

REGULAR COUNCIL MEETING  
June 8, 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. Fish, Mr. Janke, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer

ABSENT: Mr. Emerman

Also Present: Lisa Mack, Legal Counsel; Sherri Arrietta, Clerk of Council; Residents Jill Moody, Elizabeth Moody, Henry Moody, & Ms. Halley

Mr. Spencer made a motion seconded by Mr. Richman to approve the minutes of the Regular Council Meeting of May 11, 2022.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Resident Comments**

At this time, Mayor Fritz presented Elizabeth and Henry Moody with a proclamation for their clean-up efforts on our Neighborhood Beautification Day.

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

**Mayor**

Mayor Fritz thanked Lisa Mack for being there to fill in for Mr. Hanna. He gave an update on House Bill 512, which will raise our employee contributions for police and fire. The Cuyahoga County Mayors and Managers Association will oppose this bill. If passed, it would take our 19.5% contribution for our police officers and raise it to 26.5% over a 5-year period, which is a substantial increase. Mr. Shah informed him that the total pension cost would be 1.6 million, which would mean an increase of \$294,000.00 over 5 years. Currently for OPERS employees, our contribution is 14% so it is substantially different and many Mayors are upset about that. He has been talking to Mr. Shah and Mrs. Bossart about it. The bill has not successfully made it near a vote in the House and Senate but it is still on the horizon.

The A/V upgrades in Council Chambers are scheduled for late June depending on when we can get the computer that is needed to run the equipment. Once it is up and running the Department Heads will tune in virtually to the Council meetings every month.

The Gas vs Battery Powered Lawn Equipment “More in the Hills” event is tomorrow evening to demonstrate ways to reduce noise pollution. He reached out to HOA’s and advertised on social media asking that an “Ambassador” from each neighborhood attend. Mayor Fritz thanked Mr. Janke for organizing for the landscape company that uses battery-powered ride on mowers to attend. We are

messaging how residents who use landscapers can contribute by asking their landscapers to use their (the homeowner's) battery-powered equipment that they purchased the homeowner. He receives a lot of calls from residents about the noise of leaf blowers and sees posts about it on social media as well. Changing the noise ordinance does not help in this case as it only changes the hours and does not discuss the issue of the volume of noise throughout the day, which is allowed within the parameters of our noise ordinance. This is why he thinks education about these battery-powered options is the way to go to start trying to make a difference.

The Community Kids Fishing Day is this Saturday and both sessions are filled up. There will be donuts for the morning session and hotdogs for the afternoon session.

Mayor Fritz reported that he met with Angela Wyatt, Chair of the Parks Commission and the Village will be receiving a donation from them for a three-tiered message-board sign for the pavilion. This donation request will be brought to the Facilities Committee for approval.

### **Reports of Committees**

#### **Roads and Safety Committee**

The Roads and Safety Committee met on May 31, 2022. Mr. Fish gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is July 5, 2022, at 8:00am.

#### **Facilities Committee**

The Facilities Committee met on May 31, 2022. Mr. Richman gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is July 5, 2022, at 8:30am.

Mr. Richman made a motion seconded by Mrs. Kozminski-VanderHart to allow the Village Engineer to develop specifications, solicit informal quotes, or advertise for bids for the Jackson Valley Force Main Extension Project.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

#### **BZA**

The Board of Zoning of Appeals met on June 6, 2022. Mrs. Kozminski-VanderHart gave a report based on the meeting minutes, which are attached. The next meeting is July 11, 2022 at 6:00pm.

#### **Planning Commission**

The Planning Commission met on June 6, 2022, immediately following the BZA meeting. Mrs. Kozminski-VanderHart gave a report based on the meeting minutes, which are attached. The next meeting is July 11, 2022 at 6:00pm, following the BZA Meeting.

#### **Parks Commission**

The Parks Commission met on May 16 and June 6, 2022. Mr. Janke gave a report based on the meeting minutes, which are attached. The next meeting is July 18, 2022 @ 6:00pm.

