

REGULAR COUNCIL MEETING  
December 11, 2019  
MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Renda at 7:00pm, in the Village Council Chambers.

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

Also Present: William Hanna, Legal Counsel, Jeff Filarski, Village Engineer, Chief Kevin Wyant, Prashant Shah, Treasurer, Paul Kowalczyk, Building Commissioner, Sherri Arrietta, Clerk of Council

Mr. Buczek made a motion seconded by Mr. Stanard to approve the minutes of the Regular Council Meeting of November 13, 2019.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Resident Comments:**

There were no residents present wishing to speak.

**Reports from the Mayor and Other Municipal Officials**

**Police**

Chief Wyant reported on the Federal Asset Fund. \$40,799.23 came into that fund and expenditures in the amount of \$28,993.96 came out of it. We are a few months behind on being reimbursed for the overtime payments and are waiting for funds to be disbursed from the cases, but it will be coming eventually.

**Engineering**

Mr. Filarski did not have a report.

**Finance**

Mr. Shah reported that all the revenues are in for the year and they are looking good. There is one more payroll left and as you can see on the agenda, there are final appropriation changes for the 2019 budget. He stated that he had to increase appropriations for making the payment to Workers Comp because if we pay before December 31, they give us a 2% discount. This payment is actually an advanced payment for 2020 as we have already paid for 2019.

### **Building**

Mr. Kowalczyk stated that he spoke about many of the projects going on in the Village at last month's meeting. He wanted to share the increase in volume of permits issued. At the end of last year, the Village issued 27% more permits in 2018 than 2017. At the end of this year, we are currently 24% over where we were last year, which is a 44% increase in the amount of permits issued over last two years. This is a good thing because it means people are investing in the community, which increases property values and brings more residents into the community. Moreland Commons will start next year and will carry on for the next few years. Originally, on those 22 acres of land, there were only seven buildings, several of which were vacant so they were not adding to any property values there. With Moreland Commons, there will be 59 new properties on that parcel of land. Looking at it with the standpoint of the value of those 59 parcels plus the income tax from the people living there, it will be a great benefit to the community

### **Law**

Mr. Hanna updated Council on two lawsuits. The lawsuit involving RITA communities challenging House Bill 49, which has standardized the collection of business net profit taxes in the state. Pending in the Ohio Supreme Court, the state filed its brief last week, as did the Ohio Society of CPA's and a reply brief will be filed on or before December 30. He stated that he could send both briefs to Council.

A lawsuit was filed two weeks ago by Akron, Cleveland, and a couple of other municipalities concerning House Bill 228, which was a self-defense bill involving firearms requiring revisions to Village ordinances. Those communities filed a suit in Summit County. On Monday, they had oral argument in which the state seems to be saying that they were not going to be abdicating positions as extreme and as straightforward as reading of the statute would have suggested. Depending on how that plays out, there may be an opportunity to revisit the amendments made to the Village ordinances

### **Mayor**

Mayor Renda stated that it is her privilege, as Mayor, to write proclamations for someone that does something outstanding for the Village. Mr. Ted Buczek has served the Village in many different capacities for a long time, so she wrote a proclamation for him which she read and presented to Mr. Buczek.

Mr. Buczek stated that his parents were political activists and he can remember learning about and gaining an interest in local government in the seventh grade, both of which is what brought him to where he is today, being on Council. He stated that he has met many wonderful people serving on Council over the years. He gave his thanks for everyone's support stated that it has been a tremendous pleasure to be part of this Village.

### **Reports of Committees**

#### **BZA**

The BZA met on December 2, 2019. Mr. Stanard gave a report based on the meeting minutes, which are attached. The next meeting will in February 2020.

#### **Planning Commission**

The Planning Commission met on December 2, 2019. Mr. Stanard gave a report based on the meeting minutes, which are attached. The next meeting will be in February 2020.

