

REGULAR COUNCIL MEETING
April 13, 2022
MINUTES

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

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

ABSENT: Mr. Richman

Also Present: William Hanna, Law Director; Sherri Arrietta, Clerk of Council; Courtney Guzy, Executive Director of Hiram House Camp

Mayor Fritz made a motion seconded by Mr. Janke to approve the minutes of the Regular Council Meeting of March 9, 2022.

ROLL CALL:

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

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 reported that work continues in Village Park and he passed out pictures of the current progress. The Service Department has been very busy and point out the completion of one patio and the other that is about three-quarters done, depicted in the pictures. There are planters in sandstone at the east of those patios. Service continues to work on patios, plantings, the path to the trailhead, and fencing, which will be installed next week around the gas well and rubbish area. The dedication stone is scheduled to be installed this weekend and a Boy Scout troop will be making picnic table repairs next weekend. The Service Department is doing a good job while juggle all the other responsibilities in the Village.

Mayor Fritz stated that when concerns come to him from residents, Mr. Spencer had expressed a desire for him to bring them forth to Council. He stated that he does do that, especially, when he notices an uptick. Recently, there has been some concern of litter in the right of way on some streets. The Service Department takes care of the major streets (county routes) and sometimes non-violent county offenders do so as well. The pocket neighborhoods are another thing. He and his wife walked his neighborhood and cleaned up about 40 pounds of trash. Several residents are interested in organizing a cleanup effort, so on May 14 we are going to have a Neighborhood Beautification Day, which has been messaged on social media. We will arrange for the Service Department to pick up the bags of collected litter on Monday, May 16. He stated that we are also going to ask that the residents take a creative picture of their cleanup efforts and submit it to us and one winner will get a gift card. Mayor Fritz asked Council to help spread the word about that day.

Mayor Fritz asked Ms. Guzy that if she is interested in cleaning up the long stretch on Hiram Trail, and if so, he could loan her some people to help. Ms. Guzy stated that what she notices on Hiram Trail is that after trash pick-up, some things are blown around and across the road. She stated that also it seems that mailmen are not closing the mailboxes and mail is getting blown around as well. Mayor Fritz stated when the rubbish cans are tipped and have loose garbage in them (which they should not have – it should all be bagged) those items will blow around. He stated that he would send out a reminder email about that. Mr. Emerman informed Council that there has been an uptick in littering across the state and so they have created an anti-littering campaign. Mr. Janke stated that he has received some comments and concerns about logs in the right of way, heading down Chagrin Blvd. Mayor Fritz stated that he has received them too and has reached out to Mr. DeWater who will take care of it.

Mayor Fritz stated that another issue he has gotten quite a few comments on is noise pollution, specifically blowers and weed whackers. The issue is not the time frame that is spelled out in the ordinances, the issue is the noise itself. Therefore, if we were to consider to amend the ordinance again, it will not make a difference because the noise is throughout the day. He stated that he purchased a combination blower and weed whacker that are battery powered, which work well and are so much quieter. He stated that he will be looking at some options to incentivize that to the residents. His plan is to have a “*More in the Hills*” event to show the difference between gas powered and battery powered equipment. He stated that he is also looking at some test neighborhoods to message them to encourage the use of battery powered equipment.

Mayor Fritz reported on the Cuyahoga County Mayors and Managers meeting he attended. There are a few bills in the Senate and the House that should be on their radar. House Bill 519 drastically reduces the amount of fees municipalities can collect for delinquent taxes, which is prohibitive to municipalities. House Bill 512 relates to the Police and Fire Pension Fund. Chagrin Falls Fire Department would not be affected in contract costs, but our Police Department would as they are with the state. The purpose of this bill is to bring everyone up to 26.5%, which is our contribution to the fund. Currently, the police are at 19.5%. Over the five-year period, we would go from a 1.3 million dollar liability, to 1.63 million. This would cost us around \$300,000 if it passes. Obviously, there was some opposition from the mayors. Senate Bill 277 would reduce the cost of regular gas by 10.5 cents per gallon and 20 cents per gallon for diesel. Several years ago, we received significant funding for our roads from the gas tax, so this would be a reduction of those funds for our roads.

Mayor Fritz wished Councilman Fish a happy birthday, which is today. He stated that department heads will be back next month and he is working to get the second quote for the virtual meeting option for the future.

