

REGULAR COUNCIL MEETING

October 14, 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: Aimee Lane, Assistant Law Director, Prashant Shah, Treasurer, Ted DeWater, Service Director, Chief Kevin Wyant, Sherri Arrietta, Clerk of Council

Mr. Buczek made a motion seconded by Mr. Richman to approve the minutes of the Regular Council Meeting of September 9, 2015.

ROLL CALL:

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

NAYS: None

ABSTAIN: Mr. Stanard

MOTION CARRIED

Mayor Renda informed Council that Mr. Filarski was not in attendance tonight because he was called away on personal business.

Resident Comments

Ms. Joan Shenkel, resident and member of the Orange Community Education and Recreation Council, was in attendance. She spoke briefly about the renewal levy that is on the ballot November 3rd. She stated that as you know, the Ohio Revised Code requires them to have a levy every five years. Ms. Shenkel stated that she has been happy with the services provided by Orange Community and Recreation and stressed the importance of this renewal levy. She asked if anyone had any questions or concerns about the levy. There were none.

Reports from the Mayor and Other Municipal Officials

SERVICE

Mr. DeWater reported that three (3) plow trucks have been completed for winter. They are wrapping up grass cutting for the season and work on Forest Ridge continues. He stated that he is getting informal quotes for a catch basin that caved in on Chagrin Blvd.

POLICE

Chief Wyant reported that the new Tasers have been received. They have training scheduled for November for the use of the Tasers. After everyone is trained, the officers can then carry them on duty. Chief Wyant stated that he has been communicating with Orange Schools for emergency readiness training. He stated that he and Lt. Dietzel attended a seminar this morning with a guest speaker from the Aurora Police Department regarding the cinema shooting. Officer Jeff Canter will be going to training for 2 weeks so that he can assist with Fire Investigations. This will be at no cost to the Village; it is paid for by Chagrin Falls Fire Department.

Chief Wyant stated that he would like to purchase motorcycle for the Police Department, and stated that he had previously discussed it with the Mayor. He stated that he had an opportunity to bid on a fully equipped 2007 Harley-Davidson in auction and won the bid in the amount of \$8,259. The Police Department intends to use it for community relations, selective enforcements, careers opportunities for patrol officers to monitor high traffic areas, public information campaigns for safety, training, etc. Chief Wyant stated that he did verify with the Mayor and Mr. Shah before to make sure it was within his budget. He stated that currently about one-third of the department has a motorcycle endorsement, but he will see who may have an interest and they will have to be trained. Mayor Renda stated that this is a new program that the Village is going to start and so they will be going into it gradually. She stated that she has been assured that if it does not work, the bike can be sold on Govdeals. Chief Wyant stated that it is a minimal investment, and as the Mayor stated, we can always resell it if it does not work out and we would probably be able to recover the majority of our investment.

REPORTS OF COMMITTEES

Facilities Committee

Mr. Sherck reported that the Facilities Committee met on September 29, 2015. There were no resident concerns. He stated that Mr. Filarski reported that only one bid was received for the 2015 Sewer Rehabilitation Program and it was over 10% of the Engineer's estimate of \$121,000; there is an ordinance tonight to re-bid this program. Last month a pump at the Greentree WWTP was replaced. After the replacement, a seal light notice at the control panel was discovered for the second pump. That pump is being evaluated for a re-build. There will be a Veterans Day service at Veteran's park on November 11 at 11:00am. Sheffield Monuments will be putting a

plaque on the dedication stone at the park. The Service Department placed four benches at the park and there are also plans to plant a butterfly garden in the spring. The Service Department has an employee working full time at Forest Ridge to clean and repair the trails. The next meeting will be October 27, 2015.

Roads & Safety Committee

Mr. Buczek reported that the Roads & Safety Committee met on September 29, 2015. There were three residents in attendance regarding the area on Bentleyville Road where the landslide occurred. The road is down to a single lane and they are concerned that people are going to go off the road trying to go through that area. It was recommended to add a second stop sign, which has been done. Chief Wyant stated that so far he has heard both good and bad feedback, but he is asking that people just give it some time since the sign has only been in place for a week and a half. Mr. Buczek reported that 17 Glocks from the Police Department are being replaced with newest model Glock at a cost of \$75.00 each. Chief Wyant informed Council that the initial quote for this gun exchange was \$1800, but the final quote turned out to be less, in the amount of \$1235. He stated that this is a good program and a good benefit for the Village. The Police Department will also get 4 Tasers. The Road Program is done; they are just working on punch list items and so we should have a contract close out change order soon. The report from the slope stability on Giles has been received by Mr. Filarski and he will bring that to Committee this month. The radio system for the Service Department is being replaced; there is legislation for that on the agenda tonight. The next meeting will be October 27, 2015.

