

REGULAR COUNCIL MEETING

June 9, 2021

MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Fritz at 7:01pm, via Zoom.

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

ABSENT: Mrs. Kozminski-VanderHart

Also Present: William Hanna, Law Director; Chief Kevin Wyant; Jeff Filarski, Village Engineer; Ted DeWater, Service Director; Sherri Arrietta, Clerk of Council

Mr. Richman stated that he had two corrections to last month's meeting minutes. On page 5, third line of the second paragraph, the word "mandatory" should be "wading." On page 10, the last line on the page the word "the" should be changed to "one of the."

Ms. Sturgis made a motion seconded by Mr. Richman to approve the minutes of the Regular Council Meeting of May 12, 2021, as amended.

ROLL CALL:

AYES: Mr. Emerman, Mr. Richman, Mr. Spencer, 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 Fritz stated that he sent out an email to Council with an update on the virtual meeting issue. He stated that he has heard back from several members regarding their levels of comfort moving forward. He gave a recap of the issues. There were two House Bills; 110 (Budget Bill) and 43 that sought to carve out an extension of the expiring provision on June 30, to allow virtual meetings. Absent any last minute insertion into HB 110 or the rebirth of HB 43, there is nothing legislatively that he is aware of to extend it. Mr. Hanna can update us further during his report if he has heard anything different. Mayor Fritz stated that at this time, it does look like we are going back to in-person meetings in July. He stated that he and Mrs. Arrietta are already looking at

and discussing some options for the use of Council Chambers. He spoke with Mrs. Bossart today about purchasing an air purifying system, which not only will provide benefits for COVID but for colds, flus, etc. We are working hard to research options that keep us healthy and safe. The theory behind the lifting of the public health orders would be that the government feels that we are safer, but he realizes that just the lifting of those orders does not give everyone an immediate sense of 100% relief. He stated that he respects everyone's different number on the 1-10 scale of their level of comfortability. Please reach out with any questions or concerns. The goal is to allow us to feel as comfortable as we can while being practical and adhering to the guidelines as set forth by the state.

Mayor Fritz stated that he did draft new campus protocol in relation to the lifting of the public health orders. He sent a copy to all in attendance at this meeting and he has asked that all department heads meet with their employees to go over the new protocol. If you are vaccinated, you are able to enter Village buildings without a mask and if you are not vaccinated, we are asking that a mask be worn before entering. The big question is how to enforce that. Some communities have taken a poll of their employees to state their status, but he stated he is not going to do that. He is messaging frequently on campus and so his expectation with department heads is that those rules will be strictly enforced.

“Head for the Hills” 5K run, headed up by the Parks Commission is scheduled for October 9. Mr. Stanard will report more on that during his Parks Commission report later in this meeting.

The Community Kids Fishing Day is this Saturday. Chief Wyant is very excited for this event which is a reflection of his dedication to his department because he cares about this community. It is a wonderful event that is well attended. Chief Wyant and his officers have done a great job lining this event up and making it grow each year. They did have to tap the brakes a little because of COVID, but next year will be even greater as there will be a pavilion and they can have food and refreshments again. Mayor Fritz thanked Chief Wyant for creating this event and Mr. DeWater and his department for cleaning up the area for Saturday.

Mayor Fritz reported that he attended the 2021 Road Program pre-construction meeting this past week. The program is slated to start June 14. It is a fairly aggressive program this year including two complete resurfacing projects on Meadowhill and Cableknoll and numerous pavement repairs, crack sealing, etc. The first round of notification letters have been drafted by Mr. Filarski and mailed about by Mrs. Arrietta this week.

