

**MINUTES OF A REGULAR MEETING OF THE COUNCIL
OF THE VILLAGE OF HUNTING VALLEY, OHIO**

November 9, 2010

Pursuant to notice given, a regular meeting of the Council of the Village of Hunting Valley was convened on Tuesday, November 9, 2010, at 5:04 p.m., at the Village Hall. Mayor Wheeler presided.

The following members of Council were present:

Nancy Heinen	Jerry Medinger
Bruce Mavec	Larry Sears
Bill O'Neill	Mary Weber

Also present were Frank Harding, Finance Director, Tom Flynn, Clerk, David Maine, Chief of Police, Anthony Gentile, Deputy Finance Director, Stephen Byron, Law Director, and Don Cunningham, Building Inspector/Service Director. Also in attendance were the individuals named on the sign-in sheet attached to and made part of these minutes.

Mayor Wheeler stated that the public hearing on Ordinance No. 2008-120 (As Amended) would be deferred. He had received a request from the Open Space Committee that Council table the legislation for at least ninety (90) days, while the committee works on the issue, perhaps getting property owners to voluntarily restrict development of their properties. Accordingly, Mayor Wheeler stated there would be no action taken on the legislation for at least ninety (90) days. It was noted that after that period of time, Council could not act on the legislation without it first being recommended out of P&Z (after a public hearing at that level) and without a public hearing by Council on the legislation. The report of the Open Space Committee was read aloud.

Mayor Wheeler then had Mr. Mavec preside over the public hearing of Ordinance No. 2010-122 (As Amended). Mayor Wheeler and Council member Sears left the room. Mr. George Smerigan presented the revised ordinance, which had been unanimously recommended (as revised) by the Planning and Zoning Commission. One member of Council asked whether the Village's light and noise ordinances would be applicable to properties in a U-3 District. These ordinances are of general application within the Village, so they would apply in the U-3 District. Another member of Council raised concerns that a four (4) story building that would be located within two hundred feet (200') of a neighboring

property may have a significant adverse impact on that neighboring property. A member of the public noted that the ordinance would have an adverse impact on the Village. Mr. Harvey Labovitz, on behalf of the residents of the Valley Ridge Farm Association, stated that there was nothing in the ordinance that prevented Case Western Reserve University from moving its campus from Cleveland to Hunting Valley, as had been noted in a letter from another neighboring resident. Mr. Labovitz also objected to Council being removed from the process of determining what was located on these institutional properties. Mr. David Matty spoke on the ordinance on behalf of Case Western Reserve University, noting that eighty percent (80%) of the University's property must be left as open space. He also stated that the University was in accord with the height restrictions and ground coverage regulations. Ms. Carla Rogers, counsel to University School, advised Council that her client was satisfied with Ordinance No. 2010-122 (As Amended), in the version that was recommended by the Planning and Zoning Commission. There were no comments from the public. Acting Mayor Mavec closed the public hearing, and council deliberated on the ordinance.

Mr. O'Neill and Ms. Weber raised the concerns that the building ground coverage requirements were too lax and that a very tall structure could be located in close proximity to neighboring property lines. It was stated that there are no regulations that currently limit the height or location on educational institutions. There was further deliberation of the matter. At the suggestion of Mr. Byron, Ms. Heinen moved to adjourn to executive session to discuss pending litigation, which motion was seconded by Mr. Medinger.

Roll Call:	Yeas:	Heinen, Mavec, Medinger, O'Neill, Weber
	Nays:	None

Motion carried
Meeting adjourned to executive
Session at 5:47 p.m.

Acting Mayor Mavec reconvened the Council meeting at 6:01 p.m.

Ordinance No. 2010-122 (As Amended) – “An Ordinance amending various sections of Chapter 1155 of the Codified Ordinances of the Village of Hunting Valley relating to zoning districts and uses to establish the Class U3 (Institutional) District, repealing certain ordinances, enacting new Section 1155.19, Institutional District Requirements, and amending the zoning map of the Village to include certain parcels in the U3 (Institutional) District,” was read for the third time. Ms. Heinen moved to adopt the ordinance as read, and Mr. Medinger seconded the motion.

Roll Call:	Yeas:	Heinen, Mavec, Medinger, O'Neill, Weber
	Nays:	None

Motion carried
Ordinance 2010-122 approved

Mr. O'Neill moved to request that the Planning and Zoning Commission study, further, the height, setback and density regulations of the U-3 District to determine if those regulations are sufficient to protect the established character of the Hunting Valley. Ms. Weber seconded the motion.

Roll Call:	Yeas:	Heinen, Mavec, Medinger, O'Neill, Weber
	Nays:	None

Motion carried
Issues referred to the Planning and Zoning Commission for further study

Mayor Wheeler and Mr. Sears returned to the meeting.

Council considered the minutes of the regular meeting of Council held October 12, 2010. Mr. Medinger moved that the minutes be approved as presented, which motion was seconded by Ms. Weber.

Roll Call:	Yeas:	Heinen, Mavec, Medinger, Weber
	Nays:	None
	Abstain:	O'Neill, Sears

Motion carried
Minutes approved

Ordinance No. 2010-10-P, providing for the payment of bills for October, was presented. After discussion regarding some of the specific bills, Ms. Weber moved that the ordinance be adopted, which motion was seconded by Mr. Medinger.