BZA

Mr. Stanard reported that the BZA met on September 28, 2015. There was a resident on the agenda at 36960 Chagrin Blvd., who had started construction on a pool without any prior permits or approvals. The pool is in place and requires a number of variances. It sits on a narrow lot and the pool would be 13 feet off the property line. This same resident also requested a fence height variance so that he could have a taller fence for privacy for the pool. After some discussion, the applicant withdrew his requests. There was a variance request to install a driveway gate at 32700 Jackson. After a long discussion, this applicant also withdrew his application. Finally, there were three (3) variance requests at 200 Glen Road for an accessory building that would house the pool equipment, which required a variance to be placed in the front yard as well as a variance for the front yard setback. The pool itself needed a variance to be located in the side yard because the rear yard falls off toward a ravine. After some discussion, this application was approved.

Planning Commission

Mr. Stanard reported that the Planning Commission met on September 28, 2015, immediately following the BZA meeting. There was a request for a solar panel system at 36960 Chagrin Blvd., which will be discussed further tonight. The Planning Commission recommended this request for approval to Council. There were a few items that did not appear before Planning that were on the agenda since they were not approved at the BZA meeting. The accessory building and the pool at 200 Glen was approved. Lastly, a garage remodel/sun room addition at 25 Lochspur was approved. The next BZA and Planning Commission meetings will be on October 26, 2015.

Master Plan Review Committee

Mr. Fritz gave an update on the Mater Plan Review Committee. He reported that they met on October 7. McKenna also had their first focus group with 6 residents earlier that same day. He stated that they received some good input from these residents. During the meeting, the committee members did an assets and changes exercise which you will get to see at the Open House meeting in November. Mr. Fritz stated that they talked about goals and objectives as they pertain to the ongoing process. He stated that the goals and objectives from the last master plan in 2003, still ring true today but one member suggested adding an additional goal; “To preserve the uniqueness of our community in terms of its striking natural beauty and the harmonious relationship between homes and their settings.” The explanation is that “Moreland Hills is beautiful because of its trees, various topography, waterways, green space, and parks that are interwoven into the community. Houses compliment rather than compete with our natural settings. From the large homes and lots to small residences, houses tend to compliment rather than compete with the natural setting.” Mr. Fritz stated that the survey is set to launch on Nov. 1st and he did verify that more than one member of a house can take the survey. He stated that in order to update to the plan it is imperative to get as much input from residents as possible. McKenna will be conducting phone interviews as well as having a meeting with the real estate industry. Mr. Fritz urged Council to spread the word about the survey as well as the Open House meeting on November 18 @ 7:00pm in the Community Building. Residents will be able to participate in some tactile hands on activities that will help McKenna in gaining their input.

Approval of Bond, Contracts, Plats, Etc.

Richard Rule Hoffman

36960 Chagrin Blvd.

Solar Panels – Conditional Use Certificate

Ms. Candice Brothers with Yellowlite was present at the meeting. She stated that she is proposing to install a solar panel system on the new house being built at 36960 Chagrin Blvd. The Planning Commission recommended approval to Council. Ms. Brothers passed around sample pictures of solar systems her company has installed. Ms. Brothers stated that the panels will not be visible from street and their structural engineer has approved the weight load of the panels (including any snow that may fall) on the roof of the home. Ms. Brothers provided Council with the structural engineer's approval.

Mr. Stanard stated that Ms. Brothers' presentation was very good and organized at the Planning Commission meeting. He stated that this section was added in 2014 to Section 1177 of our Code. Mr. Stanard read the list of requirements for solar panel systems (cannot be visible from sidewalk, cannot extend beyond the edge of the roof, must be mounted on a rear roof, no glare panels, design and color needs to match the roof, size needs to be the maximum necessary to meet the needs of the building unless they intend to send some of the power to the grid and this applicant is going to do that) and stated that all these requirements have been satisfied by the applicant. In order to connect to the grid, they will need approval from the utility company; however, they cannot do that until they receive our approval. The Chagrin Falls Fire Department has no objections to this system. Trees and vegetation must be considered, including any future trees and vegetation, and that does not appear to be a problem. Yellowlite is required to be licensed, which they are, and a structural engineer's approval was also required, which has been provided to us tonight. It appears as though this application is thorough and complete based on our Code.

