

REGULAR COUNCIL MEETING  
July 13, 2022  
MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Fritz at 7:02pm, in the Village Council Chambers.

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

Also Present: William Hanna, Law Director; Sherri Arrietta, Clerk of Council; Mary Breininger, Christabel Devadoss, Sofia Dewey, Fadia Hamid, Michael Krysiak, Betsy Larson, Amy Sancetta, Todd Steele, Franzetta Turner, Lori Urogdy Eiler

Mayor Fritz asked if there were any additions or corrections to last month's meeting minutes. Mr. Richman stated that on page 4, in the last paragraph when he refers to "10%", it should be changed to "by varying percentages."

Mr. Spencer made a motion seconded by Mr. Janke to approve the minutes of the Regular Council Meeting of June 8, 2022, as amended.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

**Resident Comments**

No residents were present wishing to speak.

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

**Mayor**

Mayor Fritz reported that updates have begun in Council Chambers. The microphones have been install in the ceiling as everyone can see. The Service Department has started patching and painting the walls. The goal is to live stream the meetings, which can also be viewed later on YouTube. The A/V equipment installation is almost complete but we are still waiting on a new computer, which will be integrated into an iPad to coordinate the broadcasts and zooms with this new equipment. The goal is to have this finished by September. The state permissive use to have virtual or hybrid meetings has expired but our Charter Review Commission is looking at making that change now in order to imbed it into the Charter so if it is sent to the voters and it passes, we would be able to have virtual and/or hybrid meetings.

This is the third cycle in a row that we have applied for and were denied a 50/50 split with the County Share grant (up to \$250,000.00) for the re-pavement of Chagrin River Road and Jackson Road. They do not provide the scoring as to how you compare to other communities; however, all indications are that it has to do with the new equity category, which plays against the more affluent communities. Mayor Fritz stated that he did advise the Roads & Safety Committee that they would be discussing alternative plans to repair these roads. He stated that he hates the thought of doing it without the \$250,000.00 from the county

for each road, but stated that there comes a point where safety and drivability is a factor. It is currently being discussed with Mr. Shah, Mr. Filarski, Mr. Fish, and Mr. Spencer to bring forth some ideas to get those roads some attention that could include making some corrections this year.

The Charter Review Commission has completed their meetings. Mr. Hanna will give a report on that later tonight.

Mayor Fritz stated that Mr. Janke will give a report tonight on the ordinance to remove the Conditional Use requirement to install solar panels. This ordinance was sent from Council to the Planning Commission, where a Public Hearing was held on Monday. The reason for this ordinance is to better incentivize the use of solar and make it easier for our residents to apply for and obtain approval.

The members of our new Diversity and Inclusion Commission are here tonight. This has been a long time coming with a lot of research put into it. Mr. Richman was a big part of this process along with former Councilwoman Monica Sturgis. It is very exciting to see this all come to fruition and we have some wonderful candidates who he is excited to have as part of this process.

Our “More in the Hills” events continue. Tomorrow evenings event is a consumer fraud presentation from the county.

Coyotes are still around and we are still receiving some input on the coyote reporting form that we created. This form was not created for culling or killing purposes, just to report sightings. This report could also prove to be helpful if there were to be an aggressive animal that needs to be dealt with by giving us data about it. Since we created this form in January, there have been 32 sightings reported, none of which were aggressive, and there has been handful of residents that used the “hazing” technique to chase the coyote away.

Mayor Fritz reported that he had the opportunity to meet with our new State Senator Jerry Cirino. Senator Matt Dolan will no longer be our Senator due to the re-districting; Moreland Hills will now be part of District 18. He stated that he discussed issues with Senator Cirino that were important to him and the Village including better bipartisanship. Mayor Fritz stated that when he met with Sofia Dewey, who is going to be a member of our Student Civic Leadership Program, one of the things he wanted to impart on her was that one of his goals is to show the younger adults in the area that there is still dignity, class, and decorum in local government. Mayor Fritz stated that he told Senator Cirino that he was hopeful that he can help taper the animosity and name throwing that has become the vitriol that defines portions of government at the state and federal level.

