

REGULAR COUNCIL MEETING

November 10, 2021

MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Fritz at 7:03pm, in the Village Council Chambers.

PRESENT AT ROLL CALL: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Ms. Sturgis – (present via telephone – ineligible to vote)

ABSENT: Mr. Stanard

Also Present: William Hanna, Law Director, Sherri Arrietta, Clerk of Council

Mr. Richman made a motion seconded by Mr. Spencer to approve the minutes of the Regular Council Meeting of October 13, 2021.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: None

MOTION CARRIED

Resident Comments

There were no residents present wishing to speak.

Reports from the Mayor and Other Municipal Officials

Mayor Fritz apologized for the delay on getting some of the legislation to everyone. We worked diligently to get the last minute changes made and he appreciates Council working with us on this.

There will be three ordinances tonight pertaining to PACE, which Mr. Emerman will be introducing. He thanked everyone for their input regarding this and stated that this is the way it is supposed to work. From those discussions, we landed at the \$5,000 being paid for by the applicant along with half of the \$1,000 per year.

He reported that he attend a Coyote webinar today. They provided a lot of good information and he came away from it having more coyote knowledge. There have been a flurry of recent reports

of coyotes in the neighborhood. Judy Neuger, a concerned resident that has contacted him several times about coyotes, was also present at the webinar. She reached out to him so they are going to sit down and proactively come up with some messaging for our residents.

Mr. Hanna entered the meeting at 7:07pm

Mayor Fritz stated that he followed up with USI for some clarity regarding the insurance rate increase. We are a small segment (2-50 employees) and of that small segment, our broker USI stated that 5-7% is the normal increase for that size. Our increase is 4.9% so we are below the low end. He stated that he also reached out to local Mayors to find out what their increase was, , and the following are a few examples: South Russell is going up 15.17% (they are a small segment, heavy use); Orange did an 18 month contract increase last time, but they budgeting for over 5% increase; another local community had a few astronomical claims and are a small segment so their increase is a lot higher; Hudson is going up 7.9%; and Broadview Heights is going up 12%. There are some flat rates such as Avon and Twinsburg. He stated that he is confident that this increase is good for us and is not exorbitant; Mr. Shah and USI are happy as well.

Our COVID dashboard remains unchanged as of this point. No new cases or vaccinations. He is handing out a decent amount of the COVID tests and he informed Council to just ask him if they need one. Moreland Hills is still following Cuyahoga County recommendations. Orange Village did go to mandated vaccines; any exemptions need to be turned in this week and the first shot has to be done by the end of the month. Everyone is trying to do what they feel is safest for their community so we will keep an eye on what others are doing but he feels we are doing good with the procedures we have in place.

The Veterans Day Service is at Veterans Park @ 11:00am tomorrow. Resident and former Planning Commission member, Ron Janke is our guest speaker.

There were no reports from other municipal officials as no Department Heads were present.

Roads & Safety Committee

The Roads and Safety Committee did not meet on November 2, 2021. The next regularly scheduled meeting will be on November 30, 2021.

Facilities Committee

The Facilities Committee did not meet on November 2, 2021. The next regularly scheduled

meeting will be on November 30, 2021.

Mr. Emerman made a motion seconded by Mr. Richman to allow the Village Engineer to advertise for bids for the 2021 Sewer Rehabilitation Program.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: None

MOTION CARRIED

BZA

The Board of Zoning Appeals met on November 1, 2021. Mrs. Kozminski-VanderHart gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting will be on December 6, 2021.

Planning Commission

The Planning Commission met on November 1, 2021, immediately after the BZA Meeting. Mrs. Kozminski-VanderHart gave a report based on the meeting minutes, which are attached. There was a public hearing for the proposed aquatic center at Hiram House Camp; all eleven residents in attendance were opposed to it/had concerns about having the aquatic center built in the proposed location. The application did not move forward for a vote that evening. Courtney Guzy is going to come back to the Planning Commission with more data and professionals to show how they will mitigate the resident's concerns; changing the location is not completely off the table. The next regularly scheduled meeting will be on December 6, 2021.

