

REGULAR COUNCIL MEETING
March 9, 2022
MINUTES

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

PRESENT AT ROLL CALL: Mr. Emerman, Mr. Fish, Mr. Janke, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

Also Present: William Hanna, Law Director; Sherri Arrietta, Clerk of Council; Charter Review Commission Members: Janice Radak, Trina Gigax, Kate Bennett, Rob Kochis, Aaron Marinelli

Mr. Spencer made a motion seconded by Mr. Janke to approve the minutes of the Regular Council Meeting of February 9, 2022.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Spencer stated that he had a correction to the Special Council Meeting minutes of February 23, 2022. In the first paragraph under Ordinance 2022-11, in the fourth line down, the sentence that reads "Mr. Shah asked for..." it should be "from" Wichert instead of "and" Wichert.

Mr. Richman made a motion seconded by Mr. Spencer to approve the minutes of the Special Council Meeting of February 23, 2022, as amended.

ROLL CALL:

AYES: Mr. Emerman, Mr. Fish, Mr. Janke, 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

Mayor Fritz thanked everyone for their hard work on the budget. He stated that he could assure everyone that anything approved in this budget is not taken lightly; additional quotes are always required and large purchases are vetted through Council.

Mayor Fritz gave an update on Moreland Commons. He stated that he spoke with Bryan Stone and he reported that there are 15 homes that have been either already built, under construction, or that have

approved plans submitted to the Village for design review. The infrastructure is completed. There are also quite a few people showing interest, so Mr. Stone feels comfortable that those numbers are going to continue to climb, including the interest in the villas. Council may remember that the villas have not been an approved change to that design as of yet, however they will be going before the BZA/Planning Commission in the next few months requesting the change from townhouses to villas.

Mayor Fritz stated that he spoke with Mr. Hanna about the recreational fire legislation that was discussed at the Committee of the Whole meeting. They agreed that they have some good starting points from Chagrin Falls, which helped draft a good ordinance and so it should be on the agenda next month.

Mr. Hanna has completed a thorough review of our pavilion regulations, which he will distribute to Council soon. Mayor Fritz stated that Mr. Hanna did a very good job looking through it and condensing some of the areas while keeping the spirit of all the regulations we wanted that apply to reserving the pavilion. In terms of readability and legal aspects, it is a much better document. He stated that he would send the final version to Council tomorrow.

The Parks Commission and Green Commission have been invited to assist with our pavilion grand opening on May 7. The Police Department will be there and will supply fishing poles for children that want to fish during the event; they will also bring the motorcycle and Hum-V. The Parks Commission will be hosting a craft and try to solicit some registrations for the Head for the Hills run on October 8. There will be no fundraising at this event. We will also have live music, food, and the dedication ceremony. Mayor Fritz stated that he is looking forward to the event.

Mayor Fritz stated that he attended the annual Mayor's Meeting at the Cuyahoga County Board of Health. Terry Allan will be leaving next month as the Commissioner of the CCBOH. His services were unbelievably beneficial and efficient to the Village. He stated that any time he called him with questions regarding COVID, Mr. Allan always got back to him the same day. He was also instrumental in setting up the vaccination clinics, messaging and keeping us safe. Mr. Allan's replacement will be named in April. The COVID numbers to date are 266,000 documented cases in Cuyahoga County, 12,400 hospitalizations, and 3,650 deaths.

Mr. Janke made a motion seconded by Mrs. Kozminski-VanderHart to change the order of the agenda to pass Resolution 2022-12 so that we can establish our Charter Review Commission and then swear in the members shortly after that under Appointments and Confirmations.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Resolution 2022-12- Introduced by Mr. Richman

A RESOLUTION APPOINTING A CHARTER REVIEW COMMISSION AND DECLARING AN EMERGENCY.

Mr. Richman gave the background on the Charter Review Commission. Every six years this

commission is tasked with making recommendations for changes to our Charter, if they deem them necessary. Any changes recommended to Council do not imply that things are broken or need fixed, but over the years things change with the times so legislators may notice something that may work better than what is existing. For example, previous Charter Review Commission have adjusted some of the gender specific language to gender-neutral language. An example of a change that was recommended but not made was for the addition of another Council Member, making the total number 7 instead of 6 members. This commission can also review and consider any changes brought forth by Council Members or administration. The following individuals will make up this Commission: Janice Radak, Arnie Feltoon, Trina Gigax, Kate Bennett, Shayna Sharpe, Brian Durdle, Rob Kochis, Judy Neuger, and Aaron Marinelli. He stated that he appreciates everyone's time and commitment.

