

REGULAR COUNCIL MEETING
September 7, 2022
MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Fritz at 7:00 pm, 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; Via Zoom: Jeff Filarski, Village Engineer; Ted DeWater, Service Director; Lt. Todd Dietzel; Paul Kowalczyk, Building Official; Prashant Shah, Treasurer

Mayor Fritz stated that he wanted to let everyone know about the new a/v system. The two pieces of equipment on the ceiling each have 100 microphones in them, so he advised them to be aware of their extra movements, etc., as they are super sensitive and every noise will be picked up on the recording. The camera is located in the back left corner of the room which provides the view of this room when we are live streaming. We are not live streaming tonight as this is a test run, but as promised, our Department Heads are back via Zoom and will be shown on the TV monitors in the room.

Mayor Fritz asked if anyone had any additions or corrections to last month's meeting minutes. Mr. Richman stated that on page 7, second paragraph under Ordinance 2022-50, the word "commission" should be plural.

Mr. Spencer made a motion seconded by Mr. Richman to approve the minutes of the Regular Council Meeting of August 10, 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

None

Public Hearing

Mayor Fritz opened up the Public Hearing for Ordinance 2022-32 at 7:04pm.

Ordinance 2022-32 is 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 explained that this would remove the prohibition of allowing solar panels on the front of the home and the conditional use certificate requirement. This ordinance has been vetted through the Planning Commission and has had two successive readings through Village Council.

He asked Mr. Kowalczyk to go over the changes related to our Code. Mr. Kowalczyk stated that he receives numerous applications for solar panels and every single one of them has been approved by the Planning Commission and Village Council, as is the process of a conditional use certificate. When this ordinance including the conditional use requirement, was originally put in place, there were no State of Ohio requirements as it relates to solar panels. In the last few years, the state has adopted Building Code regulations for solar panels and so a lot of what we had in our ordinance, is the same and therefore he felt it was redundant. Since the State Building Code is required to be followed, we wanted to eliminate those rules in our Zoning Code.

Mayor Fritz asked if any residents present wishing to comment about Ordinance 2022-32 would raise their hand to take an oath from Mr. Hanna. Mr. Nevans, a 25-year resident, was given the oath by Mr. Hanna.

Mr. Nevans stated that he lives on Greentree Road, at the bottom of hill. His house is situated in such a way that the southern exposure faces a hill and a lot of large trees. The groove panels on his house face east and west, and the west faces the street unfortunately, making it impractical to install solar panels, based on the old ordinance. He is pleased to hear that Council will be allowing solar panels to face the street. Mr. Nevans stated that he assumes that this ordinance will also streamline the permitting process as well. Mayor Fritz stated that it would. Mr. Nevans thanked Mayor and Council for moving forward with this ordinance.

Mayor Fritz stated that this ordinance would be voted on under the Ordinances and Resolutions portion of the agenda. He stated that Council agreed that if we had a number of residents in opposition to this ordinance, they would table it to further consider their comments, however, being that we only have one resident in attendance, who is supportive of this ordinance, we can move forward with voting on it tonight as long as Council is comfortable with that. Council agreed.

As no one else was present wishing to speak, Mayor Fritz declared the public hearing closed at 7:10pm.

Reports from the Mayor and Other Municipal Officials

Mayor

Mayor Fritz reported that the retaining wall on upper Giles Road, like the retaining wall on Miles Road that was repaired last year, would be repaired and painted. He stated that Mr. Filarski reported that there was less decay on the Giles Road wall than the Miles Road wall. It will also be painted to match the color of the Miles Road wall.

The Chagrin Blvd. resurfacing project is set to begin September 12 and end November 12. Mayor Fritz passed around a detour map for each Council member. There has been a lot of conversation on social media surrounding this detour. Letters were sent to the affected residents informing them of the detour, as well as being posted on social media. He stated that he also sent the same information to the Quail Hollow HOA to distribute to their residents.

Mayor Fritz reminded everyone to register for the Head for the Hills event. The Parks Commission is doing a great job raising funds and they hope to raise a significant amount to help fund the building of a staircase to the Garfield birth site. The current steps are difficult to navigate, especially for the elderly or orthopedically challenged. The Village would fund one staircase and the Parks Commission the other; one to come down behind the cabin and one to go up to the birth site.

The Village borrowed a speeding sign from Orange Village because ours is broken and needs to be replaced. The sign we borrowed will tell the driver how fast they are going over the speed limit and it also gathers data and records both ways. When we do buy one, we will be able to place it on Bentleyville Road, where there has been a speeding issue and will inform the residents that there will be zero tolerance for speeding. He stated they would budget for this next year (\$5,000).

Hiram House Camp is selling bricks for the new aquatic center. If you wish to purchase one, see their website for more information.