#### **Roads & Safety Committee**

The Roads and Safety Committee met on December 3, 2019. Mr. Richman gave a report based on the meeting minutes, which are attached. The next meeting will be in February 2020.

### **Facilities Committee**

The Facilities Committee met on December 3, 2019. Mr. Fritz gave a report based on the meeting minutes, which are attached. The next meeting will be in February 2020.

## **ORDINANCES AND RESOLUTIONS**

### **Resolution 2019-62-Introduced by Mr. Fritz**

A RESOLUTION ACCEPTING A DONATION OF A CONCRETE BENCH FROM THE MORELAND HILLS HISTORICAL SOCIETY TO COMMEMORATE THE VOLUNTEER EFFORTS OF ROBIN AND CATHY SCHWIND TO BE INSTALLED AT HOGSBACK CEMETERY.

Mr. Fritz stated that Mayor Renda mentioned at that Committee of the Whole meeting that this resolution needs to be passed in order to accept a gift. Once Council takes action and the Historical Society gets the bench, there will be ceremony in the cemetery to present it to Robin and Cathy Schwind.

Mr. Stanard stated that the Schwinds did a remarkable job of up keeping and improving the cemetery. He saw it three years ago, and at that time, the headstones were unreadable, and they were in disarray. He just visited it recently with the Parks Commission and it looks totally new and refreshed. Robin and Cathy did a lot of hard work to restore the cemetery and so he thinks it is good to accept this gift to be donated in their name. Mr. Fritz stated that Rob works at Chagrin Hardware and is an outstanding person. He loves to talk about the cemetery so it is clear he is very passionate about it.

Mr. Fritz made a motion seconded by Mr. Buczek to suspend the rules for Resolution 2019-62.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Richman for passage of Resolution 2019-62.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

### **Ordinance 2019-63 - Introduced by Mr. Fritz**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDMENT TO THE AGREEMENT WITH WALTER|HAVERFIELD LLP FOR PROFESSIONAL LEGAL SERVICES, AND DECLARING AN EMERGENCY.

Mr. Fritz stated that Mayor Renda was kind enough to let him attend her staff meeting this month, and at that time, Mayor Renda and Mr. Hanna talked about opening one of the clauses in the Walter|Haverfield contract, which allows the Village to review hours and make adjustments as necessary, two times a year.

What was discussed and is the subject of this ordinance was that our 500 retainer hours are down this year. For the 500 hours, the Village pays \$8925 monthly for 12 months, which equals the total of our contract, \$107,100 for 2019. The contract was renegotiated down to 400 retainer hours at \$7140 per month, which gives the Village a savings of \$21,420. There will be no invoice for November and December for legal services, which may leave an outstanding balance of around \$4,000, which would be worked out through the Treasurer. The good news is that the Village is saving money and that we did not have to use as many hours as we have in the past, sometimes even going over the 500.

Mr. Fritz made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2019-63.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Fritz made a motion seconded by Mr. Richman for passage of Ordinance 2019-63.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2019-64- Introduced by Mr. Richman**

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.

Mr. Richman stated that this ordinance would renew the Villages life insurance and accidental death and dismemberment insurance. A copy of the renewal information was included with the ordinance, which shows that there is no increase in the rates and the plan is the same as the previous years.

Mr. Richman made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2019-64

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 2019-64.

ROLL CALL:

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

NAYS: None  
MOTION CARRIED

**Ordinance 2019-65- 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 VILLAGE EMPLOYEES, AT THE TOTAL ESTIMATED MONTHLY COST OF \$45,688.50 AND DECLARING AN EMERGENCY.

Ms. Sturgis stated this ordinance is for health care insurance for Village employees, which will be a 7.81% increase from last year, for the total of \$45,688.50. The benefit details are attached to the ordinance. The actual monthly cost will depend on the actual number of employees insured on the plan.