**Charter Review Commission**

The Charter Review Commission met on May 17 and May 31, via Zoom. Mrs. Arrietta gave a report based on the meeting minutes, which are attached. The next meeting is June 14, 2022 @ 7:00pm via Zoom.

**Approval of Bonds, Contracts, Plats, Etc.**

**ORDINANCES AND RESOLUTIONS**

**Ordinance 2022-32- Introduced by Mrs. Kozminski-VanderHart**

AN ORDINANCE AMENDING SECTION 1177.11, "SUPPLEMENTAL REGULATIONS FOR CERTAIN USES" TO DELETE SUBSECTION 1177.11(G), "SOLAR ENERGY SYSTEMS AND TO AMEND SCHEDULE 1177.07 OF SECTION 1177.07 TO DELETE REFERENCE TO SUBSECTION 1177.11(G) AND ENACTING NEW CHAPTER 1367, "SOLAR ENERGY SYSTEMS" OF THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Mrs. Kozminski-VanderHart stated that this ordinance is divided into two sections; the first section looks at the changes, which are crossed out starting on page 5, including the removal of the conditional use requirement; the second section starts on page 9 and details the new chapter being proposed by this ordinance.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Spencer to place Ordinance 2022-14 on first reading.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

There was a discussion about Mr. Richman's suggested changes which are as follows: Section 1367.02 (1)(A) should be deleted which would remove the requirement for solar panels to not be visible from the front of property; Remove the word "substantially" in Section 1367.02(2)(A) since the meaning can vary; Remove the part of the sentence in Section 1367.02(2)(B) that states "there are no alternative locations in compliance with subsection "(1)" and."

Mr. Spencer stated that he agreed with the changes after reading Mr. Kowalczyk's comments. Mrs. Kozminski-VanderHart pointed out that Mr. Kowalczyk commented that it would not make his job difficult. Mayor Fritz agreed that these changes make it cleaner and more in line with what they want to promote. He thanked Mr. Richman for his comments and opinions.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Richman to amend Ordinance 2022-14 to delete Section 1367.02(1)(A); to remove the word "substantially" from Section 1367.02(2)(A); and to remove the part of the sentence that states "there are no alternative locations in compliance with subsection "(1)" and," from Section 1367.02(2)(B).

ROLL CALL:

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

ABSTENTIONS: Mr. Janke  
NAYS: NONE  
MOTION CARRIED

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Spencer to refer Ordinance 2022-14 to the Planning Commission, as amended.

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

**Ordinance 2022-33- Introduced by Mr. Fish**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CHAGRIN VALLEY PAVING, INC., FOR THE CHAGRIN BOULEVARD RESURFACING PROJECT AND DECLARING AN EMERGENCY.

Mr. Fish stated that \$1.3 million was budgeted for this project and the lowest bid received was from Chagrin Valley Paving in the amount of \$794,437.00. That amount is 38% below what was budgeted. This project would begin in September.

Mr. Fish made a motion seconded by Mrs. Kozminski-VanderHart to suspend the rules for Ordinance 2022-33.

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

Mr. Fish made a motion seconded by Mr. Spencer for passage of Ordinance 2022-33.

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

**Resolution 2022-34- Introduced by Mr. Richman**

A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET OF THE VILLAGE OF MORELAND HILLS FOR THE FISCAL YEAR 2023 AND DECLARING AN EMERGENCY.

Mr. Richman stated that the county requires their municipalities' to provide them with their budgets so they can set tax rates based on needs and determine the formulas to distribute the various revenue funds. Since the county needs them by July 20, the municipalities have to estimate their budgets ahead of time; therefore, what we submit is a very rough estimate of our budget for 2023. Mr. Shah determines this by increasing the prior year's expenses by 10% and decreasing the revenues by 10%.