Mayor Fritz made a motion seconded by Mrs. Kozminski-VanderHart to amend the agenda to skip ahead to number 8 Approval of Bonds, Contracts, Plats, Etc., in the interested of Ms. Guzy’s time.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Approval of Bonds, Contracts, Plats, Etc.

Hiram House Camp

33775 Hiram Trail

Modifications of Conditional Use –
Allow Use of Access Road by Orange School District

Mrs. Kozminski-VanderHart gave Council some background on this issue. Hiram House Camp and Orange Schools came up with an agreement for this access drive to be used to alleviate traffic on the school's campus. There was too much traffic on Hiram Trail and the access road so ultimately their remedy was an amendment created to this easement in August 2021 that allowed for only buses going in to utilize the access road. That agreement will expire this coming August. They both came to the Planning Commission on April 4, to discuss a more permanent conditional use agreement for that roadway so that the buses can continue to use that. There were several residents in attendance who had concerns, some of which had already been addressed by the amendment to the easement. The commission listened to their concerns and it was agreed that the schools need an alternate traffic route, and to find the best way to do so. One of the main things that came up was whether or not the school had looked at any other alternatives other than the use of the access road. Since nothing had been looked into on their part, the commission decided to include that as a condition of their recommendation of approval to Council.

Mrs. Kozminski-VanderHart asked Ms. Guzy to add any details she may have missed. Ms. Guzy did not have any.

The Planning Commission voted to approve a temporary modification of the Hiram House Camp Conditional Use Certificate to allow use of the access road by the Orange School District contingent upon seven conditions:

- to be used by Orange City schools as ingress only
- to only be used during the hours of 7-9am and 2-4pm (drop-off and pickup)
- to only used by Orange school busses; no vehicular traffic
- the gate (at the Orange Schools end of the roadway) should be locked at end of the time frames
- prohibitions from SOM Center Road should be adhered to
- Orange City Schools are required to present results of a circulation study for the alleviation of traffic issues on campus, without considering the access drive as an option. The study is to be presented by May 1, 2023
- the temporary modification expires on the last day of the 2022-2023 school year

Mr. Fish asked who pays for the access road. Ms. Guzy stated that there is a private agreement that the school will maintain any patching or pavement repair and plowing as needed for emergency access. Mrs. Kozminski-VanderHart stated that Dr. Campbell noted that the cars were actually causing more damage than the buses because of the starting and stopping associated with the pick-up and drop-off process as well as the sheer number of them.

Mr. Emerman asked about emergency access if the gate is locked; he feels that would defeat the purpose of emergency access. Mayor Fritz stated that the fire department has a key to open the gate or if needed, they could cut it open. Mr. Emerman asked if that could potentially slow down an ambulance getting through. Mayor Fritz stated that they could do it very quick with cutters. The chain is more to discourage, so it is no necessarily hard to cut through quickly. Same with the key, it would not take long to unlock.

Mr. Emerman asked if busses were going in and out. Ms. Guzy stated that they were only supposed to be going in, but some bus drivers were not following that and were caught. Mayor Fritz stated that the Police Department did record the counts on two different occasions. Early on they were doing both and there were about 50 cars using the drive as well. When they made the agreement to impose ingress only for buses only, those counts went down to one or two. As Mrs. Kozminski-VanderHart stated previously, the majority of the residents' concerns have been alleviated.

Mr. Emerman asked if after they conduct the traffic study, are they going to want both ingress and egress access. Mrs. Kozminski-VanderHart stated that the traffic study would not include that road as they are looking at any other options. The access road cannot be considered in this study as an option. She stated that before this expires, if the schools are still interested in pursuing this, they would need to come back to the Planning Commission. Mayor Fritz stated that cost would also weigh into the discussion as well if the solutions were to be a lot of money.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Janke to approve the temporary modifications to the Conditional Use Certificate for the access road by Orange City School District until the end of next school season (2022-2023) with the seven additional conditions listed above.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

REPORTS OF COMMITTEES

Roads and Safety Committee

The Roads and Safety Committee met on April 5, 2022. Mr. Fish gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is May 3, 2022, at 8:00am.

Facilities Committee

The Facilities Committee met on April 5, 2022. Mr. Emerman gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is May 3, 2022, at 8:30am.

BZA

The Board of Zoning of Appeals did not meet in April. The next meeting is May 2, 2022 at 6:00pm.

Planning Commission

The Planning Commission met on April 4, 2022. Mrs. Kozminski-VanderHart gave a report based on the meeting minutes, which are attached. The next meeting is May 2, 2022 at 6:00pm, following the BZA Meeting.