Parks Commission

The Parks Commission met on October 18, 2021. Mayor Fritz gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting will be on November 16, 2021, which is a Tuesday instead of the normal Monday meeting day.

APPROVAL OF BONDS, CONTRACTS, PLATS, ETC.

Nicholas Residence

415 Chagrin Blvd.

Conditional Use Certificate –

Streambank Stabilization in Riparian Area

Mrs. Kozminski-VanderHart stated that this Conditional Use Certificate application is for a streambank stabilization project for a new driveway. Essentially, they are trying to relocate a driveway on this property and in order to do that; they will need to do work in the riparian area. Per the engineering notes, they will be placing rock along the streambank below a proposed storm sewer outlet. This protection will stabilize the streambank flow from the storm sewer. This is outside of the ordinary high water line therefore there is no Army Corp of Engineer approval needed. Mr. Filarski recommended that the Planning Commission forward it to Council for approval, as long as his notes on the drawing have been addressed. The Planning Commission unanimously approved it.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Richman to approve the Conditional Use Certificate for a streambank stabilization in a riparian area at 415 Chagrin Blvd, contingent upon submittal of final plans addressing the Village Engineers concerns/notes.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: None

MOTION CARRIED

ORDINANCES AND RESOLUTIONS

Ordinance 2021-49- Introduced by Mr. Spencer

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH JADCO CONSTRUCTION SERVICES, INC. FOR THE PATCHING AND PAINTING OF THE MILES ROAD RETAINING WALL, AND DECLARING AN EMERGENCY.

Mr. Spencer stated that this is change order is an increase of \$38,847.25, which includes two components. One is for the additional patching on the Miles Road retaining wall. The original scope of the project was underestimated not knowing the condition of the wall before they started the work. The second component includes an additional amount for the scope of repairing and repainting the Giles Road retaining wall, which will not be done until next year in the spring.

Mr. Spencer made a motion seconded by Mrs. Kozminski-VanderHart to suspend the rules for Ordinance 2021-49.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer
NAYS: NONE
MOTION CARRIED

Mr. Spencer made a motion seconded by Mr. Richman for passage of Ordinance 2021-49.

ROLL CALL:
AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer
NAYS: NONE
MOTION CARRIED

Ordinance 2021-50 Introduced by Mr. Spencer

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH TERRACE CONSTRUCTION CO. FOR THE 2021 DRAINAGE PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Spencer stated that this change order includes two components for a total increase of \$1,542.67. The first component was in the amount of \$300.28 for PVC pipe for the So. Woodland drainage project and the second is for the Hunting Trail culvert, which was added to the scope of work for an amount of \$1,242.39.00

Mr. Spencer made a motion seconded by Mrs. Kozminski-VanderHart to suspend the rules for Ordinance 2021-50.

ROLL CALL:
AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer
NAYS: NONE
MOTION CARRIED

Mr. Spencer made a motion seconded by Mr. Emerman for passage of Ordinance 2021-50.

ROLL CALL:
AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer
NAYS: NONE
MOTION CARRIED

Ordinance 2021-51 Introduced by Mr. Richman

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 3 WITH CARRON ASPHALT PAVING, INC. FOR THE FOREST RIDGE PRESERVE PAVILION – CONTRACT B SITE WORK AND DECLARING AN EMERGENCY.

Mr. Richman stated this is the final change order to close out the project for a decrease amount of \$9,907.22.

Mr. Richman made a motion seconded by Mr. Spencer to suspend the rules for Ordinance 2021-51.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Emerman for passage of Ordinance 2021-51.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Ordinance 2021-52 - Introduced by Mr. Spencer

AN ORDINANCE AMENDING SECTION 141.01 “COMPOSITION,” OF THE CODIFIED ORDINANCES TO AUTHORIZE THE MAYOR TO APPOINT FULL-TIME PATROL OFFICERS AS THE MAYOR DETERMINES NECESSARY ORDER TO COMPENSATE FOR OR ENSURE APPROPRIATE STAFFING LEVELS IN CONNECTION WITH ANTICIPATED VACANCIES, AND DECLARING AN EMERGENCY.

