

REGULAR COUNCIL MEETING

December 9, 2015

MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Renda at 7:15pm, in the Village Council Chambers.

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

Also Present: Margaret Cannon, Law Director, Aimee Lane, Assistant Law Director, Prashant Shah, Treasurer, Jeff Filarski, Village Engineer, Chief Kevin Wyant, Sherri Arrietta, Clerk of Council

Mr. Richman made a motion seconded by Mr. Buczek to approve the minutes of the Special Council Meeting of November 23, 2015.

ROLL CALL:

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

ABSTENTIONS: Ms. Sturgis

NAYS: None

MOTION CARRIED

Public Hearing

Mayor Renda opened the public hearing for 34180 Moreland LLC (Sunoco) at 7:16pm. She stated that everyone from the previous meeting is still under oath.

Mr. Stanard stated that the Board of Zoning Appeals held a special meeting at 6:00pm this evening to discuss an application for a use variance. The property in question is 34180 Chagrin Blvd. and is owned by 34180 Moreland LLC. They are requesting to reestablish the non-conforming gas station use and have stated that the business will be a gas station and a retail convenience store. The BZA members recommended to Council the approval of the use variance with 10 conditions which are as follows:

1. The use variance is specifically for gas and convenience store use only

2. There is no auto repair use on that property subject to the expiration of the existing lease
3. There is no U-Haul use, subject to terms of the contract
4. There shall be no additions to the structure without coming back to the board and having an amendment made to the use variance
5. There is no additional office use without getting an amendment to use permit
6. The property be brought into compliance with exterior and interior property maintenance codes
7. That evidence be provided of BUSTR compliance
8. The project is to subject to planning commission review for building modifications, signage, parking, landscaping
9. That once signage is worked through with planning commission, that the pole sign be removed
10. That the metal charity collection box be removed

Mrs. Lane stated that a use variance application is being presented before the Council by the applicant, 34180 Moreland LLC for the property located at 34180 Chagrin Blvd. The conclusions of fact are as follows:

1. The applicant has demonstrated unnecessary hardship
2. The variance requested does stem from a condition that is unique to the property at issue and not ordinarily found in the same zoning district.
3. The property at issue is fully equipped as a retail gas station and the applicant would like to reinstate that gas station use and bring the facilities back into service instead of trying to sell the property for some other use or remove the facilities
4. Granting the variance will not have any material adverse effect on the right of the adjacent property owners. The applicant has shown in his preliminary renderings the intent to add additional landscaping and that landscaping plan will be required to go through the Planning Commission review process. Additionally the applicant has presented a rendering showing an improved exterior appearance of the building and pursuant to the Code, all required notices were sent to adjacent neighbors and no neighbors have objected to the use variance being granted.
5. The granting of the variance will not have any material adverse effect on the health, safety, or general welfare of the Village of Moreland Hills. In fact, it is the applicants intent to make the property more in keeping with the public health, safety, and general welfare by bringing the property into compliance with codes and complying with all BUSTR compliances to bring the gas station use back into service. (Final inspection scheduled for next week)

6. The variance is consistent with the spirit and intent of zoning code. The property owner has professed that they will bring the condition of the property into compliance with existing codes.

7. The variance sought is the minimum that will afford relief to the applicant. The property is currently fully equipped retail gas station and granting the variance will allow this property owner to utilize those existing facilities and have a viable business on what has been a problem property in the Village.

Mayor Renda informed Council that the Board of Zoning Appeals recommended these conclusions of fact to Council, but it is up to Council to accept them.

Mr. Buczek made a motion seconded by Mr. Stanard to accept the Conclusions of Fact, as recommended by BZA.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek stated that when the canopy was approved about 15 years ago by the Planning Commission, there was a requirement that there would be no light filtration from the property onto adjacent properties. There was a glass globe that hung down, but it has since been removed somewhere along the line. He stated that may be something we want to consider to be reestablished. Mr. Fritz stated that will be addressed when they appear before the Planning Commission. Mrs. Lane stated that most codes do prohibit light being directed off site.