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2019-65

ROLL CALL:  
AYES: Mr. Buczek, Mr. Emerman, Mr. Fritz, Mr. Richman, Mr. Stanard, Ms. Sturgis  
NAYS: None  
MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Buczek for passage of Ordinance 2019-65.

ROLL CALL:  
AYES: Mr. Buczek, Mr. Emerman, Mr. Fritz, Mr. Richman, Mr. Stanard, Ms. Sturgis  
NAYS: None  
MOTION CARRIED

**Ordinance 2019-66- Introduced by Ms. Sturgis**

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.

Ms. Sturgis stated that this ordinance is for dental insurance for Village employees. The rates are detailed in the ordinance. Just like for Medical Mutual, the actual cost depends on the actual number of employees insured on the plan.

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2019-66

ROLL CALL:  
AYES: Mr. Buczek, Mr. Emerman, Mr. Fritz, Mr. Richman, Mr. Stanard, Ms. Sturgis  
NAYS: None  
MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Buczek for passage of Ordinance 2019-66.

ROLL CALL:  
AYES: Mr. Buczek, Mr. Emerman, Mr. Fritz, Mr. Richman, Mr. Stanard, Ms. Sturgis  
NAYS: None

MOTION CARRIED

**Ordinance 2019-67- Introduced by Mr. Emerman**

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

Mr. Emerman stated there are more requests for appropriations and transfers this month, which is typical for December because some of it is for the end of the year clean up. Also, under state law, the Villages appropriations exceed the current revenue, and toward the end of the year, we are conservative on what our revenues will be. Some of the amounts are a guess on appropriations from now until the end of December to get us through the end of the year with a little bit of a buffer. Mr. Emerman went over some of the amendments to the current appropriations: \$32,000 under Equipment Maintenance was for a new snowplow for \$12,000 and the other \$20,000 of that is for any issues with the plows so they can be repaired quickly. Under Other Operations and Maintenance for \$11,000; \$6,000 was for the Villages 90<sup>th</sup> Birthday Party. Adding to Reserve in the amount of \$289,035 is money being appropriated to out reserve fund because we had a surplus this year. Workers Compensation 2020 for \$66,000 was what Mr. Shah mentioned earlier tonight. Law Enforcement Trust Capital is for mobile data terminals in the police cars. Contract Services Village Campus has a return of \$915,000 to correct an accounting error; when the contract was signed for the Village Campus improvements, it was in 2018 not 2019, so the appropriations were made twice by mistake. Transfers from the SCM&R Fund is returning an advance of \$400,000 to the General Fund, but \$350,000 of that was transferred back to the SCMR&R because the projects were not complete.

Mr. Emerman made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2019-67

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 2019-67.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mayor Renda told Mr. Emerman that he always does a good job explaining the appropriations ordinances. Mr. Emerman thanked her and stated that Mr. Shah explain it to him so he understands it.

**Ordinance 2019-68- Introduced by Mr. Emerman**

AN ORDINANCE ESTABLISHING THE TEMPORARY APPROPRIATIONS FOR THE FIRST QUARTER OF THE FISCAL YEAR OF 2020 FOR THE VILLAGE OF MORELAND HILLS, AND DECLARING AN EMERGENCY.

Ms. Emerman stated that the temporary appropriations are made to carry the Village from January 1, 2020 until the budget is passed in March. The amounts are estimates on what we expect to spend in the first quarter of the year.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2019-68

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 2019-68.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mayor Renda told Mr. Shah that his steady hand through the horrible recession and through the years when the state was constantly cutting Village funds enabled all of us to get through that with dignity and grace. She stated that she just wanted him to know how much she appreciates him and thanked him for all his help. Mr. Shah thanked Mayor Renda and stated that he appreciates all the support that she and Council have given him to be able to control expenses in tough times.

Mayor Renda informed Council that Mr. Buczek has a motion to make before we move on to the next ordinance.

