

REGULAR COUNCIL MEETING
June 12, 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: Aimee Lane, Law Director, Jeff Filarski, Village Engineer, Ted DeWater, Service Director, Chief Kevin Wyant, Prashant Shan, Treasurer, Sherri Arrietta, Clerk of Council

Mr. Buczek made a motion seconded by Ms. Sturgis to approve the minutes of the Regular Council Meeting of May 8, 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

Mayor

Mayor Renda told Council that she received flowers from the Bentleyville Road Neighborhood Club, which are on display in Council Chambers tonight.

Police

Chief Wyant reminded everyone that the Community Kids Fishing event is this Saturday.

Finance

Mr. Shah did not have report.

Engineering

Mr. Filarski did not have report.

Service

Mr. DeWater reported that he and Mr. Kowalczyk, Building Commissioner, did a walk-through of the Village project. It is 99% complete and the contractors were given a punch list, which they have already started working on. He stated that a final punch list would be created once the other items are complete

Law

Mrs. Lane gave a follow up report on the House Bill 49 litigation. She stated that the last update she gave

was that it received an adverse ruling in the court of appeals and the parties were going to pursue a motion for re-consideration, which has since been denied. Both municipal groups have filed notices of appeal with the Ohio Supreme Court with briefs asking the court to accept jurisdiction because it is discretionary, not automatic. So currently, they are in the period where the state has the opportunity to respond and the court will decide whether to take that appeal.

Mrs. Lane reported that the Law Department hours are 188.9 through April.

Appointments and Confirmations

Mayor Renda stated that at the last meeting, she should have sworn in Paul Stanard as a Parks Commission member along with the resident members.

Mr. Richman made a motion seconded by Mr. Fritz to confirm Mayor Renda's appointment of Paul Stanard to the Parks Commission.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

At this time, Mayor Renda swore in the Mr. Stanard as a Parks Commission member.

Reports of Committees

Roads & Safety Committee

The Roads and Safety Committee met on June 4, 2019. Mr. Richman gave a report based on the meeting minutes, which are attached. The next meeting will be on July 2, 2019 at 8:00am.

Facilities Committee

The Facilities Committee met on June 4, 2019. Mr. Fritz gave a report based on the meeting minutes, which are attached. The next meeting will be on July 2, 2019 at 8:30am

BZA

Mr. Stanard reported that the BZA met on June 3, 2019. He gave a report based on the meeting minutes, which are attached. The next meeting will be on July 1, 2019.

Planning Commission

Mr. Stanard reported that the Planning Commission met on June 3, 2019. He gave a report based on the meeting minutes, which are attached. The next meeting will be on July 1, 2019.

ORDINANCES AND RESOLUTIONS

Ordinance 2019-34-Introduced by Mr. Stanard

AN ORDINANCE AMENDING ORDINANCE 2018-75 FIXING THE COMPENSATION OF VARIOUS OFFICERS AND EMPLOYEES OF THE VILLAGE OF MORELAND HILLS, AND DECLARING AN EMERGENCY.

Mr. Stanard stated that this ordinance was requested by the Building Commissioner. It changes the title for the position of "Housing Inspector" to "Housing/Electrical Inspector," which will improve the flexibility, economy, and versatility of our Building Department.

Mr. Stanard made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2019-34.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mr. Stanard made a motion seconded by Mr. Buczek for passage of Ordinance 2019-34.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-35-Introduced by Mr. Richman

A FINAL ORDINANCE UPDATING THE VILLAGE OF MORELAND HILLS' CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION'S ("ODOT") REPAIR OF THE SLOPE ALONG SOUTH WOODLAND ROAD (SR-87) IN THE VILLAGE OF MORELAND HILLS (PID 108127) AND DECLARING AN EMERGENCY.

Mr. Richman stated that Council passed Ordinance 2019-03 in February, which formally pledged cooperation and consent for the slope repair project and Council authorized the Mayor to enter into various contracts for this project, including a preliminary agreement that authorizes the expenditures and obligations of the Village. Therefore, this ordinance will formalize appropriations for the Village's portion of the \$1,238,600 project, which is \$597,660. It also formerly requests the Director of Transportation to proceed with the project and authorizes the Mayor to sign the contract.

Mr. Richman made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2019-35

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 2019-35.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-36-Introduced by Mr. Fritz

AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE A CATERPILLAR XQ60 DIESEL GENERATOR WITH LOW PROFILE TANDEM AXLE TRAILER FROM OHIO CAT POWER SYSTEMS, WAIVING COMPETITIVE BIDDING, AND DECLARING AN EMERGENCY.

Mr. Fritz stated that this has been discussed in committee for some time now. The generator will be purchased from Sourcewell therefore; it is not required to go out for bid. The generator would be portable so that it can be moved and used at various locations, if needed. The cost of the generator came in under budget; \$65,000 was the amount budgeted for and the actual cost is \$54,024.

Mr. Fritz made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2019-36.

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 2019-36.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-37-Introduced by Mr. Emerman

AN ORDINANCE AMENDING SECTION 931.07, "MAYOR TO REGULATE" OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS REGARDING SEWER ACCESSIBILITY.