Mayor Fritz stated that the last concert at Lang Pavilion, Opus 216, was outstanding. There were about 70-80 residents in attendance. He decided to use CodeRed to notify the residents of this event because we paid for Opus 216 to perform and it also provided a good opportunity to test the system to make sure it is working, which he would like to do a few times a year.

Mayor Fritz reminded Council to try to respond to emails from Mrs. Arrietta the same day or the next, as it is helpful to her especially when trying to schedule meetings, etc. He stated that this is a minor thing and stated that everyone is going a good job, but he just wanted to remind everyone that if they can, to please respond within 24 hours.

Police

Lt. Dietzel reported that the Police Department has submitted for the second round for funds from the state OCJS last Friday for the seven additional body cams (bringing the total to 20). Mayor Fritz stated that the hope is that the majority of the body cams would end up being paid for by state funding.

Service

Mr. DeWater reported that work continues in the James A. Garfield Birth Site Park area. They are clearing brush, preparing for some improvements. The Service Department is working on several drainage projects throughout the Village. He stated that the new mechanic has begun working on winter equipment. Mayor Fritz thanked Mr. DeWater for all the extra work at the birth site; he knows that Maureen Geck is ecstatic about it.

Engineer

Mr. Filarski reported that the detour for the Chagrin Blvd. project would stay in the same direction for west bound traffic for the entire project. He stated that they do not want to switch it up half way through the project. The project should take less time to finish as long as the weather stays dry. The 2022 Asphalt Program will be wrapping up next week with burning and landscaping.

Finance

Mr. Shah reported that income tax is up 7% at this point, and the work from home income adjustments affecting other communities, do not seem to be impacting Moreland Hills. Next week they will be sending in the annual special assessments for the sewer capital and maintenance. The revenue is pretty stable, with a few commercial properties added, which will bring in a little more.

Mayor Fritz thanked the Department Heads for their input and stated that he appreciated them being at the meeting and excused them from the meeting at this time. He apologized to Council for some of the sound issues but informed them that it will be fixed with the installation of a new sound bar and brackets.

Mr. Richman stated that even though Chagrin Blvd. is going to be a temporary inconvenience, he feels that it is a good example of the persistence of Mr. Filarski, Mayor Fritz, Council and former Mayors and Council getting done what needs to be done.

Mayor Fritz stated that Armond Budish is making the District 6 residual ARPA funds available to County Council members to distribute to their communities how they see fit. Everyone is doing it in a different way. Jack Schron, Cuyahoga County Councilman, is asking that each community submit a project up to \$250,000. There will be two rounds vetted by a committee. Mayor Fritz stated that he would be part of the committee along with other Mayors and some residents; Mayor's cannot grade their own projects. By far this is the most intricate process. Chagrin Valley Engineering submitted two applications 8 days before the deadline; however, we received an email that they were going to extend the deadline so other communities could apply. Mayor Fritz stated that he reached out to Jack Schron letting him know that it was unfair and he did end up recanting and kept the original submission date, which means we will be competing against less people.

Reports of Committees

Roads and Safety Committee

The Roads and Safety Committee met on August 30, 2022. Mr. Fish gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is October 4, 2022, at 8:00am.

Mr. Fish made a motion seconded by Mr. Spencer to allow the Village Engineer to develop specifications and advertise for bids for the 2022 Culvert and Drainage Program.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Facilities Committee

The Facilities Committee met on August 30, 2022. Mr. Richman gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is October 4, 2022, at 8:30am.

BZA

The Board of Zoning of Appeals met on August 29, 2022. Mrs. Kozminski-VanderHart gave a report based on the meeting minutes, which are attached. The next meeting is October 3, 2022 at 6:00pm.

Planning Commission

The Planning Commission met August 29, 2022, immediately following the BZA meeting. Mr. Janke gave a report based on the meeting minutes, which are attached. The next meeting is October 3, 2022 at 6:00pm, following the BZA Meeting.

Parks Commission

The Parks Commission met on August 15, 2022 at Lang Pavilion. Mr. Janke gave a report based on the meeting minutes, which area attached. The next meeting is September 19, 2022 at 6:00pm.

Approval of bonds, Contracts, Plats, Etc.

None

ORDINANCES AND RESOLUTIONS

Ordinance 2022-32 (Third Reading)- 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 thanked Mr. Nevans for coming and expressing his feelings on this ordinance. She stated that since this has been discussed at length numerous times, she is not going to give any further explanation of this ordinance.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Richman to place Ordinance 2022-32 on Third Reading and to adopt.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mayor Fritz thanked everyone and stated that it was a long road. When he became Mayor, he really wanted to get this done as he feels that words do matter. Mr. Richman was always against the front facing prohibition and made it known at the time. He stated that he too was against it and wished that he would have spoken up at the time, so he wanted to make it right. There were good faith efforts by the former mayor and Planning Commission along with the fact that the requirements were not ingrained into State Code at the time.