Mr. Buczek stated that Council had a good discussion last week at the Committee of the Whole meeting about employee raises and decided on a 3% raise. Mr. Buczek made a motion seconded by Mr. Fritz to approve a 3% salary increase for 2020 for the Village officers and employees.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Ordinance 2019-69- Introduced by Mr. Buczek**

AN ORDINANCE FIXING THE COMPENSATION OF VARIOUS OFFICERS AND EMPLOYEES OF THE VILLAGE OF MORELAND HILLS AND DECLARING AN EMERGENCY.

This ordinance increases some of the pay ranges based on the 3% raise for 2020 that was just approved.

Mr. Buczek made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2019-69

ROLL CALL:

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

NAYS: None  
MOTION CARRIED

Mr. Buczek made a motion seconded by Ms. Sturgis for passage of Ordinance 2019-69.

ROLL CALL:  
AYES: Mr. Buczek, Mr. Emerman, Mr. Fritz, Mr. Richman, Mr. Stanard, Ms. Sturgis  
NAYS: None  
MOTION CARRIED

### **Miscellaneous**

Mr. Fritz stated that Mayor Renda provided Council with several contracts, which will be discussed at Council in January, for our engineer Jeff Filarski and Prosecutor Santo Incorvaia. He thought it would be fair to let Council know his plans for moving forward with the Law Director/Assistant Law Director positions. He will provide a copy of the draft contract so Council will have time to review it. It will be his pleasure to appoint, subject to Council's confirmation, Bill Hanna as Law Director and R.Todd Hunt as Assistant Law Director who will be in charge of the BZA/Planning Commission. Under the guidance and leadership of many of you, he stated that he spoke to many different people and he feels that Council has a very good comfort level with Walter Haverfield and have had good experiences with Mr. Hanna in the past. For those that do not know Mr. Hunt, he is well known when it comes to zoning issues and has settled cases in front of the Ohio Supreme Court, so he feels he will be a wonderful addition. The contract will be same as far as language, however the numbers will change. It will be 2.7% over our 2018 contract, which totals \$109,992 for the 500 retainer hours. All fees have gone up by \$5.00. He stated that he would provide a copy to Council before January so that they can look it over.

Mayor Renda congratulated Mr. Hanna and stated that she loved working with various members of his firm. She stated that she really appreciated his service as well as his willingness to work with her on renegotiating his contract. Mayor Renda stated that while she has not worked with him for years, she feels like she has because of her association with Mrs. Cannon and Mrs. Lane. Mr. Hanna has always been in the background coming to the foreground to help us with many projects, which she thanked him for.

At this time, Mayor Renda was presented with a proclamation from Council, read by Mr. Stanard.

Mayor Renda thanked everyone and stated that it means the world to her to be appreciated and honored by colleagues and friends. She stated that she has loved working with each and every one of them; it has been her great honor. Mayor Renda stated that she is going to miss it. She has loved the work, employees, and working with Council. It has been a great experience but it is time for her to go. Thank you for the great send off.

At this time, Ms. Sturgis presented Mayor Renda with and read proclamations from Senator Matt Dolan and Representative Phil Robinson.

Mayor Renda stated that she does not usually do this, but she is going to brag about one thing. When she was appointed to the OPWC Small Government Commission she was the first person ever appointed from District 1 and only the second woman ever appointed to that commission. Of the many things she has done, being Moreland Hills Mayor was always the most important to her but that was a really special



honor. Mayor Renda thanked everyone again for everything they have done to honor her as well as everything they have done through the years.

Mr. Buczek stated that the staff has been tremendous over the years. He is really amazed by them because, after being in public service for 35 years, they are the best he has ever seen. Mayor Renda agreed.

Mr. Buczek made a motion seconded by Mr. Richman to adjourn the Regular Council Meeting at 8:07pm.

**ROLL CALL:**

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

**NAYS:** None

**MOTION CARRIED**

The meeting was adjourned at 8:07pm.

Attest:

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Sherri Arrietta, Clerk of Council

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Dan Fritz, Council President