

REGULAR COUNCIL MEETING
October 2, 2019
MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Renda at 7:01pm, in the Village Council Chambers.

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

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

Mayor Renda asked if there were any additions or corrections to last months meeting minutes. Mr. Stanard pointed out that the word “affluent” should be changed to “effluent” in numerous places throughout the minutes.

Mr. Buczek made a motion seconded by Mr. Richman to approve the minutes of the Regular Council Meeting of September 11, 2019, as amended.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resident Comments:

No residents present wished to speak.

Reports from the Mayor and Other Municipal Officials

Engineering

Mr. Filarski reported that the Route 87 project will begin November 4. Signs will be put up two weeks prior to that. A zone will be set up with a detour route throughout Geauga and Cuyahoga counties. Mayor Renda stated that she will be sending out a letter to the residents, but will send it to Mr. Filarski first for additional input. The project is set to be finished by May 30, 2020, but Mr. Filarski stated that he has not seen a detailed schedule yet.

Mr. Fritz asked Mr. Filarski if any delays should be expected for safety services in that area. Mr. Filarski stated that they will be aware of this project and will be able to plan alternate routes. Mayor Renda stated that they did invite Chagrin Falls Fire Department to the preconstruction meeting but they could not attend, however, Chief Wyant will keep them in loop

Police

Chief Wyant did not have a report.

Finance

Mr. Shah reported that the Village received a check from the Bureau of Workers Compensation, in the amount of \$61,000, which represents 88% of the premium the Village has paid. This is part of their Billion Dollar Rebate Program. He informed Council that income tax receipts are down by 8% (\$275,000) so far this year.

Service

Mr. DeWater did not have a report.

Mayor

Mayor Renda reported that the Village had an Open House so the residents could see how we spent their tax money on the campus renovations. Unfortunately, it was not well attended which was quite disappointing to the staff that was here that evening. She thanked Laura Kozminski-Vanderhart for attending. Mayor Renda stated that a positive spin on this would be that the residents trust what we are doing in the Village.

Law

Mrs. Lane advised Council that the retainer hours are 275.1 through August, which is under where we have been in the past at this point of the year. She gave an update on the HB49 case. She stated that she told Council at the last meeting that the Ohio Supreme Court accepted jurisdiction of the case. On Monday, the municipalities filed their briefs with the court and were able to garner support from other municipalities and organizations that are not part of the lawsuit by filing Amicus briefs. The following filed an Amicus brief in support of the cities positions on the home rule issue; The Ohio Municipal League, City of Toledo, Greater Dayton Mayors and Managers Association, City of Trenton, as well of a group of other organizations. She stated that it shows a lot that they took the time to do so in order to preserve home rule.

Reports of Committees

BZA

Mr. Stanard stated that he does not have a report, as the October BZA Meeting will be held next week, October 7, 2019.

Planning Commission

Mr. Stanard state that he does not have a report as the October Planning Commission will be held next week, October 7, 2019.

Mr. Stanard stated that the Parks Commission determined and recommended to Council that demolishing the “House on the Hill” was the best option for that property. Mr. DeWater has been working with Mr. Filarski to determine what requirements would apply for the Village to do so appropriately.

Mr. Stanard made a motion seconded by Mr. Buczek to allow the Service Director to develop specifications, solicit informal quotes, or advertise for bids for the demolition of the Village owned home located at 3800 Chagrin River Road, also referred to as the “House on the Hill.”

ROLL CALL:

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

NAYS: None
MOTION CARRIED

Mayor Renda stated that they had their last employee clambake at the house over the weekend. The Langs will host the employees for dessert after our holiday party in December, and after that time, we will get the house torn down.

She informed Council that she has been checking the ODNR website constantly to see if we have been awarded the grant, however there is still no news, even though the website states that it will be announced in the fall of 2019. She will update everyone as soon as she hears something.

Facilities Committee

The Facilities Committee met on September 24, for October. Mr. Emerman gave a report based on the meeting minutes, which are attached. The next meeting will be on November 5, 2019 at 8:30am

Roads & Safety Committee

The Roads and Safety Committee did not meet this month. The next meeting will be on November 5, 2019 at 8:00am.