Mayor Fritz updated Council on the Chagrin Valley Fire Department's capital improvement project. He stated that he and Chagrin Falls Council President Erin Grube have formed an informational campaign to meet with local member communities that contract with Chagrin Valley Fire. Their goal is to help with their capital improvement fund. To date, they have raised about \$600,000 of the expected one million dollar improvement effort that is needed. As a firefighter who visits that particular fire station, Mayor Fritz stated that he could attest to their needs. They do not have any facilities for female firefighters, of which they have a number of them currently. They will need a locker room for them and separate dorms. Likewise, that fire station was built during a time where everyone responded to calls from their home; the siren went off on the top of the building. The dorms and living areas are very far removed from the apparatus bays, which creates a number of issues. If this fire station were to be built today, it would never be designed the way it is now for a full time fire department.

Mayor Fritz stated that he and Ms. Grube have met with Chief Zupan and the three of them landed in agreement that these capital improvements certainly could be borne out of increased contract costs in the three-year contracts that are given to each member community. Several years ago, they built in small incremental increases in that contract to avoid getting into huge contract disparities between the third year and the first year of the next contract period. The theory was that they were hoping to avoid having to do that with their capital improvement needs and take more of a philanthropic approach to raising money for these upgrades. They have raised \$600,000 so far and they will be having a large fundraiser next year called "Denim and Diamonds" that will be a big-ticket event held in Hunting Valley. They also have some people willing to give larger donations once they see that communities have some "skin in the game." Mayor Fritz stated that they discussed a metric that could be used to equate participation to the capital improvement fund from each community. It was decided that one of the best numbers they could use would be the annual squad billing, which shows how many EMS runs they go on and are reimbursed for. Using that number, they have arrived at a recommended donation amount for each community. He stated that they are just in the process of breaking this out as far as messaging with our neighboring communities to see if we can all get on the same page. This would be legislative, so as more details are available, he will share them with Council.

Mayor Fritz stated that he would hope to be able to share more at the July Roads and Safety Committee and then have a further discussion at the Committee of the Whole meeting. He stated that this would be next year and they are looking for a way to potentially use our American Rescue Plan Act (ARPA) money or residual CARES funds that were distributed to the communities.

Mayor Fritz stated that we were asked to declare June as Prostate Cancer Awareness Month. Mrs. Arrietta drafted a wonderful proclamation to send back to Linda Hoetger, who is a Prostate Cancer Advocate and the one that requested the proclamation. We did submit that proclamation to them for personal reasons. He stated that his father lost his life to prostate cancer at a relatively young age, likewise, Mrs. Arrietta's father-in-law, Joe, whom she loved very much and who was also a wonderful grandfather to her children, was also taken by this disease. We collectively got together and agreed that the proclamation would be appropriate as would working with University Hospitals to raise some more awareness about prostate cancer for our employees and members of Council. We started out with just a PSA screening and began messaging that to our male employees, but then UH reached back out to us and offered to include everyone by having a health fair on campus. This health fair will be on June 29 from 9:00am to Noon. We would like anyone on Council and their spouses as well as any of our professional staff to participate as well. The screenings will include blood pressure, cholesterol, blood sugar, BMI, and PSA for the males. Mrs. Arrietta can email the flyer to anyone who has not yet received it.

Mayor Fritz reported that earlier today, a box truck took out about 100 feet of a guardrail by Hemlock Lane on SOM Center Road. The Village will be fronting the money for that repair and once we get the report from the Police Department, we will work with the insurance company to recoup that money.

Lastly, Mayor Fritz reported that inserted in to the Budget Bill (House Bill 110) today was a prohibition on communities establishing their own broadband network. If Council recalls prior to COVID, he and resident, Andrew Deutch were going to go to Brunswick to see their broadband network. It has gotten great reviews and is very fast and reliable. They have an employee with a truck that will go help set things up or fix IT issues. It is cost neutral, if not money generating for their community. He stated that he and Mr. Deutch were just interested in learning about it to see if we could start something regional in our area, particularly for areas that have poor broadband access, like on Chagrin River Road. Mayor Fritz stated that he hears from numerous residents about how poor their broadband is in the Village. This insertion into the Budget Bill will prohibit a community/subdivision from having their own broadband network or partnering privately with another company to establish their own network. It appears to be pretty invasive to the home rule concept again. He just wanted to update Council on this, as it is certainly relevant to something they could look at doing down the road

Police

Chief Wyant thanked Mayor Fritz for his kind words about the fishing event. He stated that there will be a full house for both sessions, approximately 25 kids each session. The pond was stocked

with fish yesterday and he is looking forward to the event Saturday.