Mr. Richman asked about the recommended conditions relating to no office use and no repair use. He stated that the applicant suggested that they might be interested in coming before the board in the future and asked if the language prevents that. Mrs. Lane stated that with regard to the auto repair use, it is a non-conforming preexisting use, therefore the applicants would have to come back to BZA. The office use is a permitted use in that zoning district but the concern was they would use the existing office space for the operations of the numerous gas stations they own. The thought was no office use unless an amendment was made. Mr. Richman stated he was just worried about precluding them from ever being able to come back in the future. Mrs. Cannon stated they can always come back and amend it, just like the WRLC did numerous times to their conditional use certificate, but unless they come back to the board, they cannot do it.

Mr. Richman stated if they have that right to come back before the board, then the language does not need to be changed. Mrs. Lane stated that it can be changed to read no office use “unless an amendment to this use is made.” Mrs. Lane asked if the pole sign condition should be modified to enforce a deadline for that. It was determined to add “must be removed within one year from the date of tonight’s decision”

Mr. Richman made a motion seconded by Mr. Buczek to amend the conditions to add the stipulation to number 5 that states “unless an amendment to this use is made,” and the stipulation to number 9 that states “must be removed within one year from the date of tonight’s decision.”

The complete conditions are as follows:

1. The use variance is specifically for gas and convenience store use only
2. There is no auto repair use on that property subject to the expiration of the existing lease
3. There is no U-Haul use, subject to terms of the contract
4. There shall be no additions to the structure without coming back to the board and having an amendment made to the use variance
5. There is no additional office use unless an amendment to this use is made
6. The property be brought into compliance with exterior and interior property maintenance codes
7. That evidence be provided of BUSTR compliance
8. The project is to subject to planning commission review for building modifications, signage, parking, landscaping
9. That once signage is worked through with planning commission, that the pole sign must be removed within one year from the date of tonight’s decision
10. That the metal charity collection box be removed

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Stanard made a motion seconded by Ms. Sturgis for approval of the use variance to re-establish a non-conforming gas station use at 34180 Chagrin Blvd., Sunoco, contingent upon the previously approved conditions.

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

Mayor

Mayor Renda stated that she attended the County Council Meeting last night, to represent the Chagrin Valley Dispatch. A 3.2 million dollar contract was unanimously approved that allows the County to co-locate with Chagrin Valley Dispatch. The County only dispatches cellular 911 calls and that is pretty much all they do. They were without a home and in need of an upgrade to their technology, which the CVD can provide. She stated that is really good news for the Chagrin Valley Dispatch and if we continue our savings, we continue our growth. Mayor Renda stated that she is also very impressed by the Dispatch Coordinator, Nick Diccio, who does a great job.

Finance

Mr. Shah stated that he is currently getting ready to close 2015; he has 3 weeks left in the year. He stated that he has already stopped the purchase order process except for emergency situations. Mr. Shah stated that he is making all the adjustments for the end of year and is trying to predict what is going to happen for the next three weeks.

Police

Chief Wyant stated that the department budget has been submitted. He stated that they are looking to replace one (1) vehicle for 2016 and will auction the Dodge Charger to help compensate for the cost of the new vehicle and equipment. Chief Wyant reported that all officers have attending numerous training classes/courses throughout the year. One officer still needs to attend a domestic violence class then he can submit to the State for reimbursement costs for those classes in the amount \$1300. He reported that he attended a human trafficking seminar with the Mayor this afternoon which was very informative.

Law

Mrs. Cannon stated that the Village has a 500 hour limit on their retainer with the Law Department and if the Village exceeds those 500 hours, the Law Department is paid on an hourly basis. As of the end of October, the Village was at 469.5 hours and so we do anticipate that for 2015 the Village will exceed the 500 hours for the first time, but not by a significant amount.