ORDINANCES AND RESOLUTIONS

Ordinance 2019-48-Introduced by Mr. Richman

AN ORDINANCE ENACTING NEW CHAPTER 905, "USE OF PUBLIC RIGHT-OF-WAY BY SERVICE PROVIDERS," OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

Mr. Richman stated that this ordinance provides guidelines, protections, and regulations that are applicable to the Village Rights-of-Way for telecommunications and other utility services. Since there is a requirement of a notice be given to PUCO, who has to notify the utilities, this ordinance will be put on a total of three readings, and will therefore be placed on second reading tonight.

Mr. Richman made a motion seconded by Ms. Sturgis to place Ordinance 2019-48 on Second Reading.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-53 - Introduced by Mr. Richman

AN ORDINANCE AMENDING SECTIONS 549.01, 549.12, 549.06, AND 549.08 OF CHAPTER 549, "WEAPONS AND EXPLOSIVES," OF THE CODIFIED ORDINANCES TO CONFORM TO STATE LAW, AND DECLARING AN EMERGENCY.

Mr. Richman stated that Ohio has amended Substitute House Bill 228. There has been a lot of controversy, commentary, and some litigation, centered around this law in the City of Columbus and City of Cincinnati. This new law expanded the offense of unlawful transactions regarding firearms and also switched the burden of proof regarding self-defense to the prosecutor. It also changed a number of definitions, and expanded the state's pre-emption of local ordinances to regulate virtually everything regarding weapons,

except unlawful discharge. This will modify our current regulations, which mirror state law, therefore when state laws change, we have to modify ours accordingly.

Mr. Stanard stated that the supplemental information from Mrs. Lane states that it currently leaves the prohibition of discharging a weapon in the Village intact, and asked if that is correct. Mrs. Lane stated that is correct and that is part of the crux of the Columbus case. Columbus would like that language to be a little clearer that the prohibition of the discharge of weapons within municipal boundaries is enforceable

Mr. Richman made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2019-53.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Buczek for passage of Ordinance 2019-53.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resolution 2019-54- Introduced by Mr. Emerman

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 2020 PURSUANT TO THE OHIO REVISED CODE SECTION 321.34 AND DECLARING AN EMERGENCY.

Mr. Emerman stated that this resolution is necessary for the county, which collects our revenue, to pay it to the Village as they receive it.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Resolution 2019-54

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Buczek for passage of Resolution 2019-54.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-55- Introduced by Mr. Emerman

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

Mr. Emerman stated that the additions to the appropriations are as follows:

Inspections for \$10,000 which is for an increase in building inspection (up by 30% this year); Other for \$5,000 is for additional landscaping at the Village campus and Veterans Park; Contract Services for \$25,000 is for additional work on the Route 87 project and our asphalt procurement which was higher than expected; Capital for \$3,000 is for an unexpected road repair and piping; Overtime for \$5,000, Contract Services for \$35,000, and Capital for \$1,000 were all for the pump station failure that Mr. DeWater informed Council about last month.

Refunds for \$20,000 is for payments to residents who have recently connected to the sewer by paying a construction company to construct their own laterals. Residents are being refunded since the Village will be doing that work going forward.

The normal transfer was made to the police pension fund.

Ms. Sturgis asked for more clarity about Contract Services in the amount of \$25,000 that was outside of the scope of the original budget. Mr. Shah stated that it was for asphalt resurfacing. A certain amount was budgeted for but the bids came back a little higher.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2019-55

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Buczek for passage of Ordinance 2019-55.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Miscellaneous

Mr. Richman gave a reminder of the Greening the Hills event this Saturday, October 5, from 9:00am to noon.

Mr. Buczek made a motion seconded by Mr. Richman to adjourn the Regular Council Meeting at 7:30pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 7:30pm.

Attest:

Sherri Arrietta, Clerk of Council

Dan Fritz, Council President