Mr. Richman made a motion seconded by Mr. Spencer to suspend the rules for Resolution 2022-12.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Fish for passage of Resolution 2022-12.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Appointments and Confirmations

At this time, Mayor Fritz swore in the Charter Review Commission members who were present: Janice Radak, Trina Gigax, Kate Bennett, Rob Kochis, and Aaron Marinelli.

Mayor Fritz asked Council to consider his appointment of Rob Kochis to the BZA/Planning Commission. He stated that he met with Mr. Kochis last week after another Planning Commission member recommended him for this commission. Mr. Kochis has past experience working with the City of Akron and is quite familiar with building and development issues. Mayor Fritz stated that after talking with Mr. Kochis, it became apparent after the first few minutes that he was going to be a great fit and someone who the Village can greatly benefit from. The BZA/Planning Commission is probably one of the most important commissions we have, as they apply Building Code and set or prevent precedent that would affect Moreland Hills. He stated that he is proud to present Rob Kochis for Council's consideration.

Mr. Janke made a motion seconded by Mrs. Kozminski-VanderHart to confirm the Mayor's appointment of Rob Kochis to the BZA/Planning Commission, finishing Robin Cooper's term, which expires on December 31, 2027.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

At this time, Mayor Fritz swore in Rob Kochis as a BZA/Planning Commission member.

Reports of Committees

Roads and Safety Committee

The Roads and Safety Committee met on March 1, 2022. Mr. Fish gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is April 5, 2022, at 8:00am.

Mayor Fritz commented on the road program and explained that once the list of roads that are included is known, some residents may ask why their street is not included. Council's messaging needs to be aligned with the facts which are that County Roads are part of a 50/50 cost sharing program. They rank these roads on pavement conditions and the daily traffic flow. They have also thrown in an economic factor based on the bottom line of your community. Because of our prudent financial planning, we sit well which could work against us. Mr. Filarski is working to put together a convincing argument to get our score for Chagrin River Road upgraded because last time we did not get the funds and only missed by a couple points. He is hoping to get us considered for the next 2-year cycle. We also need to figure out how to proceed if we do not get the funding; we always have the option of paying for it ourselves. We have to leverage that ability to acquire funds for assistance with the actual condition of the road. He is not happy with the condition of that road either, but he is also not ready to make an argument to spend sole Village funds on it when we could get funding for it.

Facilities Committee

The Facilities Committee met on March 1, 2022. Mr. Emerman gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is April 5, 2022, at 8:30am.

BZA

The Board of Zoning of Appeals did not meet in March. The next meeting is April 4, 2022 at 6:00pm.

Planning Commission

The Planning Commission met on March 7, 2022. Mrs. Kozminski-VanderHart gave a report based on the meeting minutes, which are attached. The next meeting is April 4, 2022 at 6:00pm, following the BZA Meeting.

Parks Commission

The Parks Commission met on February 22, 2022. Mr. Janke gave a report based on the meeting minutes, which are attached. The next meeting is March 29, 2022 @ 6:00pm, which was changed from its regularly scheduled date of March 21, 2022.

Green Commission

The Green Commission met on March 2, 2022. Mr. Spencer gave a report based on the meeting minutes, which are attached. The next meeting will be June 1, 2022.

Mr. Shah called into the meeting at 8:10pm.

ORDINANCES AND RESOLUTIONS

Ordinance 2022-13- Introduced by Mrs. Kozminski-VanderHart

AN ORDINANCE ESTABLISHING THE PERMANENT APPROPRIATIONS FOR THE FISCAL YEAR 2022 FOR THE VILLAGE OF MORELAND HILLS, AND DECLARING AN EMERGENCY.

Mrs. Kozminski-VanderHart stated that this is our budget ordinance for the fiscal year 2022 ending December 31. There is an exhibit attached to the ordinance that essentially provides a total for each department which is a summary of the spreadsheet that Mr. Shah provided them with during his budget presentation.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Fish to suspend the rules for Ordinance 2022-13.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Spencer stated that the budget is very well done with conservative budget planning; Mr. Shah does a great job. His biggest concern initially was that our cash balance was going to be lower at the end of the year, but recognizes that we have to do Chagrin Blvd., which is a long overdue project, and we have funds coming from the county for it. We will still end up with healthy reserves, so he is supportive of this budget.

