billed us in the past, but just started to this year. Mr. Stanard asked if the tax assessment was for the current year or previous ones as well. Mr. Shah stated that it was just for the current year, but now we will be billed each year going forward. Mr. Buczek explained that the other three transfers are the normal transfers into Police Pension fund, Street Construction fund and Vehicle fund.

Mr. Buczek made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2016-45.

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 for passage of Ordinance 2016-45.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Resolution 2016-46 – Introduced by Mr. Buczek**

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. Buczek stated that this resolution allows the Village to accept the rates set by the County.

Mr. Buczek made a motion seconded by Mr. Stanard to suspend the rules for Resolution 2016-46.

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 Ms. Sturgis for passage of Resolution 2016-46.

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. Fritz to approve a payment to ECN Emergency Communications for CodeRed in the amount of \$4,110.00.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Miscellaneous**

Mr. Fritz stated that he was going to make a beer contribution to the Clambake and stated that if anyone else wants to donate, its a good way to show their appreciation. He asked Mr. DeWater if there was anything else needed. Mr. DeWater thanked both Mr. Fritz and Mr. Stanard for contributing beer and that he did not need anything else. He stated that he has also already received checks toward the Clambake from some of the Council members as well.

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

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 7:46pm.

Attest:

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Sherri Arrietta, Clerk of Council

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Steve Richman, Council President