Parks Commission

The Parks Commission met on March 29, 2022. Mr. Janke gave a report based on the meeting minutes, which are attached. The next meeting is April 18, 2022 @ 6:00pm.

ORDINANCES AND RESOLUTIONS

Ordinance 2022-14 – Second Reading - Introduced by Mrs. Kozminski-VanderHart

AN ORDINANCE AMENDING SECTION 1519.04 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS TO PROHIBIT THE DISCHARGE, IGNITION, OR EXPLOSION OF FIREWORKS ON CERTAIN DAYS EACH YEAR.

Mr. Hanna stated that a number of communities have taken action to ban the discharge of fireworks. The new State Law changes a few things, including specifying dates on which fireworks can be discharged, unless we opt out. There is also an opt-out ability to restrict the discharge, explosion, and firing of fireworks, but it does not specify the possession of fireworks. Since they can now be legally possessed in Ohio, there is an argument that the decision of the General Assembly not to specify possession of something municipalities can ban, means you cannot ban it. So currently, the draft before Council says that people are prohibited from possessing 1.3g or 1.4g fireworks, but his suggestion is to consider to remove that provision entirely. He stated that might be something they would want to discuss at Committee of the Whole before the third reading.

Mrs. Kozminski-VanderHart went over the additional language that Mr. Emerman suggested to add. In Section 1(b), the word “including” should be added so that the end of the sentence would read, “including on any of the dates set forth in Ohio R.C. 3743.54(b).” She pointed out that she found that even though it calls out ten specific dates, it actually includes more than that because it includes Memorial Day weekend, July 3-5 and the Fridays through Sundays preceding and following those days, and Labor Day weekend.

Mr. Fish stated that he read that they are adding a 4% tax on the fireworks sales and all that money would go to fire departments for training. He stated that he has not heard that mentioned in their discussions so he did not know if that is what they were trying to do. Mayor Fritz stated that he had not heard that but he would guess, if that happens to be the case, that it will go to a state grant program, which can be applied for.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Janke to place Ordinance 2022-14 on second reading, as amended.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2022-18- Introduced by Mr. Janke

AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES.

Mr. Janke stated that this ordinance allows us to adopt replacement pages that allow our Codified Ordinances to conform to Ohio State Law, as well as incorporating various ordinances of a general and permanent nature that were passed by this Council last year (swimming pool ordinance, paid holidays, appointment of a full-time police officer, and Diversity & Inclusion Commission).

Mr. Janke made a motion seconded by Mr. Fish to suspend the rules for Ordinance 2022-18.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Janke made a motion seconded by Mr. Spencer for passage of Ordinance 2022-18.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Emerman recused himself at 8:04pm.

Resolution 2022-19- Introduced by Mrs. Kozminski-VanderHart

A RESOLUTION OPPOSING HOUSE BILL 563, CURRENTLY BEING CONSIDERED BY A COMMITTEE OF THE OHIO HOUSE OF REPRESENTATIVES, WHICH PROPOSED TO LIMIT LOCAL REGULATION OF SHORT-TERM RENTAL PROPERTY.

Mrs. Kozminski-VanderHart stated this resolution is to oppose House Bill 563, which states that local municipalities cannot put restrictions on local short-term rental properties. This resolution will allow the Village to state that this would infringe on our home rule powers provided by the state constitution. The Village is against this bill and wants to encourage the Ohio General Assembly to oppose the referral of this bill and deny its passage.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Fish to suspend the rules for Resolution 2022-19.

ROLL CALL:

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

NAYS: NONE

ABSTENTION: Mr. Spencer

NOT VOTING: Mr. Emerman

MOTION CARRIED

Mr. Spencer stated that he feels that this is the state's attempt to protect small businesses and protect entrepreneurs. He thinks that the Village has proper regulations in place already that allow rental properties to be managed properly and we have proper authority to shut down any activity that is improper. He stated that he does not find this resolution necessary.

Mr. Janke stated that he agrees with Mr. Spencer but he feels that it is more of a challenge to home rule than anything. Mr. Spencer stated that he does recognize the balance between home rule and commerce.

Mrs. Kozminski-VanderHart stated that she stands where Mr. Janke does. She feels they need to hold onto that home rule. This resolution just states their position and that they are concerned about what it means for home rule, so she feels it should be adopted.