Mrs. Cannon informed Council that she is retiring at the end of the year. She stated that it has been an honor and a pleasure but she stated it is time to move on. Mayor Renda stated that for the last 8 years, Mrs. Cannon has sat next to her and guided her and she stated that she hates to see her go. She stated Mrs. Cannon has been wonderful advisor and mentor who has been spectacular for the Village. Council Members concurred and wish Mrs. Cannon well.

REPORTS OF COMMITTEES

BZA

Mr. Stanard reported that the BZA met on November 23rd. There is still a continuing issue at 36960 Chagrin Blvd. The applicant had partially installed a pool then came before the BZA to request a variance. This was the second visit for that particular applicant and there will be a third because this matter was continued until the January meeting. He stated that 34180 Moreland LLC was also at that meeting for a preliminary discussion regarding the Sunoco Station. The next meeting will be January 25, 2016.

Planning Commission

Mr. Stanard reported that the Planning Commission met immediately following the BZA meeting on November 23rd. There was an application from Larry Bloch Builders at 551 Chagrin Blvd. to install a development sign to advertise lots that he has for sale. The next meeting will be January 25, 2016.

Mr. Sherck stated that he attended the BZA meeting last month and in hindsight thinks he may have jumped the gun in speaking out at the meeting. He stated that he has learned that he should have confidence and trust in the BZA/Planning Commission to follow the rules and regulations.

Facilities Committee

Mr. Sherck reported that the Facilities Committee met on November 24, 2015. The Park Lane water main break was discussed; Mr. Filarski is here tonight if anyone has any questions about it. The sewer rate review is continuing. Forest Ridge trails are now open. He stated that it was reported that everything is going well at the sewage treatment plants and pump stations. The next meeting will be on January 26, 2016.

Roads & Safety Committee

Mr. Buczek reported that the Roads & Safety Committee met on November 24, 2015. He reported that ODOT delayed the resurfacing of SOM Center Road until 2017. The next meeting will be on January 26, 2016.

Mr. Stanard asked about Jonathan Schaffer on Jackson Road who presented a letter to the Committee regarding the traffic on SOM Center Road and Hiram Trail. Mr. Richman stated that Mr. Schaffer put together a template to show he was concerned with people turning north off Hiram Trail onto SOM. He had proposed a widening and stanchions for a forced turning lane. Our committee got information from Lt. Dietzel beforehand that showed there have not been any problems other than the one incident that Mr. Schaffer suffered. His plan would also require widening and additional curbing. The Committee felt they would like to continue enforcement and to watch to see if there is, in fact, an issue. Mayor Renda asked if it was correct that Mr. Schaffer's issue was actually a near miss, as opposed to an actual accident. Mr. Richman stated that was correct. Mayor Renda stated that it was decided that it was a very expensive fix that could create more potential problems.

Master Plan

Mr. Fritz stated that he copied all members on an email he sent to the Master Plan Review Committee members. He stated that we have sought and received a tremendous amount of feedback from our residents (focus groups, interviews, open house). There was a good turnout at the open house and a good amount of survey results received, for a community our size. Mr. Fritz stated that all this information has been packaged up by McKenna Associates and that he and Mayor Renda have a phone conference with McKenna to go over all this information. He stated that they will take the information and vet it and clarify some information before they share it so that it is easier for everyone to understand. The Master Plan Review Committee will meet once again in January to talk about the findings and input and apply it to some thoughts about land use. Mr. Fritz stated that he will keep everyone posted on the January meeting date as well as the results received.

ORDINANCES AND RESOLUTIONS

Ordinance 2015-89-Introduced by Ms. Sturgis

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GUARDIAN LIFE INSURANCE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE TO VILLAGE EMPLOYEES AND DECLARING AN EMERGENCY. (Second Reading)

Ms. Sturgis stated that the Village provides life insurance and accidental death and dismemberment insurance to Village employees at a cost of \$4.95 per employee, depending on the amount of employees. This reintroduces the extension of this policy.