Mr. Spencer stated that Mayor Fritz discussed this ordinance at the Committee of the Whole meeting where he explained that he had a discussion with Chief Wyant about ensuring that some transitions of positions in the Police Department will not create long vacancies, as people retire or move on. The purpose of this ordinance will ensure that does not happen and that there will be someone already trained and ready to fill the open position. This discussion was precipitated by the impending retirement of Ptl. Laura Park who is retiring on January 31. Chief Wyant would like to hire someone 30 days in advance of that date to do what was just described. The activities done during this period typically include: training, ensuring they are up to speed on the MHPD policies and ensuring public safety.

There is also language in the ordinance about the ability to hire someone if there is a vacancy in the Lieutenant and Sergeant positions. The assumption would be that one of the officers would be promoted to that position, so this would also provide the ability for someone else to be hired on, when an officer transitions to that promotional position.

Mr. Spencer made a motion seconded by Mrs. Kozminski-VanderHart to suspend the rules for Ordinance 2021-52.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Mr. Spencer made a motion seconded by Mr. Emerman for passage of Ordinance 2021-52.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Ordinance 2021-53 - Introduced by Mr. Richman

AN ORDINANCE AUTHORIZING THE DONATION OF VILLAGE POLICE IN-CAR DIGITAL VIDEO RECORDING DEVICES NO LONGER NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.

Mr. Richman stated that on occasion, the Village has equipment that there is not a market for, giving us the opportunity to help another community that may not be able to afford it. So rather than getting a low sum of dollars for selling it, the greater value would be local government collaboration. There are four dash cams that the MHPD had decommissioned four years ago and The Village of Convoy, Ohio has none and are appreciative to be able to get them from us at no cost. There is a basic agreement that needs to be signed between the Villages which authorizes the donation and states that Convoy will accept the cameras “as-is”

Mr. Richman made a motion seconded by Mr. Spencer to suspend the rules for Ordinance 2021-53.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE
MOTION CARRIED

Mr. Richman made a motion seconded by Mrs. Kozminski-VanderHart for passage of Ordinance 2021-53.

ROLL CALL:
AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer
NAYS: NONE
MOTION CARRIED

Ordinance 2021-54 - Introduced by Mrs. Kozminski-VanderHart

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GUARDIAN LIFE INSURANCE COMPANY OF AMERICA FOR THE PROVISION OF LIFE INSURANCE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE TO VILLAGE EMPLOYEES AND DECLARING AN EMERGENCY.

Mrs. Kozminski-VanderHart stated that this is the annual ordinance for life insurance and accidental death and dismemberment insurance for Village employees. The current rate for life insurance is 31 cents per \$1,000 worth of coverage; each employee gets a \$25,000 policy. The rate for next year is a slight increase of 33 cents per \$1,000. The coverage is the same as last year. The AD&D coverage is 40 cents per \$1,000 worth of coverage with each policy being \$25,000, which is the same as last year.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Emerman to suspend the rules for Ordinance 2021-54.

ROLL CALL:
AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer
NAYS: NONE
MOTION CARRIED

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Spencer for passage of Ordinance 2021-54.

ROLL CALL:
AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE
MOTION CARRIED

Ordinance 2021-55 - Introduced by Mrs. Kozminski-VanderHart

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MEDICAL MUTUAL FOR THE PROVISION OF HEALTH CARE INSURANCE TO VILLAGE EMPLOYEES, AND DECLARING AN EMERGENCY.