Mr. Spencer wanted to comment about the road program, since we have residents in the audience tonight. He stated that one of the most important things that the Mayor and this legislative body does is to allocate the funds that their taxes give us. What we hear the most is that safety and roads are at the top of the list of what residents find most important. For those who may not know, the Village will be repaving Chagrin Blvd., for which we were able to get county funds for that will help defray many of our costs. The Village still has to pitch in money for the project. The Mayor and the Roads and Safety Committee have been trying to get more money from the county for county road repairs. The other two main county roads we are looking at are Jackson Road and Chagrin River Road. He stated that we know they are in bad shape and unfortunately we keep getting turned down for funding. They are hopeful to find a way in our budget,

while still being responsible, to improve those roads for our residents. Not receiving that \$250,000.00 is a lot of money for a small Village. Mr. Spencer stated that he just wanted to make that clear as we do not normally get many residents who attend Council meetings. Mayor Fritz thanked Mr. Spencer for his comments and stated that he is 100% accurate. Moving forward with these two roads and losing \$250,000.00 each for them represents \$500,000.00 of the resident's money that they have to come back for. We just may have to come up with some creative ways to do that incrementally, if we keep being turned down by the county. He stated that they are putting forth a very sincere effort with the county to convince them that these roads meet the criteria. There are already some good ideas on financing options that we can look at moving forward. Mayor Fritz stated that Mr. Spencer's message was that we are on top of it and hear the residents, but we also want to be responsible with taxpayer money.

### **Appointments & Confirmations**

Mayor Fritz stated that Mr. Emerman created the Student Civic Leadership Program. We are proud of his efforts to structure and implement this program to incorporate local students into our local government. One of the members, Joy Utech, will not be here this evening so she will be sworn in next month. The other member of this program is Sofia Dewey, who is here and will be sworn in as a Parks Commission member.

Mr. Emerman gave background on the program, which was just started this year. He stated that they solicited rising juniors and rising seniors who are residents of Moreland Hills. They were selected through an essay process, answering the question "How can local government better meet the needs of your generation." A lot of great responses were received. He is very excited about this program because as Mayor Fritz stated, we not only want to demonstrate civility to students, we want to hear their perspective on it as well. That is how this came about. As they were discussing the Diversity and Inclusion Commission and about hearing different perspectives, we said that we also want to hear from the youth perspective. This program was created to both show the civility and demonstrate it and get that perspective from these students. Joy Utech, the rising junior is not here tonight but she is very excited about being part of this program. Sofia Dewey is the rising senior, who is here tonight. She wrote a fantastic essay and one of the things that stood out to him and that he appreciated is that her essay began talking about the 1960's. She discussed the struggles of that time and the efforts that the youth of that time made to advance those causes. She then went on to talk about important issues of today such as environmental causes. He stated that he feels that is a very mature perspective and one that most people do not grasp until a much older age. It is all about continuous improvement and he was very moved by that. At this time Mr. Emerman asked Miss Dewey to introduce herself and anyone present with her tonight. Miss Dewey introduced her mother and grandmother who were present with her at that meeting.

Mr. Emerman made a motion seconded by Mr. Janke to confirm the Mayor's appoint of Sofia Dewey to the Parks Commission as part of the Student Civic Leadership Program, for a one-year term.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

Mayor Fritz stated that when Mr. Emerman first discussed this program with him, he was against allowing the student members having the ability to vote on the commissions. Mr. Emerman ultimately convinced

him that the student members should have some buy-in. He feels that they are doing just that and giving them a voice.

At this time, Mayor Fritz swore in Sofia Dewey to the Parks Commission.

### **Reports of Committees**

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

The Roads and Safety Committee did not meet on July 5, 2022. The next regularly scheduled meeting is August 2, 2022, at 8:00am.

Mr. Fish made a motion seconded by Mr. Richman to authorize the Village Engineer to develop specifications, and advertise for bids for the painting of the steel retaining walls on Bentleyville Road and Chagrin Blvd. Mr. Fish stated that \$160,000.00 was budgeted for this work. There are two (2) walls on Bentleyville Road and one (1) on Chagrin Blvd.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

#### **Facilities Committee**

The Facilities Committee did not meet on July 5, 2022. The next regularly scheduled meeting is August 2, 2022, at 8:30am.

#### **BZA**

The Board of Zoning of Appeals did not meet on July 11, 2022. The next meeting is August 1, 2022 at 6:00pm.

#### **Planning Commission**

The Planning Commission met on July 11, 2022. Mr. Janke gave a report based on the meeting minutes, which are attached. The next meeting is August 1, 2022 at 6:00pm, following the BZA Meeting.