Mr. Emerman appreciates Mr. Shah putting the budget together. He stated that he learns more and more every year when they do this. As the Council member that usually introduces the appropriations ordinance, he would say that there are not a whole lot of additional appropriations to the budget throughout the year. He feels that these budgets are dead on, while also being very conservative. He appreciates all the hard work Mr. Shah does and it reflects in the accuracy of the budgets year to year. Mr. Shah thanked Mr. Emerman.

Mr. Richman stated that he echoes the previous comments. He asked Mr. Shah if he could let Council know the amount of income tax that has come in after the collections are received (in May or June) or if there are any deviations at that time. Mr. Shah stated that he would be happy to do that and reminded Council that in July, they adopt the tax budget for the following year, which is a good time to review where they are with the current budget and if there is anything they are aware of that can be incorporated into next year's budget. It is very early in the season to discuss what is going to happen in 2022, but he will keep them updated.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Spencer for passage of Ordinance 2022-13.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Shah left the meeting at 8:16pm.

Ordinance 2022-14 Introduced by Mr. Janke

AN ORDINANCE AMENDING SECTION 1519.04 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS TO PROHIBIT THE DISCHARGE, IGNITION, OR EXPLOSION OF FIREWORKS ON CERTAIN DAYS EACH YEAR.

Mr. Janke stated that the Ohio General Assembly recently adapted House Bill 172, which amended Ohio Code to allow any person authorized to possess 1.4G fireworks in Ohio to discharge, ignite, or explode fireworks on private property on 10 specific dates of the year. House Bill 172 also permits municipal corporations to restrict and/or ban the discharge, ignition, or explosion of fireworks. It is Council's desire to continue to prohibit the discharge, ignition, and the explosion of fireworks in the Village to preserve public health, safety, and welfare of our residents. Section 1519.04(b) & (e) *Possession, Sale or Discharge Prohibited; Exceptions* of the Codified Ordinances of the Village or provides for exceptions for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55. This section prohibits the discharge, ignition, or explosion of fireworks on any of the dates set forth in Ohio R.C. 3743.45(b). No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks or 1.4 G fireworks. Therefore, there is a difference between the two.

Mr. Emerman pointed out that in Section 1 (b), it could be confusing because it appears that we are only prohibiting fireworks on those specific dates. He suggested that it be amended to say that it is prohibited "also" on those 10 dates listed. That way it is clear that we are generally prohibiting it as well as prohibiting it on those specific dates. He stated that he was unsure if we, as a municipality, could incorporate specific language if we are using the opt-out. Mr. Hanna stated that there is probably a few ways to incorporate that the prohibition includes those specific dates as well. He suggested changing it to "...including on any dates set forth..."

Mr. Fish asked about the definition of "fireworks" and what that includes. Mr. Hanna stated that they are spelled out already in Chapter 1519.

Mayor Fritz stated that they can put this ordinance on first reading tonight and can include Mr. Emerman's suggested amendment in the second reading. Mr. Hanna stated that it can be recirculated "as amended" for the next meeting.

Mr. Janke made a motion seconded by Mr. Richman to place Ordinance 2022-14 on first reading.

ROLL CALL:

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

NAYS: NONE
MOTION CARRIED

Mr. Spencer stated that he would like to have a further discussion at the next Committee of the Whole meeting about this. Mayor Fritz stated that he thinks it is healthy to discuss it again, especially since it will have multiple readings. He reminded everyone that Chief Wyant, Lt. Dietzel, Fire Chief Zagan, and Fire Marshal Finley are all opposed to the bill. Mr. Hanna stated that the discharge, ignition, or explosion of fireworks is already prohibited in Moreland Hills. The new law takes effect July 1, 2022 so Council would need to pass this ordinance before then.

Ordinance 2022-15- Introduced by Mr. Emerman

AN ORDINANCE AMENDING CHAPTER 157, "PARKS COMMISSION" OF THE ADMINISTRATIVE CODE, AND DECLARING AN EMERGENCY.