Mrs. Kozminski-VanderHart stated this ordinance is for medical coverage for Village employees for 2022. There is a 4.9% increase, which was discussed at Committee of the Whole. Our plan is less expensive than if we were to seek a brand new policy that has to adhere to a different set of standards related to the Affordable Care Act. Since we have had this plan prior to 2010, we are allowed to offer it at a lower rate than a newer plan. This is the same plan as last year. The rate is \$1,714.17 more than last year for total renewal premium of \$36,261.77. Mr. Richman asked if the employees happy with the plan. Mayor Fritz answered that they are. There were two employees that failed to get reimbursement checks in a timely manner initially but it turned out that they were waiting too long to pick up their prescriptions, which is why they did not get their checks. Mrs. Bossart helped them out and got everything squared away. He stated that he has not heard of any more issues since then. Mayor Fritz stated that he will get the numbers to Mr. Richman of what the exact exposure was for singles and family coverage, the difference between the copay and the deductible, and our exposure before Medical Mutual kicked in 100%. This way we will be able to determine what the overall savings was for a year to see if it worked for us, but all indications show that it is working quite well.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Richman to suspend the rules for Ordinance 2021-55.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Spencer for passage of Ordinance 2021-55.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer
NAYS: NONE
MOTION CARRIED

Ordinance 2021-56 - Introduced by Mr. Emerman

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.

Mr. Emerman stated that this ordinance is for employee dental insurance for 2022. There is a 5% increase in premium from last year. In talking with Mr. Shah, municipalities have been all over the board on increases; some have been flat and some have been as high as 37%. Mr. Shah reminded him that based on our size, we are really affected by the group that we are in. That includes other municipalities with similar employee sizes. If the group rate goes up, then ours goes up, whereas large organizations are their own group. He stated that we have also not had increases in past years.

Mr. Emerman made a motion seconded by Mrs. Kozminski-VanderHart to suspend the rules for Ordinance 2021-56.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer
NAYS: NONE
MOTION CARRIED

Mr. Emerman made a motion seconded by Mrs. Kozminski-VanderHart for passage of Ordinance 2021-56.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer
NAYS: NONE
MOTION CARRIED

Ordinance 2021-57 - Introduced by Mr. Emerman

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE AUDITOR OF THE STATE OF OHIO TO COMPILE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR 2021 AND ISSUE AN ACCOUNTANT REPORT THEREON; AND DECLARING AN EMERGENCY.

Mr. Emerman stated that this ordinance allows for a contract with the State Auditor to take our financial information and convert it from cash basis to accrual basis. That conversion is needed because we use a cash basis to operate on a day-to-day basis, however for governmental reporting, they need an accrual basis. The State Auditor's Office offers this service to convert from a cash basis to an accrual basis for a good rate. The accrual basis includes future financial obligations, debts, and debts owed.

Mr. Emerman made a motion seconded by Mr. Spencer to suspend the rules for Ordinance 2021-57.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Spencer for passage of Ordinance 2021-57.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Ordinance 2021-58 - Introduced by Mr. Emerman

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

Mr. Emerman stated there are five amendments to appropriations this month. The first one is for RITA tax collection at \$15,000.00. RITA charges a 3% fee for collecting our taxes for us. Mr. Shah underestimates the revenue in order to be conservative, which means we pay a conservative fee to RITA. We had more tax revenue than estimated, so an additional fee to RITA is required to be paid. The second amendment is for the Drug Trafficking Task Force for \$5,000.00, which is for overtime for our officer who is part of that task force. We first have to spend the money and then it is reimbursed to us. The next one for the Law Enforcement Trust fund for capital equipment in the amount of \$600.00, which was for a shredder for the Police Department. The next amendment is for the House on the Hill fund for \$3,000.00 for personnel, which is the in-kind

services that were part of the grant for the pavilion work; this was work performed by the Service Department. The last amendment is for Village Park Donations for other expenses in the amount of \$2300.00 was for the fee for the port-o-johns and the t-shirts for the Head for the Hills event. There was an advance from the General Fund to the House on the Hill fund in the amount of \$5,000.00, which is accounting for the grant; it will be reimbursed when we get the grant money back. The normal transfer to the Police Pension Fund was also made this month in the amount of \$10,000.00.