Mr. Janke informed Council that the Planning Commission held a Public Hearing for Ordinance 2022-32. He reported that there were no residents present at the hearing. There was discussion on the necessity to make these changes but after some clarifications were made, the Planning Commission unanimously agreed to pass it back to Council for approval.

#### **Parks Commission**

The Parks Commission did not meet prior to this meeting. The next meeting is July 18, 2022 @ 6:00pm.

#### **Charter Review Commission**

The Charter Review Commission met on June 20 and June 30 via Zoom and July 7 in-person. Mr. Hanna gave a report based on the meeting minutes, which are attached.

## **ORDINANCES AND RESOLUTIONS**

### **Ordinance 2022-32 (As Amended)- Introduced by Mayor Fritz**

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.

Mayor Fritz stated that this ordinance was placed on first reading last month and was required to be sent to the Planning Commission where they had a Public Hearing. He will ask Mr. Janke to give a summary of what they did at the Planning Commission. Mr. Janke stated that as previously mentioned, there was some discussion surrounding the necessity of making these changes. The way it is currently written, the applicant has to demonstrate that placing panels on the front of the house is more beneficial than on the back. Common sense would dictate that you would not put solar panels where they are not the most productive. Mr. Janke stated that having served on the Planning Commission for four (4) years now, they have never denied a conditional use request for solar panels. He stated that Mayor Fritz did a good job communicating that we want to promote alternative energy sources, so by removing the conditional use requirement, it will make it less difficult and more efficient for residents to do so. Also, now that a lot of those regulations are in the Ohio Building Code, if the applicant is meeting all required criteria, there application can be approved by the Building Department and not have to go before the Planning Commission. Mr. Janke stated that the Planning Commission unanimously approved it and agreed to refer it to Council for approval.

Mayor Fritz stated that no action would be taken on this ordinance tonight. It will be placed on second reading at the August 10 Council meeting and Council will hold a Public Hearing and place it on third reading at the September 7 Council meeting. Council can pass the ordinance on third reading at the Public Hearing; however, we generally do not like to vote the same night if input has been provided by residents in attendance. If no one is in attendance or if everyone present is in support of the ordinance, they may elect to vote that evening.

Mayor Fritz took this time to explain to the residents present the evolution of the conditional use requirement for solar panels and why they are considering removing it.

### **Resolution 2022-37- Introduced by Mr. Richman**

A RESOLUTION APPOINTING A DIVERSITY AND INCLUSION COMMISSION AND DECLARING AN EMERGENCY.

Mr. Richman stated that he is very honored and pleased to introduce this resolution. He gave the background on how this came about with Council opting to “do something” rather than just make statements about issues. After the George Floyd incident, former Councilwoman Monica Sturgis contacted him and Mayor Fritz about actually doing something. Ms. Sturgis went on to provide information from other communities with commissions such as this and he stated that they were excited about the prospect of creating this commission. They spoke to Council about it, created an ad-hoc committee, and did more research of similar commissions/committees.

The draft ordinance establishing this commission was discussed at Council where they received input and suggestions and they did further due diligence when the draft became Ordinance 2021-60, by placing it

on three readings to make sure they were being good stewards and getting input from residents as well. Mr. Richman stated that there were some residents who asked if Moreland Hills has issues and if that is why we were creating this commission. He stated that we do not have issues, however, we do not like the theory “if it’s not broke, don’t fix it.” The thought is that we should always be evaluating and reevaluating ourselves, our community, and the world around us. We want to know if we can be more inclusive and if so, what are ways we can do that and do better. This commission will be charged with providing those suggestions. They can help us to be the change we want to see in our community.

Mr. Richman stated that we have very qualified and excited members of this commission. The following are the new members and their terms:

Michael Krysiak	4 year-term
Betsy Larson	4 year-term
Franzetta Turner	3 year-term
Mary Breininger	2 year-term
Christabel Devadoss	2 year-term
Fadia Hamid	2 year-term
Amy Sancetta	1 year-term
Todd Steele	1 year-term
Lori Urogdy Eiler	1 year-term
Joy Utech	1 year-term (Student Civic Leadership Member)

Mr. Richman made a motion seconded by Mr. Spencer to suspend the rules for Resolution 2022-37.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Emerman for passage of Resolution 2022-37.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

At this time, Mayor Fritz swore in the members of the Diversity & Inclusion Commission who were present at the meeting.