Mr. Stanard made a motion seconded by Mr. Richman to approve the Conditional Use Certificate to install solar panels at 36960 Chagrin Blvd.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

ORDINANCES AND RESOLUTIONS

Ordinance 2015-76-Introduced by Mr. Stanard

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A RESTATED AD AMENDED AGREEMENT WITH CHAGRIN FALLS TOWNSHIP FOR BUILDING DEPARTMENT SERVICES AND DECLARING AN EMERGENCY.

Mr. Stanard stated that this is a restated and amended agreement. The Village Building Department has undergone significant changes in the last 24 months and this is an attempt to correct some potential misunderstandings with Chagrin Falls Township and to make clear the Village's required collection of registration and permit fees in order to compensate our Village for performing those duties (conducting all inspections and processing all applications). The Village will collect and retain all said fees. The agreement extends for 1 year with an automatic renewal unless either party makes written notice within 60 days prior to termination.

Mr. Stanard made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2015-76.

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 Mr. Buczek for passage of Ordinance 2015-76.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-77 – Introduced by Mr. Fritz

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WENTWORTH TECHNOLOGIES LLC DBA CITYFORCE AND THE CITY OF PEPPER PIKE TO PURCHASE SOFTWARE TO BE USED BY THE BUILDING DEPARTMENT AND DECLARING AN EMERGENCY.

Mr. Fritz stated that as of August 12th of this year, we agreed to partner with Pepper Pike for Building Department services. Part of this process requires the use of software. Pepper Pike has already negotiated their city fees and software so that contract is being amended to include Moreland Hills for a 50/50 split. The total cost is \$7335; \$3667 is Moreland Hills' annual cost.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-77.

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 2015-77.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-78– Introduced by Mr. Buczek

AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE TWO-WAY RADIOS FOR THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY.

Mr. Buczek stated that Mr. DeWater has worked with B&C Communications to swap out the old, low band frequency system with a new high band system which will give the coverage that has been lacking for a long time. This includes 17 vehicle radios and 2 portable radios, and a base station antenna for an amount of \$36,329.00.

Mr. Buczek made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2015-78.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Buzek made a motion seconded by Mr. Richman for passage of Ordinance 2015-78. Mr. Stanard asked if the current system will be sold. Mr. DeWater stated that B&C will give us the trade in value or we can sell it on Govdeals. He stated that they will have the capability down the road to contact dispatch and have them patch Service through to our police department, but service is not permitted to be on the same frequency as the police.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-79– Introduced by Mr. Richman

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CUYAHOGA COUNTY JUVENILE COURT, CUYAHOGA COUNTY AND THE VILLAGE OF MORELAND HILLS FOR PARTICIPATION IN THE JUVENILE COURT COMMUNITY DIVERSION PROGRAM FOR 2016-2017 AND DECLARING AN EMERGENCY.

Mr. Richman stated that this will allow our continued participation in this County-funded program. The Village has been involved in it since its inception. This program diverts for minors cited for misdemeanors that would otherwise have to appear in juvenile court. Instead, they have an informal hearing, a “scared straight” lesson and they have to do community services, as well as being put on probation for 1 year. If the juvenile does not get in trouble again during that probationary period, the informal records are shredded. This helps prevent a juvenile from potentially ruining their life from a stupid mistake and it also helps the courts from being overloaded.

Mr. Richman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-79.

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 2015-79.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-80– Introduced by Ms. Sturgis

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MEDICAL MUTUAL FOR THE PROVISION OF HEALTH CARE INSURANCE TO THE VILLAGE EMPLOYEES AT THE TOTAL ESTIMATED COST OF \$35,659.00 AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that this is a renewal with Medical Mutual for Village employee's health insurance. There is a slight increase of \$26,000 which is a 7.6% increase over last year's premium because there were fewer employees last year. There will also be no additional cost to the employees.