Ordinance 2022-45 (Second Reading)- Introduced by Mr. Richman

AN ORDINANCE AUTHORIZING THE INSTALLATION, MAINTENANCE AND REPLACEMENT OF A SANITARY SEWER FORCE MAIN IN PORTIONS OF SOUTH LANE AND CHAGRIN BOULEVARD, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FIXING THE TERMS AND CONDITIONS THEREOF, AND DECLARING AN EMERGENCY.

Mr. Richman stated that this ordinance was placed on first reading last meeting because we did not have the agreement last month, but they do have it now. He summarized the agreement for Council. The homeowner wants to connect to the sanitary sewer on Riverstone, which is the closest one. This will be done at the property owner’s own expense.

Mr. Richman made a motion seconded by Mrs. Kozminski-VanderHart to place Ordinance 2022-45 on Second Reading.

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 Mrs. Kozminski-VanderHart to suspend the rules for Ordinance 2022-45.

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. Janke to adopt Ordinance 2022-45.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2022-56- Introduced by Mr. Fish

AN ORDINANCE AUTHORIZING THE MAYOR TO APPLY TO THE OHIO PUBLIC WORKS COMMISSION FOR A POTENTIAL GRANT FOR THE FUNDING FOR CAPITAL INFRASTRUCTURE IMPROVEMENT PROJECTS IN THE VILLAGE OF MORELAND HILLS AND DECLARING AN EMERGENCY.

Mr. Fish stated that as previously discussion, to repair Jackson Road it will cost \$600,000 and Chagrin River Road, \$905,000, therefore this application to the state is an attempt to get 50% of those repairs paid for; 25% by grant 25% by zero percent loan.

Mr. Fish made a motion seconded by Mr. Richman to suspend the rules for Ordinance 2022-56.

ROLL CALL:

AYES: Mr. Emerman, 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 2022-56.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Resolution 2022-57- Introduced by Mr. Janke

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER.

Mr. Janke stated that this resolution sets the tax rate in mills for properties in Moreland Hills. The total

millage is 10.3 mills as allowed by the Charter. The tax rates are based on the tax budget that is submitted in July every year.

Mr. Janke made a motion seconded by Mr. Emerman to suspend the rules for Resolution 2022-57.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Janke made a motion seconded by Mrs. Kozminski-VanderHart for passage of Resolution 2022-57.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2022-58- Introduced by Mr. Emerman

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

Mr. Emerman stated that there are three proposed additional appropriations this month. The first one is for an engineering study. The Engineer's time is normally billed out to projects but there is also a line item for work not associated with a particular project. This is for such work, which is a GIS project mapping out storm sewers. \$600.00 is needed to finish the project, however, we are appropriating \$2,000 so we do not have to come back for another appropriation if there is another general engineering fee. The second appropriation is for the Law Enforcement Trust, which consists of funds obtained through drug busts, etc. \$4,000.00 is being proposed for a car radio for the detective (he currently uses a handheld radio). The last appropriation is for \$5,000.00 for Village Park improvements for the trifold sign that the Parks Commission is donating.

Mr. Emerman made a motion seconded by Mr. Janke to suspend the rules for Ordinance 2022-59.

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. Janke for passage of Ordinance 2022-59.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Miscellaneous

Mr. Emerman stated that when Mayor Fritz was commenting about the speeding issue earlier, he stated that there was to be zero tolerance for speeding. He stated that he feels that he should be careful using the term “zero tolerance” and just wants it to be communicated right. Mayor Fritz agreed that “zero tolerance” may have been strong as that is not what he meant; he will be sure to word it better. Mr. Emerman stated that perhaps “strictly enforced” would be better. Mayor Fritz stated that he feels that messaging is important and assured him that it will be carefully messaged.

Mayor Fritz stated that to date, we have collected \$1700.00 for the rental of the pavilion and there are more to come in the next month or two. Mr. Janke stated that he rented it for his sons’ birthday party and he would encourage everyone to use it if they have the need to. It was amazing and the kids had a great time.

Mr. Spencer reminded everyone that the Green Commission, with the help of the Service Department, would be holding their “More in the Hills” event on September 15, to talk about recycling and preparing for Greening the Hills, which is Saturday, September 17.

Mayor Fritz notified Council that the Employee Clambake date has been changed to October 15.

Adjournment

Mr. Janke made a motion seconded by Mr. Fish to adjourn the Regular Council Meeting at 8:19pm

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 8:19pm.

Attest:

Sherri Arrietta, Clerk of Council

Ethan Spencer, Council President