Service

Mr. DeWater stated that he told everyone last week that he would have all the rubbish and recycling trucks back and as of last Thursday, he did. However, as of this past Tuesday morning, they are down one truck again. The recycling truck had to go back to American Fleet because of mechanical issues due to the O-rings in the turbo charger giving out, causing the engine not to have the proper boost to control the fuel or the transmission. American Fleet had the parts overnighted in so they are working on it and it should be returned to us relatively quickly. He stated that rubbish and recycling would still be collected on the regularly scheduled days and on time, as they are using the front loader for the rubbish and the old rear loader for the recycling. Mr. DeWater reported that the Service Department is working on some repairs at Village Hall based on a list of items from the Mayor.

Engineer

Mr. Filarski did not have a report.

Finance

Mr. Shah reported that the audit is almost finished. They gave him a preliminary report, which he has to go over with them. Over all the report was good, but there were a few minor items that need to be discussed, one of which pertains to our Public Records Commission, which has not met in a while. They commented that that should be happening on a regular basis. He stated that they also brought up a few other minor issues, which he does not agree with, so he will be having a discussion with them about it. Mr. Shah stated that he is hoping to have the report by the next Council meeting.

He stated that the income tax collections are up almost 61% through the month of May, but that is probably because of the filing deadline that was extended to May 17. He does not expect that trend to continue though.

Law

Mr. Hanna stated that he had not heard about the insertion of new broadband language in to the budget bill that the Mayor mentioned, prior to this meeting. In looking at the Gongwer website, there are some provisions that were passed by the Senate that would, at a minimum, enact new Section 122.4090 of the Ohio Revised Code and would place a number of restrictions on political subdivisions wanting to establish government owned broadband networks and would limit any such netw

orks being built to unserved areas as defined in the code. That refers to those that do not have broadband service of at least 10 megabits per second, which is not very fast. He stated that he needs to learn a little more about this and update Council at another time. In addition, he will watch what happens in Conference Committee in the House once the bill gets there.

Mr. Hanna stated that he heard a rumor today that the State Auditor's Office has awarded a provision that will continue to provide an extended ability for virtual meetings for public bodies or that they are reinserting that provision into the Budget Bill. He stated that he cannot locate that provision, and the provision that was in the original version of the Budget Bill (HB 110) that gave the ability to have virtual meetings for public bodies and was extended through December 31, 2020, does not appear. Unless something has changed since this point in time, he believes that we are still looking at the July 1 deadline.

**Reports of Committees -
Roads & Safety Committee**

The Roads and Safety Committee met on June 1, 2021. Mr. Spencer gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is July 6, 2021 at 8:00am.

Facilities Committee

The Facilities Committee met on June 1, 2021. Ms. Sturgis gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is July 6, 2021 at 8:30am.

BZA

The Board of Zoning Appeals met on June 7, 2021. Mr. Stanard gave a report based on the meeting minutes, which are attached. The next meeting will be July 12, 2021.

Planning Commission

The Planning Commission met on June 7, 2021 immediately following the BZA meeting. Mr. Stanard gave a report based on the meeting minutes, which are attached. The next meeting will be July 12, 2021.

Parks Commission

The Parks Commission met on May 17, 2021 and June 5 at the cabin, however there was no quorum. Mr. Stanard gave a report based on the meeting minutes, which are attached. The next meeting will be June 22, 2021.

Green Commission

The Green Commission met on June 2, 2021. Mr. Spencer gave a report based on the meeting minutes, which are attached. The next meeting will be August 4, 2021.