Mayor Fritz stated that he disagrees with Mr. Spencer, but his opposition is based on intelligence and he appreciates and respects that. He stated that he sees it as a home rule issue, so they need to fight back with whatever means necessary. In this case, it is just a resolution, but it still means something. The Village does have ordinances that can address some rental issues, however that is why he supports this resolution because what better entity to decide that, than the municipality itself with their own regulations. He feels that this is better left in the hands of local legislators, who are intelligent enough to make these decisions.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Fish for passage of Resolution 2022-19.

ROLL CALL:

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

NAYS: Mr. Spencer

ABSTENTIONS: Mr. Emerman

MOTION CARRIED

Ordinance 2022-20- Introduced by Mr. Spencer

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PERPETUAL EASEMENT FOR HIGHWAY PURPOSES AND A TEMPORARY CONSTRUCTION EASEMENT FOR THE USE AND BENEFIT OF THE OHIO DEPARTMENT OF TRANSPORTATION.

Mr. Spencer stated that this ordinance allows the Ohio Department of Transportation (ODOT) to have an easement to access a culvert off South Woodland Road that they need to repair. The temporary easement is for the construction portion for the repair to the culvert and the permanent easement is to get access to maintain it over time. Our Village Engineer supports this and we will get \$7,300 to do this.

Mr. Spencer made a motion seconded by Mrs. Kozminski-VanderHart to suspend the rules for Ordinance 2022-20.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Spencer made a motion seconded by Mr. Fish for passage of Ordinance 2022-20.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2022-21- Introduced by Mr. Spencer

AN ORDINANCE AUTHORIZING CHANGE ORDERS NO. 1 AND 2 WITH C. CRUMP, INC. FOR THE VILLAGE COMPLEX STREAM EROSION CONTROL PROJECT.

Mr. Spencer stated that one change order is for an additional cost due to more stone that was required for

certain banks. The other change order is for a reduction of cost due to the final reconciliation of the project resulting in a total net decrease of \$400.

Mr. Spencer made a motion seconded by Mrs. Kozminski-VanderHart to suspend the rules for Ordinance 2022-21.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Spencer made a motion seconded by Mrs. Kozminski-VanderHart for passage of Ordinance 2022-21.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2022-22- Introduced by Mr. Fish

AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) 2022 GMC 2500 CREW CAB PICK-UP TRUCK FOR THE SERVICE DEPARTMENT FROM JUNCTION AUTO.

Mr. Fish stated that this ordinance is for the Service Department to replace a 2008 truck. An ordinance for this was approved last April but the purchase was postponed. After reaching out to several dealers, only one offered a quote and it was under budget, in the amount of \$42, 945.00.

Mr. Fish made a motion seconded by Mr. Spencer to suspend the rules for Ordinance 2022-22.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Fish made a motion seconded by Mr. Spencer for passage of Ordinance 2022-22.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2022-23- Introduced by Mr. Fish

AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) 2022 GMC 2500 REGULAR CAB PICK-UP TRUCK FOR THE SERVICE DEPARTMENT FROM JUNCTION AUTO.

Mr. Fish stated that this ordinance would allow the Service Department to replace 2010 truck, at a cost of \$40,240.00.

Mr. Fish made a motion seconded by Mr. Emerman to suspend the rules for Ordinance 2022-23.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Fish made a motion seconded by Mr. Emerman for passage of Ordinance 2022-23.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2022-24- Introduced by Mr. Fish

AN ORDINANCE AUTHORIZING PARTICIPATION BY THE VILLAGE OF MORELAND HILLS IN THE ODOT ROAD SALT CONTRACT AWARDED IN 2022.

Mr. Fish stated that we are required to renew our contract for salt before April 29. The amount was increased this year from 2200 tons to 2800 tons and we are agreeing to buy 90% of that amount over the next year.

Mr. Fish made a motion seconded by Mr. Emerman to suspend the rules for Ordinance 2022-24.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Fish made a motion seconded by Mr. Spencer for passage of Ordinance 2022-24.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2022-25- Introduced by Mr. Emerman

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR THE MILE ROAD-NORTH FORK DRIVE CULVERT REPAIRS PROJECT.