Mr. Emerman made a motion seconded by Mr. Richman to suspend the rules for Ordinance 2021-58.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Richman for passage of Ordinance 2021-58.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Ordinance 2021-59 - Introduced by Mr. Richman

AN ORDINANCE AMENDING SECTION 53.02 OF THE CODIFIED ORDINANCES, "PAID HOLIDAYS," TO MODIFY THE SCHEDULE OF PAID HOLIDAYS WHEN CHRISTMAS DAY FALLS ON SATURDAY OR MONDAY AND TO AUTHORIZE THE MAYOR TO MODIFY THAT SCHEDULE WHEN NEW YEAR'S DAY FALLS ON SATURDAY.

Mr. Richman stated that there is still some fine-tuning needed for this ordinance so it will be put on first reading. Mayor Fritz will explain the nuances, as this is more of an administrative function. Mayor Fritz explained that holiday hours allotted for all employees is 92 hours. That is difficult to grant when they fall on alternate days. It was already stipulated as to how it would work this year. Christmas is on a Saturday and the employees already get Friday off for Christmas Eve, so to ensure that the employees get their total allotted holiday hours off, they will get Monday, December 27 off for Christmas. If Christmas falls on a Sunday, the theory would be that they

would be off for Christmas Eve, which is one of their holidays, on a Friday and Christmas Day on that Monday. There is a little bit of a conflict with that in the Personnel Policy Manual, so that will need to be cleaned up as well in order to be transparent. Mr. Hanna stated that the Saturday to Monday push is not currently covered in the ordinance, but there is some discretion in here so we need to streamline it so that employees would get two weekdays off in those situations. These changes would help standardize their approach to be in line with the 92 hour holiday allotment per our Ordinances.

Mr. Richman made a motion seconded by Mrs. Kozminski-VanderHart to place Ordinance 2021-59 on first reading.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Ordinance 2021-60 - Introduced by Mr. Richman

AN ORDINANCE ENACTING NEW CHAPTER 161, “DIVERSITY, EQUITY, INCLUSION, AND HUMAN RELATIONS COMMISSION,” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS TO ESTABLISH THE MORELAND HILLS DIVERSITY AND INCLUSION COMMISSION AND PRESCRIBE ITS RESPONSIBILITIES AND ORGANIZATIONS, AND DECLARING AN EMERGENCY.

Mr. Richman stated that in a previous draft of the ordinance the name of the commission was changed; it is still changed in the body of the ordinance but not in the title in this draft, which was just an oversight. He gave the background of how this ordinance came to be. A number of year ago, there was a movement for communities to declare themselves a “welcoming community.” Council looked into that and the majority felt that, at that time, it was not their role to make statements about things. Council certainly believed in the ideals of inclusion but decided maybe there was something they could actually do instead of making a statement. Mr. Richman stated that some time went by and then fast forward to the George Floyd incident and Ms. Sturgis called him and the Mayor and suggested that we create this commission. We looked into other municipalities that have done this and Ms. Sturgis researched a few of them and provided that information to us. He stated that both he and Mayor Fritz were very excited about the prospect of doing something and not just making a statement. We spoke to Council about it; put together an ad-hoc committee with Mr. Hanna and they all researched additional commissions to find out what

their make-up was and what their ordinances were. We also spoke with some of these commission members from other communities. They listened to what was and was not working and what did not seem appropriate for a small Village like ours. Some of these commissions had judicial and legislative authority, which is not what we want ours to be, but instead to suggest to Council ways we can be more welcoming, etc.

A draft ordinance was put together and it was revised a number of times, then it came to Council where good comments and suggestions were made. The ordinance was revised again with those comments and suggestions and is now the draft that is before Council tonight. Section 161.03 was changed from seven members to nine members. In the second paragraph of that same section, it was increased from two members for two-year terms and two members for a one-year term to three members for two-year terms and three members for a one-year term.