ORDINANCES AND RESOLUTIONS

Ordinance 2021-22 Introduced by Mr. Stanard

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH PINNACLE CONSTRUCTION AND DEVELOPMENT GROUP, INC. FOR THE FOREST RIDGE PAVILION CONTRACT A – BUILDING AND DECLARING AN EMERGENCY.

Mr. Stanard stated that this is a new chapter for the Forest Ridge property, which was obtained by the Village several years ago. It had a building on it that we could not figure out what to do with, but have finally decided to construct a pavilion on the property in place of the old house. This is Contract A for the building itself, and the apparent low bidder from four bids received, is Pinnacle Construction & Development Group. We have a recommendation from the Village Engineer that they are in fact the lowest and best bid in the amount of \$190,757.00, which was lower than the Engineer's estimate.

Mr. Stanard made a motion seconded by Mr. Spencer to suspend the rules of Ordinance 2021-22.

ROLL CALL:

AYES: Mr. Emerman, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Stanard made a motion seconded by Mr. Spencer for passage of Ordinance 2021-22.

ROLL CALL:

AYES: Mr. Emerman, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Ordinance 2021-23 - Introduced by Mr. Stanard

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CARRON ASPHALT PAVING, INC. FOR THE FOREST RIDGE PAVILION CONTRACT B – SITE WORK AND DECLARING AN EMERGENCY.

Mr. Stanard stated that this is similar to the previous ordinance but this is for Contract B for the site work, which will prepare the site for the construction of Contract A. There were six competitive bids received, and the lowest and best is Carron Asphalt Paving Inc., in the amount of \$71,591.50. This amount is also lower than the Engineer's estimate.

Mr. Stanard made a motion seconded by Ms. Sturgis to suspend the rules of Ordinance 2021-23.

ROLL CALL:

AYES: Mr. Emerman, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Stanard made a motion seconded by Ms. Sturgis for passage of Ordinance 2021-23.

ROLL CALL:

AYES: Mr. Emerman, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Ordinance 2021-24 - Introduced by Mr. Spencer

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDMENT TO THE AGREEMENT WITH GREAT LAKES RECYCLING DBA SIMPLE RECYCLING FOR THE COLLECTION OF SOFT RECYCLING MATERIALS IN THE VILLAGE OF MORELAND HILLS AND DECLARING AN EMERGENCY.

Mr. Spencer stated that this is an extension of an existing contract with Great Lakes Recyclables (DBA Simple Recycling). Their services were suspended during COVID and now they are coming back with a few changes. This contract does not cost the Village anything, and instead we actually get revenues from them, which is one of the changes. We used to get 1 cent per pound and now we will get 5 cents per pick up. The process is changing as well, where residents will have to schedule a pick up and put it outside their front door; they will no longer use the bags they provide or come by and pick-up on our rubbish/recycle days.

Mr. Spencer made a motion seconded by Mr. Stanard to suspend the rules of Ordinance 2021-24.

ROLL CALL:

AYES: Mr. Emerman, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Spencer made a motion seconded by Mr. Stanard for passage of Ordinance 2021-24.

ROLL CALL:

AYES: Mr. Emerman, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Ordinance 2021-25 - Introduced by Mayor Fritz

AN ORDINANCE TEMPORARILY SUSPENDING ENFORCEMENT OF VILLAGE CODE PROVISIONS REQUIRING CONDITIONAL USE PERMITS FOR OUTDOOR DINING AND DECLARING AN EMERGENCY.

Mayor Fritz stated at Moreland Towne Centre we have ML Tavern, Flour, and Luna, all of which were affected by the pandemic. He consulted with the Law Department and the Building Department to administratively grant temporary permission to allow them to use outdoor seating, without requiring them to pay and go through the process of getting a conditional use certificate, which would have taken some time. He stated that he granted that and gave them an extension with the caveat being that he would not feel comfortable to keep granting extensions, and at some point they would have to come back for a conditional use through the Planning Commission and then Council. Mayor Fritz stated that like him, they expected the public health orders to go through the summer, which put them in a weird position. They want to accommodate patrons who still do not feel comfortable eating indoors and therefore prefer the outdoor option. Representatives from ML Tavern and Flour approached him and they had a meeting about it. After consulting with Mr. Hanna and Mr. Hunt, they came up with the idea to make this more of a legislative approval, which he thought was a great idea. Mayor Fritz stated that this would allow him to grant them permission for outdoor seating through August 31, 2021. The representatives were made aware that moving forward, should they want the outdoor seating to continue, they would have to go through the proper procedures to obtain a conditional use certificate. They may or may not choose to do so; ML Tavern is interested but he does not think Luna is.