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-89.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ms. Sturgis stated that the amount that is presently offered to each employee is \$15,000. It is a maximum benefit for the beneficiary for each policy (Life Insurance and Accidental Death & Dismemberment). She asked Mr. Shah the amount that other communities provide and the cost to them because she stated she wanted to discuss a potential benefit increase. Ms. Sturgis stated that she realizes that some organizations are not able to offer anything and so she is happy that the Village can, however, she would also like to recognize the costs associated when someone passes so that the families can be helped. Mr. Shah stated that other municipalities offer between \$15,000 to \$25,000 for Life insurance as well as for AD&D. He stated that he can explore further with the insurance company to see what the cost would be to increase it. He stated that he will find out and get back to Council. This policy is in effect and will be effective December 1st but it can also revisit it next year if we choose to make changes. Mr. Richman stated he would be inclined to increase it.

Ms. Sturgis made a motion seconded by Mr. Stanard for passage of Ordinance 2015-89.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resolution 2015-90 – Introduced by Mr. Richman

A RESOLUTION RECOGNIZING THE MONTH OF SEPTEMBER NATIONAL PREPAREDNESS MONTH IN THE VILLAGE; AND DECLARING AN EMERGENCY.

Mr. Richman stated that September was chosen as National Preparedness Month because of 9/11. The opportunity to prepare homes/businesses for natural disasters and terrorists attacks is crucial. There is a lot of good information put together by FEM provided online at www.ready.gov. Mr. Richman provided handouts to Council.

Mr. Richman made a motion seconded by Mr. Buczek to suspend the rules for Resolution 2015-90.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mayor Renda informed Council that the reason they are passing this legislation now is because Mr. Canter, Assistant Safety Director, is making an Emergency Operations Plan for the Village and will present it to the County for approval. Once approved, the County will then present our certification at Council.

Mr. Richman made a motion seconded by Mr. Buczek for passage of Resolution 2015-90.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-91– Introduced by Mr. Buczek

AN ORDINANCE AUTHORIZING CHANGE ORDERS NO. 1 AND 2 WITH BARBICAS CONSTRUCTION CO. FOR THE 2015 ASPHALT PAVEMENT PROGRAM AND DECLARING AN EMERGENCY.

Mr. Buczek stated that first change order is for additional work performed on North Strawberry to replace driveway aprons and culvert pipes for an increase amount of \$6,804.11 and the second change order is in the decrease amount of \$37,812.93 which is a result of the project being completed.

Mr. Buczek made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-91.

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 2015-91.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-92– Introduced by Mr. Sherck

AN ORDINANCE AUTHORIZING CHANGE ORDERS NO. 1 AND 2 WITH BURTON SCOT CONTRACTORS, LLC FOR THE 2015 DRAINAGE AND CULVERT PROGRAM AND DECLARING AN EMERGENCY.

Mr. Sherck stated that the first change order is for an increase amount of \$10,986.40 for additional work needed in two project areas for removal of debris from inside existing tanks and an additional sub base for headwall and perforated pipe. Change order number two closes out the contract for a decrease amount of \$9,642.00; leaving a net amount due of \$1,344.40.

Mr. Sherck made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-92.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Richman asked if the debris should have been expected. Mr. Filarski stated that part of the project was to remove the old Greentree Treatment Plant tanks, which were going over the hill into the river. They were buried so they could not see that there was old chain link fence and steel, which resulted in the extra cost to take it to another dump site. Mr. Richman asked what the implications of the contract administrator saying that the mark-ups were not in accordance with ODOT 109.05 Mr. Filarski stated that he goes by the ODOT specs and the allowable mark up. They originally submitted a change order that was higher in cost but he was able to reduce it down.