Mr. Richman stated that Council also had the debate about wanting to be inclusive but not wanting to single out. There was good discussion about engaging youth and helping to prepare them for civic duties where they may not have otherwise thought about it. Council did not want to use the language “shall have” so the extra phrase added to Section 161.03 reads as follows: “...Council should seek to make an appointments to the Commission that reflect the diversity and inclusion that the Village seeks to foster as described in Section 161.02 and when making such appointments, shall consider the appointment of up to two members who are under 24 years of age but at least 16 years of age at the time of appointment.” He stated that they also wanted to give Council more opportunities to fine-tune this ordinance as well as to provide the residents the opportunity to add their input; therefore this ordinance will be introduced on a first reading basis.

Mr. Emerman stated that he would recommend passing this Ordinance on second reading at the December 5 Meeting. It still gives residents the opportunity without taking it to the full three readings. He stated that in Section 161.03 Members and Terms, the last sentence in the first paragraph that states “...when making such appointments shall consider the appointment of up to two members 24 years of age...” he is not a big fan of calling out age. He stated that if they do keep this language, he would recommend that instead it should be changed to “at least two members...,” as the wording “up to” seems limiting. Mrs. Kozminski-VanderHart suggested using the language “of members.” Mayor Fritz agreed with that suggestion.

Mr. Emerman asked if they needed to include the stipulation that they be “at least 16 years of age.” Mr. Richman stated that Councilman-Elect Fish had suggested putting in age that age range, so that we would ensure that a six year old, for example, could not join. He stated that kids that are

16 year olds are Sophomore's in High School so that seemed to be a good point of presumed maturity. Mr. Emerman stated that is fair but since Council and the Mayor are going to be appointing members, no one is going to appoint a six year old. If a 15 year old wanted to be on it and they were coming at it the right way, he does not see an issue with that.

Mrs. Kozminski-VanderHart stated that she agreed with Mr. Emerman and stated that she is not a fan of the age thing in general, however, there are a set of safeguards in place as far as appointing someone who is not engaged in the process. If it were to somehow happen down the line, then maybe the ordinance needs to be amended, but otherwise she is not in favor of the lower age limit. Regarding passing the ordinance on second reading, she wants to be sure that there is adequate notice for this specific ordinance if we will only do two readings. Mayor Fritz stated that he is not a fan of passing ordinances on two readings. This is under a lot of scrutiny with school boards so he wants to do due diligence when passing this ordinance.

Mr. Richman asked Mr. Hanna's opinion regarding the age range. Mr. Hanna stated that he is indifferent to it; Council could prescribe that a certain number of members shall be under a specific age, should they choose. The phrase "at the time of appointment" was included to ensure that someone would not age out of the position. He stated that he feels that Council is wrestling with the absence of a mandate and the presence of some aspirational language and trying to make it meet the desires to encourage some new participation, without mandating it.

Mrs. Kozminski-VanderHart stated that she does not think "at the time of appointment" is necessary because you cannot age out since the age is not a mandate, it is just a consideration.

Mr. Richman stated that he looks at the age as a guide and stated that 24 is on the high end of college age. We want those of high school and college age to be "considered." Mrs. Kozminski-VanderHart suggested just using the terminology of "high school or college age," instead of specific ages. Mr. Emerman stated that the problem with that is that people go to college at different ages, so "college age" is probably not what we are trying to go for because some people go to college at 40 years old. He stated that he would rather keep "under 25 years of age" instead of "college age."

Mr. Spencer stated that he is open to any of those suggestions and does not have a strong opinion either way, but it could be a presumption that we are looking for college kids. There could be a 22 year old who did not go to college that we would like to have on the commission. It was decided to leave it general, which takes out the issue if someone of that age is not in college.

Mr. Emerman made a motion seconded by Mrs. Kozminski-VanderHart to amend the Ordinance 2021-60 by striking the following in Section 161.03, “up to two members who are 25 years of age, but at least 16 years of age at the time of appointment” and replace it with “of two members who are under 25 years of age at the time of appointment.”