Mayor Fritz made a motion seconded by Mr. Richman to suspend the rules of Ordinance 2021-25.

ROLL CALL:

AYES: Mr. Emerman, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mayor Fritz made a motion seconded by Mr. Richman for passage of Ordinance 2021-25.

ROLL CALL:

AYES: Mr. Emerman, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Resolution 2021-26 - Introduced by Ms. Sturgis

A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET OF THE VILLAGE OF MORELAND HILLS FOR THE FISCAL YEAR 2022 AND DECLARING AN EMERGENCY.

Ms. Sturgis stated this resolution comes to Council annually from the county. It justifies our need to the county for our source of revenue. In page 18 of Schedule 1, of the attached documents, it shows the estimate of what we are expected to receive for our revenue in the various categories. There was no change to millage.

Ms. Sturgis made a motion seconded by Mr. Richman to suspend the rules of Resolution 2021-26.

ROLL CALL:

AYES: Mr. Emerman, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Richman for passage of Resolution 2021-26.

ROLL CALL:

AYES: Mr. Emerman, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Ordinance 2021-27 - Introduced by Mr. Emerman

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

Mr. Emerman stated there is an increase in appropriations for Building Inspections in the amount of \$7,000, which is because of the amount of construction going on in the Village requiring the need for more inspections. There is also an increase in appropriations for Service Fuel, because of the increasing gas prices. Service Vehicle Maintenance was for MH 16 which was damaged a

few months ago, and while we will get the revenue through insurance, we still need to make the appropriations for it. WWTP Sludge Hauling is typically done under our Contracting fund, but in talking with Mr. Shah, he explained that he thought it was more appropriate to put it under its' own line item. It could have been a transfer, but he thought it was prudent to do it as an additional appropriation so that we have that additional funding in our Contracting fund. Finally, Village Park Improvement Fund is for the race event at Forest Ridge and these are the funds needed to facilitate that event. We would expect to get money back in revenue for that event, but this is for the amount appropriated for the initial expense. There was also the normal transfers to the Police Pension Fund as well as to the Road Maintenance Fund for the Road Program.

Mayor Fritz stated that the Village Park Improvement funds are coming out of the fund that we established for the Parks Commission, so it is not coming out of our budget. Mr. Shah stated that was correct and said that it is being budgeted in the Village Park Improvement fund, which was created last year, and those funds are from donations. Mayor Fritz stated that he just wanted to clarify that those funds were coming from money that the Parks Commission raised last year.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules of Ordinance 2021-27.

ROLL CALL:

AYES: Mr. Emerman, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Spencer for passage of Ordinance 2021-27.

ROLL CALL:

AYES: Mr. Emerman, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Miscellaneous

Mayor Fritz stated that the retaining wall at Bentleyville Road and Miles Road, has been in need of repair. It was placed on the radar last year and put into the budget. Mr. Filarski and Mr. DeWater inspected the wall to see how bad the concrete was and so Mr. Filarski drew up specifications and advertised for bids. The bid opening is June 25 to get that wall repaired and painted. It will be a big improvement for the Village was completed.

Adjournment

Mr. Richman made a motion seconded by Mr. Stanard to adjourn the Regular Council Meeting at 8:17pm

ROLL CALL:

AYES: Mr. Emerman, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

The meeting was adjourned at 8:17pm.

Attest:

Sherri Arrietta, Clerk of Council

Steve Richman, Council President