Mr. Emerman stated that he is going to discuss this ordinance and the following two as they all go together. He stated that he appreciates Council's support of the Student Civic Leadership Program, as well as their discussion and input. The way it is structured is that they will choose two students; one will be on the Green Commission and Diversity & Inclusion Commission and the other student will be on the Parks Commission. One student will be a junior and the other will be a senior and the following year, they will get a new junior and the senior will move to the other commission. He stated that he thinks they will get students that are energized to assist these commissions and will volunteer at our events. Mr. Emerman stated that he feels that they will work hard and will be passionate and proud to be on these commissions. They will get a prospective to see what it is like to work in local government and they will carry that forward with them. He also thinks that Council and other commission members will hear interesting prospective from them. This ordinance will allow for a student member on the Parks Commission as part of the Student Civic Leadership Program.

Mr. Emerman made a motion seconded by Mr. Spencer to suspend the rules for Ordinance 2022-15.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Richman for passage of Ordinance 2022-15.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2022-16- Introduced by Mr. Emerman

AN ORDINANCE AMENDING CHAPTER 159, "GREEN COMMISSION," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, AND DECLARING AN EMERGENCY.

Mr. Emerman stated that this ordinance is the same as the previous one and will allow for a student member on the Green Commission, as part of the Student Civic Leadership Program.

Mr. Emerman made a motion seconded by Mrs. Kozminski-VanderHart to suspend the rules for Ordinance 2022-16.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Fish for passage of Ordinance 2022-16.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2022-17- Introduced by Mr. Emerman

AN ORDINANCE AMENDING CHAPTER 161, "DIVERSITY AND INCLUSION," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, AND DECLARING AN EMERGENCY.

Mr. Emerman stated that this ordinance is the same as the previous two and will allow for a student member on the Diversity and Inclusion Commission, as part of the Student Civic Leadership Program.

Mr. Emerman made a motion seconded by Mr. Fish to suspend the rules for Ordinance 2022-17.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mayor Fritz thanked Mr. Emerman for this program once again. He initially came in lukewarm about the voting privileges for the students, but Mr. Emerman convinced him otherwise. Mr. Emerman put a lot of work into this and he feels that we can show these students that civil, respectful government exists and that we can make a big impact as a small community. Council thanked Mr. Emerman as well.

Mr. Emerman made a motion seconded by Mr. Richman for passage of Ordinance 2022-17.

ROLL CALL:

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

NAYS: NONE
MOTION CARRIED

Miscellaneous

Mr. Spencer stated that Moreland Hills has traditionally supported the Chagrin Falls Schools and Orange Schools After-Prom events by making a donation to them. The reason the schools have these events is for the kids to have a safe environment instead of what often happens after prom, such as drinking and other dangerous activities. The village has been supportive of these events for that reason. Mr. Richman stated that he is glad they are continuing to do this as prom/graduation season has the worst statistics resulting from driving under the influence so he supports anything they can do to try to reverse that trend.

Mr. Spencer made a motion seconded by Mr. Richman to make a \$500 donation to both the Chagrin Falls and Orange Schools After-Proms, in memory of Grant Wilson.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mayor Fritz stated that Grant Wilson was a super presence in the Fritz household, as he was his son's friend. Grant was taken tragically by a drunk driver four years ago. He stated that he appreciates everyone considering the donation in Grant's honor.

Mr. Janke stated that he wanted to mention something so Council can put it on their radar. The Ohio lawmakers are proposing legislation that would prohibit municipalities from banning short-term rentals for their communities. At the Board of Zoning Appeals, when Mayor Renda was still in office, there was a big meeting revolving around that issue. Mr. Hanna stated that he is aware of that and it is on his radar. Mayor Fritz stated that other Mayors and Managers are also aware of it.

Mayor Fritz stated that they all do a wonderful job of keeping politics out of Council, but the Cuyahoga County Mayors and Managers Association drafted a letter to Governor DeWine to oppose Senate Bill 215. This bill removes all training and registration requirements for concealed carry as well as removes requirements to let a Police Officer know that you have a concealed carry in your car. It makes no sense and is a horrific piece of legislation. The Ohio FOP and all our local Police Chiefs are against it, as it makes their jobs less safe. He stated that he also sent a letter on behalf of Moreland Hills, in his capacity as Mayor, and not representing Council or our Police Chief. This bill will present incredible challenges to law enforcement and he feels that it is very anti-police

Adjournment

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Richman to adjourn the Regular Council Meeting at 8:38pm

ROLL CALL:

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

The meeting was adjourned at 8:38pm.

Attest:

Sherri Arrietta, Clerk of Council

Ethan Spencer, Council President