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Mr. Richman made a motion seconded by Mrs. Kozminski-VanderHart to put Ordinance 2021-60 on first reading with the amendment to change the name in the title to “Diversity and Inclusion Commission.”

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Resolution 2021-61 - Introduced by Mr. Emerman

A RESOLUTION TO APPROVE THE PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS UNDER OHIO REVISED CODE CHAPTER 1710 AND APPROVE THE NECESSITY OF ACQUIRING, INSTALLING, EQUIPPING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE VILLAGE OF MORELAND HILLS, OHIO IN COOPERATION WITH THE NORTHEAST OHIO ADVANCED ENERGY DISTRICT; AND DECLARING AN EMERGENCY (34555 CHAGRIN BOULEVARD PROJECT).

Mr. Emerman stated that there are three ordinances related to the PACE program. This resolution is to consider the application of Heritage as to whether their plan is acceptable for special assessment through the PACE program. It adds real estate to the territory of the energy district, which then places the entire Village in the district as well.

Heritage is paying the \$5,000 fee that establishes the relationship with the Northeast Ohio Advanced Energy District, and they will pay 50% of the \$1,000 annual fee to the district. Those terms show up in the special assessment agreement in the energy cooperative agreement. The \$5,000 is paid out at the closing as soon as this all becomes effective, and the other \$250 each six months, has the ability to be billed to the Village separately. The Village’s obligation to pay is

limited to special assessments received by the Village.

Mr. Emerman made a motion seconded by Mr. Spencer to suspend the rules for Resolution 2021-61.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Richman for passage of Resolution 2021-61.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Ordinance 2021-62 - Introduced by Mr. Emerman

AN ORDINANCE TO DETERMINE TO PROCEED WITH THE ACQUISITION, INSTALLATION, EQUIPMENT, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE VILLAGE OF MORELAND HILLS, OHIO IN COOPERATION WITH THE NORTHEAST OHIO ADVANCED ENERGY DISTRICT (34555 CHAGRIN BOULEVARD PROJECT).

Mr. Emerman stated that this is the second of three PACE ordinances as described in the ordinance above. This one states our intention to provide that special assessment to Heritage.

Mr. Emerman made a motion seconded by Mrs. Kozminski-VanderHart to suspend the rules for Ordinance 2021-62.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Spencer for passage of Ordinance 2021-62.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Ordinance 2021-63 - Introduced by Mr. Emerman

AN ORDINANCE TO LEVY SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, INSTALLING, EQUIPPING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE VILLAGE OF MORELAND HILLS, OHIO IN COOPERATION WITH THE NORTHEAST OHIO ADVANCED ENERGY DISTRICT; AND AUTHORIZING AN ENERGY PROJECT COOPERATIVE AGREEMENT AND A SPECIAL ASSESSMENT AGREEMENT (34555 CHAGRIN BOULEVARD PROJECT).

Mr. Emerman stated that this is the third of the three ordinances he mentioned above for the PACE program. This one states the terms of that special assessment and the payback structure.

Mr. Emerman made a motion seconded by Mr. Richman to suspend the rules for Ordinance 2021-63.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Richman for passage of Ordinance 2021-63.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

Miscellaneous

Mr. Emerman stated that regarding their previous discussion about NOPEC and their renewable energy program, he followed up on the renewable credits and discovered that it is generally a very respectable, certified agency. He was told that regarding renewable energy credits, it is all about whether that certified agency is creditable and this one appears to be so. Mayor Fritz thanked Mr. Emerman for doing the legwork on that and he stated that he did reach out to NOPEC asking for some clarity on that as well. Between what they sent him and the information from Mr. Emerman,

he feels that they have good answers that the credits are legitimate.

Adjournment

Mr. Richman made a motion seconded by Mrs. Kozminski-VanderHart to adjourn the Regular Council Meeting at 8:59pm

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

NAYS: NONE

MOTION CARRIED

The meeting was adjourned at 8:59pm.

Attest:

Sherri Arrietta, Clerk of Council

Steve Richman, Council President