**Ordinance 2022-38- Introduced by Mr. Fish**

AN ORDINANCE AUTHORIZING THE PAYMENT OF AN ADDITIONAL FINAL AMOUNT DUE TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR REPAIR OF THE SLOPE ALONG SOUTH WOODLAND ROAD (SR-81) IN THE VILLAGE OF MORELAND HILLS (PID 108127) AND DECLARING AN EMERGENCY.

Mr. Fish stated that this job was done in 2019. The final cost was \$684,918.00, of which the Village

has already paid \$647,210.00, leaving a balance to be paid of \$37,708.00.

Mr. Fish made a motion seconded by Mr. Spencer to suspend the rules for Ordinance 2022-38.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Fish made a motion seconded by Mr. Spencer for passage of Ordinance 2022-38.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

**Ordinance 2022-39- Introduced by Mr. Emerman**

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH UNITED SURVEY, INC. FOR THE 2021 SEWER REHABILITATION PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Emerman stated that this ordinance would close out the contract for this job. It is an additional 4,205.00. Exhibit A shows the specific items needed that account for the additional cost.

Mr. Emerman made a motion seconded by Mr. Fish to suspend the rules for Ordinance 2022-39.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Richman for passage of Ordinance 2022-39.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

**Ordinance 2022-40- Introduced by Mr. Emerman**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GRADE LINE, INC., FOR THE JACKSON VALLEY FORCE MAIN EXTENSION PROJECT AND DECLARING AN EMERGENCY.

Mr. Emerman stated that four bids were received and the lowest was from Grade Line, Inc. in the amount of \$58,694.00. He stated that while the force main may not be causing the issues, it is better to be proactive to re-route it to another manhole. We are hopeful that it resolves the resident's issues.

Mr. Emerman made a motion seconded by Mr. Janke to suspend the rules for Ordinance 2022-40.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Spencer asked what the resident's response to our actions were. Mr. Emerman stated that the resident was grateful when the backflow preventer was placed, as they were obviously frustrated to have sewer backups.

Mr. Fish asked why spend the money when they are not 100% sure that is the problem. Mayor Fritz clarified that by installing a new force main, it takes all the variables out of it.

Mr. Emerman made a motion seconded by Mr. Fish to go into Executive Session for the purpose of discussing imminent litigation at 8:22pm.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mayor Fritz officially announced that the meeting went back into Open Session at 8:28pm.

Mr. Emerman made a motion seconded by Mr. Janke for passage of Ordinance 2022-40.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

**Ordinance 2022-41- Introduced by Mr. Janke**

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

Mr. Janke stated that there are three items this month; the first is an amendment to current appropriations in the amount of \$2,000.00 for the purchase of a laptop for Council Chambers which was not budgeted for. This purchase is part of the A/V upgrades to Council Chambers, which was budgeted for. The second item is a transfer from the General Fund to the SCMR fund for infrastructure projects; \$800,000.00 has already been transferred to this fund. The third item is the normal transfer from the General Fund to the Police and Fire Levey fund in the amount of \$200,000.00.

Mayor Fritz stated that he does not like overages and he will own the one for the laptop. He stated that it was originally thought that the computer that is currently in Council Chambers would be sufficient to tie into the A/V system but it was not, therefore we had to purchase one that would be compatible.

Mr. Janke made a motion seconded by Mr. Richman to suspend the rules for Ordinance 2022-41.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Janke made a motion seconded by Mr. Spencer for passage of Ordinance 2022-41.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

### **Miscellaneous**

Mr. Janke thanked Mr. Richman for providing the history of how the Diversity and Inclusion Commission came about. He stated that he thought it was important not only for the members of the commission to hear, but for him as well since he only came into the process near the tail end of it. Mr. Richman told Mr. Janke that he appreciated him saying that.

Mayor Fritz stated that he is starting to hear complaints from pockets of neighborhoods about raccoons. They have paid trappers who have trapped 10 raccoons so far. The residents are asking why the Village does not pay for that so he will bring this issue to committee. At that meeting, they can discuss ways to work with a trapper to come up with messaging and a direct mailing to residents, providing them with information about what they can do about this issue.

### **Adjournment**

Mr. Richman made a motion seconded by Mr. Janke to adjourn the Regular Council Meeting at 8:37pm

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

The meeting was adjourned at 8:37pm.

Attest:

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Sherri Arrietta, Clerk of Council

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Ethan Spencer, Council President