Mr. Emerman stated that many of the municipalities that NEORS D serves have combined sewer systems (both storm water and sewage). The problem with that is when it rains a lot, it overwhelms the system. Combined systems overflow when a major rain event occurs and it bypasses the treatment system, going directly into Lake Erie. A storm water fee is paid to NEORS D by each resident since we are a member community. We do not have a combined system in Moreland Hills; our storm water goes into the Chagrin

River or Willey Creek. NEORS D takes that stormwater fee, and they have a program where they will fund it back to us for certain cost share improvements. This ordinance will allow for an agreement to take \$30,000 from NEORS D (from the stormwater fee paid by our residents) to contribute back to this project. This project was already approved as part of the culvert and drainage program.

Mr. Emerman made a motion seconded by Mr. Fish to suspend the rules for Ordinance 2022-25.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Emerman made a motion seconded by Mrs. Kozminski-VanderHart for passage of Ordinance 2022-25.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2022-26- Introduced by Mr. Emerman

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

Mr. Emerman stated that there are four items for additional appropriations this month; three of which are for the House on the Hill Fund, which is all related to the work that the Service Department is doing at the pavilion (patio, fence, etc.). Mr. Shah mentioned that it is important to account for this because it is funded in part by Capital Budget and Natureworks grant funds. There was an advance to the House on the Hill Fund from the General Fund. These grant funds are reimbursed so we need to put the money in the House on the Hill Fund, pay it and then apply for reimbursement which will be returned to the General Fund once received. He stated that there is a \$5,000 appropriation for Village Park improvements, which is for things like the Head for the Hills event. The Parks Commission is already planning for that, so once the fees are collected, it will offset that expenditure.

Mr. Emerman made a motion seconded by Mr. Fish to suspend the rules for Ordinance 2022-26.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Spencer for passage of Ordinance 2022-26.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2022-27- Introduced by Mr. Janke

AN ORDINANCE ENACTING A NEW CHAPTER 1523 OF THE FIRE PREVENTION CODE, “OPEN BURNING, RECREATION FIRES, AND PORTABLE OUTDOOR FIREPLACES” AND REPEALING SECTION 521.12 OF THE HEALTH, SAFETY, AND SANITATION CODE, “OUTDOOR FIRES.”

Mr. Janke stated that this was slated to go on three readings, however he discussed with Mr. Spencer the possibility of passing it today. Council may want to consider that because it is getting nicer out and residents will want to have fires and it will also will make it easier for the Police Department to know sooner what they will have to enforce when it comes to recreational fires. He stated that this does not seem like a controversial topic but he would like to discuss that now.

Mr. Spencer stated that it is actually loosening the regulations and setting clearer boundaries. He sums it up as residents can have a fire, but should be safe, use seasoned firewood and not be a nuisance to their neighbor. Mayor Fritz stated that most of the concerns that are expressed to him would be residents complaining about smoke coming into their yard. Chagrin Falls drafted an ordinance that we wanted ours to be close to. Mr. Hanna took that concern of excessive smoke and further defined it with the additional requirement of seasoned firewood. Mr. Hanna stated that it is consistent with the Chagrin Falls ordinance so the enforcement issues should be the same. Mayor Fritz stated that he agrees that they should move quicker on this one in light of the upcoming season, but that is Council’s decision to make.

Mr. Janke stated that Section 521.12 does allow for open fires but requires a permit from the Police Chief. Our attempt is to define rules that will allow residents to have fires without obtaining a permit. This would replace the old section by enacting a new Chapter 1523 of the Fire Prevention Code. Exhibit A does a great job of defining different scenarios and defines what a recreational fire is, what seasoned firewood is, the size of the fire pits, and the required distance from a house, etc. It allows the Police Department to order the extinguishment of any fire if deemed hazardous to public safety. Mr. Hanna clarified that this will not become effective until 30 days after it is passed.

Mr. Janke made a motion seconded by Mr. Emerman to suspend the rules for Ordinance 2022-27.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Janke made a motion seconded by Mr. Spencer for passage of Ordinance 2022-27.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

MISCELLANEOUS

Mr. Emerman stated that the Student Civic Leadership Program advertisement is going out on April 15. He is shooting to get it done by the end of May (essays are due May 15). Please let him know if anyone want to help score the essays.

Mr. Spencer stated that he spoke to Ms. Sturgis yesterday. She is doing well, and is hoping to come to the pavilion dedication on May 7.

ADJOURNMENT

Mr. Janke made a motion seconded by Mr. Fish to adjourn the Regular Council Meeting at 8:44pm

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

The meeting was adjourned at 8:44pm.

Attest:

Sherri Arrietta, Clerk of Council

Ethan Spencer, Council President