Mr. Emerman stated that as talked about at previous meetings, if sewers become accessible, the Board of Health issue orders to the resident(s) that they are required to tie in to them; however, the question became "what is considered accessible?" Attached to the ordinance is a draft policy that will be kept on file to determine what is "accessible."

A discussion ensued regarding potential changes Council would like to make to the policy.

Mayor Renda explained that the purpose of this ordinance is just to point out where that policy can be found; the policy itself is separate from this ordinance and the ability for the Mayor to accept the policy from Mr. Filarski is already in the Codified Ordinances. She stated that she understands Council would like to have input on the policy, but members will have a chance to do that at a later date. This ordinance is just the "housekeeping" portion of things that needs to get done first, then Council can concentrate on the policy. Mr. Filarski agreed but he asked that they act on the policy sooner rather than later, because there are 23 residents waiting on the "accessibility" determination because they may have to tie in by the end of the month.

Mayor Renda asked Council if they are comfortable with the fiduciary responsibility stated within this policy, which is the most important part of this ordinance they should be looking at. Mr. Stanard stated that he does not love it but he thinks it is a good idea and necessary to ensure that proper procedures are followed.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2019-37.

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 2019-37.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Ordinance 2019-38-Introduced by Ms. Sturgis

AN ORDINANCE ENACTING CHAPTER 707, "TOBACCO PRODUCT VENDORS; SALES TO PERSONS UNDER AGE 21," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS TO PROHIBIT SALES TO PERSONS UNDER AGE 21 AND TO PROVIDE FOR PERMITTING OF BUSINESSES WHO SELL TOBACCO PRODUCTS; REPEALING SECTION 537.16, "ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS OR ALTERNATE NICOTINE PRODUCTS"; APPROVING A CONTRACT WITH THE CUYAHOGA COUNTY BOARD OF HEALTH TO ADMINISTER AND ENFORCE CHAPTER 707; AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that this ordinance was discussed at the Committee of the Whole meeting in April and since then, the Law Department has been working with the Board of Health to prepare this legislation. She informed Council that studies show that young people, who are addicted to nicotine, are seven times more likely to suffer from a drug use disorder and that individuals, who never use tobacco by the age of 21, are unlikely to ever start smoking. This legislation prohibits the sale of nicotine products to individuals under the age of 21 and it repeals Section 537.16, which is very similar to the proposed section, however it will now include the licensing and the penalties from the Board of Health that they will be administering for this program. New Code Section 707 would require parties who sell tobacco to obtain a permit and to be subject to random and annual inspections. There is no cost to the village and the businesses have to pay the permit fee directly to the Board of Health.

Ms. Sturgis made a motion seconded by Mr. Fritz to suspend the rules for Ordinance 2019-38.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mayor Renda thanked Mrs. Lane for all the work she put into this and for working with the Board of Health to finalize it. She stated that several school board members approached her to tell her that they are happy about this legislation because there is a big vaping problem at the schools.

Ms. Sturgis made a motion seconded by Mr. Richman for passage of Ordinance 2019-38.

ROLL CALL:

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

NAYS: Mr. Stanard

MOTION CARRIED

Ordinance 2019-39-Introduced by Mr. Emerman

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

Mr. Emerman stated that there are three amendments to the appropriations, which are all transfers to the Capital Fund; \$39,000 for the wheel loader that went up for auction. This amount will make up the difference between the full amount paid for a new wheel loader and the amount that the Village will get back for the one that was put up for auction. \$2,000 was for the new Village phone system, which was not originally in the budget. \$4500 was for the Route 87 Slope Repair Project. The normal transfers were made from the General Fund to the Police Pension Fund and the Police and Fire Levy Fund. There was also a transfer from the General Fund to the SCMR Fund for the paving program, which had been budgeted for.

Mr. Emerman made a motion seconded by Mr. Buczek to suspend the rules for Ordinance 2019-39.

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 Ms. Sturgis for passage of Ordinance 2019-39.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Resolution 2019-40-Introduced by Mr. Emerman

A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET OF THE VILLAGE OF MORELAND HILLS FOR THE FISCAL YEAR 2020 AND DECLARING AN EMERGENCY.

Mr. Emerman stated that the Village is required to make a request to the county to receive our taxes every year. Mr. Shah always requests an amount that exceeds what is owed to us, because if we do not request enough, the county will only pay up to the amount requested.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Resolution 2019-40.

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 2019-40.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Miscellaneous

Mayor Renda reported that she was on a conference call that morning with Tim Cosgrove, who is the lobbyist for the Mayors and Managers Association. They discussed the small increase that was received in our local government fund however they also discussed how CERPS are not allowed to be taxed by municipalities anymore. Mr. Shah stated that is why it is good that we have our reserves.

Mayor Renda provided Council with a handout regarding the Fair Funding presentation that she attended at the school. She told Council that if they get a chance to attend one of these presentations, they should try to because it was very interesting.

Mr. Buczek made a motion seconded by Mr. Richman to adjourn the Regular Council Meeting at 8:10pm.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

The meeting was adjourned at 8:10pm.

Attest:

Sherri Arrietta, Clerk of Council

Dan Fritz, Council President