Mr. Sherck made a motion seconded by Mr. Buczek for passage of Ordinance 2015-92.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-93– Introduced by Mr. Stanard

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CHAGRIN VALLEY ENGINEERING, LTD. AND JEFFREY J. FILARSKI FOR VILLAGE ENGINEER SERVICES, AND DECLARING AN EMERGENCY.

Mr. Stanard stated that this will allow the Village to retain the services of Mr. Filarski and Chagrin Valley Engineering (CVE) as the Village Engineer for a two year period. He stated that Mr. Filarski maintains and establishes contracts well, and he also provides quality control inspection services over subcontractors. Mr. Stanard stated that Mr. Filarski provides many job functions for the Village and does so at a very good value, with confidence and professionalism.

Mr. Stanard made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2015-93.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buczek stated that having worked in the same field; he has never questioned anything Mr. Filarski has done. He stated that it is a good value for the community. Mayor Renda stated that she meant to include the cost comparison; the average increase in rates is 1.4%. She stated that she is very pleased with that.

Mr. Stanard made a motion seconded by Mr. Buczek for passage of Ordinance 2015-93.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resolution 2015-94– Introduced by Mr. Fritz

A RESOLUTION REQUESTING THE COUNTY FISCAL OFFICER TO MAKE ADVANCES FROM THE PROCEEDS OF REAL AND PERSONAL PROPERTY TAX LEVIES AND SPECIAL ASSESSMENTS DURING THE FISCAL YEAR 2016 PURSUANT TO THE OHIO REVISED CODE SECTION 321.34 AND DECLARING AN EMERGENCY.

Mr. Fritz state that the Ohio Revised Code requires that the Village make a formal declaration to ask for the funds that are due to us each year from real estate, property tax levies, and special assessments. This Resolution will fulfill that requirement for 2016.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Resolution 2015-94.

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 for passage of Resolution 2015-94.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-95– Introduced by Mr. Fritz

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

Mr. Fritz stated that Council passed a budget in late February/early March, as required by law. This ordinance is a result of that in that we have to fund the first quarter of 2016 (through March) taking into account the budget we passed at the beginning of the year.

Mr. Fritz made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2015-95.

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. Buczek for passage of Ordinance 2015-95.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-96– Introduced by Mr. Fritz

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

Mr. Fritz stated that Mr. Shah handed out an amendment to the exhibit that shows some amounts that increased significantly. In closing out the year, Mr. Shah is required to go through and make sure all the funds are in compliance. He stated that Mr. Shah has finalized those numbers and will go through the transfers for Council. Mr. Shah stated that every year, once Council approves the budget, we then have to go by what the budget says. Close to end of year, we go through and make sure everything is in compliance because sometime items are saved in other accounts or are not budgeted for. Expenses cannot exceed appropriations, so any time that happens, we have to ask for additional appropriations. The other part of it is that the county gives every community an estimated resources certificate, which is provided by the community and informs the county what they predict their revenues to be. The County provides the community with a certificate saying “your appropriations cannot exceed this amount,” which is why we have to go through and make sure the accounts are not in excess of what the certificate says. Mr. Shah stated that there is actually a reduction of \$95,000 to bring us into compliance this year. He referred to the last item and informed Council that it is an addition to the Village’s reserve balance. Every year we are allowed to add 5% of the previous year’s revenue to this account (\$250,000); at the end of this year we will have 1.4 million in reserves.

Mr. Fritz made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2015-96.

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. Buczek for passage of Ordinance 2015-96.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Miscellaneous

Mayor Renda reminded Council that they will be going to the Community Building after the meeting for their holiday party. She also reminded Council that the Organizational Council Meeting will be on January 6, 2016 at 7:00pm.

Mr. Buczek made a motion seconded by Mr. Stanard to adjourn the Regular Council Meeting at 8:24pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 8:24pm.

Attest:

Sherri Arrietta, Clerk of Council

Steve Richman, Council President