Ms. Sturgis made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2015-80.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Sturgis made a motion seconded by Mr. Buczek for passage of Ordinance 2015-80. Mr. Stanard asked how the employees feel about the service provided by Medical Mutual. Mayor Renda stated there have been no complaints from anyone. Mr. Richman asked how the 7.6% increase compares with other providers. Ms. Sturgis stated that most other providers have an increase percentage in the double digits. Mr. Shah stated that this is the best rate that he has seen.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-81– Introduced by Mr. Sherck

AN ORDINANCE REJECTING ALL BIDS RECEIVED FOR THE 2015 SEWER REHABILITATION PROGRAM AND DECLARING AN EMERGENCY.

Mr. Sherck stated that one bid was received, which was over 10% of the Engineer's estimate. This bid will be rejected and Mr. Filarski will take a look at the bid package and re-bid this program.

Mr. Sherck made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-81.

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 Ms. Sturgis for passage of Ordinance 2015-81.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-82– Introduced by Mr. Richman

AN ORDINANCE ADOPTING NEW CHAPTER 184 EARNED INCOME TAX OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS REGARDING MUNICIPAL INCOME TAX, AND DECLARING AN EMERGENCY.

Mr. Richman stated that the General Assembly passed House Bill 5 (HB5) which mandates administration and the tax base of municipal corporations. The Village was required to modify Chapter 183 of our Codified Ordinances to create new Chapter 184 to comply with the many requirements. This will go into effect January 1, 2016.

Mr. Richman made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2015-82.

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 2015-82. Mr. Stanard asked if RITA is prepared to handle all the minor adjustments in each community and if they will be able to deal with the software requirements for said changes in time. Mr. Shah

stated that the changes are going to go into effect January 1, 2016, which means that all taxes due for 2016 are impacted; therefore RITA has a whole year to implement the changes.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-83– Introduced by Ms. Sturgis

AN ORDINANCE ACCEPTING A DONATION FROM WALTER|HAVERFIELD LLP IN MEMORY OF GENE A. CASEBERE TO BE USED FOR THE BENEFIT OF FOREST RIDGE PRESERVE.

Ms. Sturgis stated that earlier this year, Mayor Renda’s father passed away. In his honor, Walter|Haverfield has made a donation to Forest Ridge. We all know that Mayor Renda appreciates the outdoors but she stated that she believes that love and appreciation started with her father, so it is very fitting to accept this donation in his honor.

Ms. Sturgis made a motion seconded by Mr. Richman to suspend the rules for Ordinance 2015-83.

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. Stanard for passage of Ordinance 2015-83. Mayor Renda stated that her father would be thrilled about this. She stated that being a businessman, he was in an office a lot but when he wasn’t, he was in the woods; he lived in the woods. Mayor Renda thanked Mrs. Cannon and Mrs. Lane, in particular, as well as Walter|Haverfield. She stated that this is a wonderful donation in his honor.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2015-84 – Introduced by Mr. Fritz

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

Mr. Fritz explained the following items by line: Other Auditor Fees is for the settlement for the auditor collecting our local taxes. There has been an increase in the cost associated with that; Other Expenses in the amount of \$17,000 is mostly for the Community Building, but some are for the Village Hall campus in general and include items such as a camera, stone, gravel, and some other incidentals; Capital in the amount of \$50.00, Mr. Shah will need to get back to us on what this was for; Engineer Expenses in the amount of \$10,000 was for additional work needed for the Culvert & Drainage Program; and the transfer out of the General Fund to the Muni Motor Vehicle Fund is used to fund our culvert program. In order to cover the \$10,000, we were required to take \$5,000 from the General Fund for it.

Mr. Fritz made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2015-84.

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 Ms. Sturgis for passage of Ordinance 2015-84.

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 pay Tricia Ingrassia the sum of \$875.00 for her longevity pay.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Miscellaneous

Mr. Buczek stated that 20 years ago sewer repairs were not being made. He stated that this program has been very beneficial and since we are now doing mostly maintenance, the costs have come down since the beginning.

Mr. Richman wanted to inform Council regarding the Juvenile Diversion program that 75% of the kids from this program, do not get into further problems. On the flip side, about 50% that go to juvenile court one time end up having to go back. Mayor Renda state that it is a very good program and is glad that Moreland Hills is a part of it.

Mayor Renda reminded everyone about the Clambake on Saturday at the House on the Hill. The Service Department will be cooking for us and the raffle donations will benefit the Wounded Warrior Project and Autism Speaks.

Mr. Buczek made a motion seconded by Mr. Richman to adjourn the Regular Council Meeting at 8:21pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 8:21pm.

Attest:

Sherri Arrietta, Clerk of Council

Steve Richman, Council President