Roll Call:	Yeas:	Heinen, Mavec, Medinger, O'Neill, Sears, Weber
	Nays:	None

Motion carried
Ordinance No. 2010-10-P adopted

Mr. Gentile presented the financial statements for October of 2010, noting there were no significant changes from the previous month. There were no questions.

Ordinance No. 2010-125 – “An Ordinance authorizing the Mayor to expend funds for a holiday party for the employees of the Village of Hunting Valley, and declaring an emergency” was read for the first time. After discussion, Mr. Mavec moved that the rule requiring that legislation be read on three separate days be suspended and that Ordinance No. 2010-125 be placed on its third and final reading, which motion was seconded by Ms. Weber.

Roll Call: Yeas: Heinen, Mavec, Medinger, O’Neill, Sears, Weber
Nays: None

Motion carried
Rule suspended

Mr. Mavec then moved that Ordinance No. 2010-125 be adopted as read, which motion was seconded by Ms. Weber.

Roll Call: Yeas: Heinen, Mavec, Medinger, O’Neill, Sears, Weber
Nays: None

Motion carried
Ordinance No. 2010-125 adopted

Ordinance No. 2010-126 – “An Ordinance authorizing the Mayor and Clerk of Council to enter into a contract with the Chagrin Falls Volunteer Suburban Fireman’s Association to provide fire protection and emergency medical services to the Village of Hunting Valley and declaring an emergency” was read for the first time. After discussion, Ms. Weber moved that the rule requiring that legislation be read on three separate days be suspended and that Ordinance No. 2010-126 be placed on its third and final reading, which motion was seconded by Mr. O’Neill.

Roll Call: Yeas: Heinen, Mavec, Medinger, O’Neill, Sears, Weber
Nays: None

Motion carried
Rule suspended

Ms. Weber then moved that Ordinance No. 2010-126 be adopted as read, which motion was seconded by Mr. O'Neill.

Roll Call: Yeas: Heinen, Mavec, Medinger, O'Neill, Sears, Weber
Nays: None

Motion carried
Ordinance No. 2010-126 adopted

Mr. Medinger moved to authorize the Mayor and Finance Director to enter into a settlement and release agreement with Fabrizi Trucking and Paving, Inc., for certain water main improvement projects including a 16" express main on South Woodland Road, a 12" loop main on South Woodland Road and County Line Road, and water main expansions on Fairmount Road and Chagrin River Road, and to authorize the payment of additional compensation for said projects in an amount not to exceed one hundred fifty thousand dollars (\$150,000). Mr. O'Neill seconded the motion.

Roll Call: Yeas: Heinen, Mavec, Medinger, O'Neill, Sears, Weber
Nays: None

Motion carried
Settlement and payment approved

The Mayor announced that he was appointing John W. Thomas as a seasonal/temporary laborer/driver, effective November 9, 2010. Mr. Medinger moved to confirm the appointment, which motion was seconded by Mr. O'Neill.

Roll Call: Yeas: Heinen, Mavec, Medinger, O'Neill, Sears, Weber
Nays: None

Motion carried
Appointment confirmed

The Mayor announced that he was appointing David W. Huff as a seasonal/temporary laborer/driver, effective November 9, 2010. Mr. Medinger moved to confirm the appointment, which motion was seconded by Mr. O'Neill.

Roll Call: Yeas: Heinen, Mavec, Medinger, O'Neill, Sears, Weber
Nays: None

Motion carried
Appointment confirmed

The Mayor further noted that the charter amendments had passed and that he would be announcing the new composition of the Architectural Board of Review and presenting it to Council for confirmation.

Chief Maine announced that the employee holiday dinner was scheduled for December 15, 2010. Bow hunters have taken forty-nine (49) deer this season. The season runs through the first week in February.

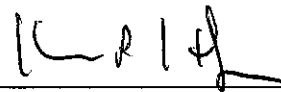
Mr. Cunningham reported that the project on Route 87 at Falls Road is substantially complete, that the water project is substantially complete and the Village's road program is complete. There will be some restoration work (i.e. grass planting) done after winter is over. Mr. Cunningham also advised that the SOM Center sewer project is going to be starting and will be a major project.

There being no further business to come before Council, Mr. O'Neill moved to adjourn the meeting, which motion was seconded by Ms. Heinen.

Roll Call: Yeas: Heinen, Mavec, Medinger, O'Neill, Sears, Weber
Nays: None

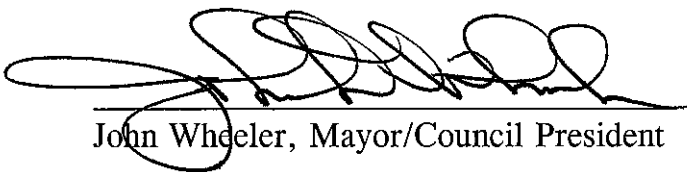
Motion carried
Meeting adjourned at 6:29 p.m.

Respectfully submitted,



Thomas Flynn, Clerk

APPROVED:


John Wheeler, Mayor/Council President

Dated: DECEMBER 14, 2010.