Mr. Richman made a motion seconded by Mr. Janke to suspend the rules for Resolution 2022-34.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Richman made a motion seconded by Mrs. Kozminski-VanderHart for passage of Resolution 2022-34.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

**Ordinance 2022-35- Introduced by Mr. Spencer**

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

Mr. Spencer stated that the amendments to appropriations were as follows: \$4,000 to the Building Department which is an additional appropriation for the remainder of the year for their budget; House on the Hill fund for \$10,000 to rent a backhoe and for sandstone and gravel at the pavilion, which cost more than anticipated. The Transfers from the General Fund were as follows: \$800,000 to the SCMR fund to ensure that we have the money to do what we budgeted to do, which includes the asphalt program; the usual transfer to the Police and Fire Levy Fund to supplement their costs (\$300,000.00); and \$25,000 to the General Bond Retirement Fund which was the interest portion of our bonds that are paid semi-annually.

Mr. Spencer made a motion seconded by Mr. Janke to suspend the rules for Ordinance 2022-35.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Spencer made a motion seconded by Mr. Janke for passage of Ordinance 2022-35.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

**Ordinance 2022-36- Introduced by Mr. Janke**

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE COMMUNITY FUNDING AND ESCROW AGREEMENT FOR THE MODERNIZATION OF THE CHAGRIN VALLEY FIRE DEPARTMENT FIRE STATION AND THE ESCROW AGREEMENT AND DECLARING AN EMERGENCY.

Mr. Janke stated that in September 2021, Council passed non-binding Resolution 2021-43 to provide

money to the Chagrin Valley Fire Department, which was also collected from all the municipalities that use their services. The dollar amount is pro-rated based on the usage per Village/City. It was deemed necessary as the current fire station lacks quarters for women, technological modernizations, has layout issues, etc. This ordinance authorizes the payment that we committed to. Mayor Fritz added that the original resolution to donate the \$47,722.00 was contingent upon all the communities agreeing on a structured escrow account. This ordinance states that we agree to that structured account and the contribution is due July 1, which will be deposited into that escrow account with an escrow agent. CVFD does not get the money until the contract is signed.

Mr. Janke made a motion seconded by Mr. Richman to suspend the rules for Ordinance 2022-36.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Janke made a motion seconded by Mr. Richman for passage of Ordinance 2022-36.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

### Miscellaneous

Mrs. Kozminski-VanderHart went through the process for Ordinance 2022-32 to remove the Conditional Use requirement for solar panels, which is as follows: tonight Council placed the ordinance on First Reading and referred it to the Planning Commission (as amended): **July 11** Planning Commission will have a Public Hearing and refer it back to Council; **August 2** is the deadline to send the Council Public Hearing Notice to Chagrin Valley Times (30-day notice requirement); **August 4** The Council Public Hearing Notice will appear in CVT; **August 10** Council will Place the Ordinance on Second Reading; **September 7** Council will have a Public Hearing and Place it on Third Reading (and Pass).

Mr. Spencer stated that his neighbors across the street have solar panels on the front of their house, which he can see when looking out his windows, and he stated that they look fine to him. If they are most efficient there, he is supportive of it.

Mayor Fritz stated that he has heard some concerns about solar panels that shows that they are still dealing with a lot of newness and misinformation with some people regarding solar panels, but he feels that this will go a long way in changing our stance in being proactive, less restrictive, and incentivizing solar.

Mayor Fritz reported that there are still some tickets available for the Chagrin Valley Fire Department Fundraiser on June 18 if anyone was interested in attending.

Mayor Fritz thanked Ms. Mack again for stepping in for Mr. Hanna tonight.

**Adjournment**

Mr. Janke made a motion seconded by Mr. Spencer to adjourn the Regular Council Meeting at 8:09pm.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

The meeting was adjourned at 8:09pm.

Attest:

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Sherri Arrietta, Clerk of Council

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Ethan Spencer, Council President