

ORGANIZATIONAL-REGULAR COUNCIL MEETING  
January 5, 2022  
MINUTES

The Organizational-Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Fritz at 7:00pm, in the Village Council Chambers.

Mayor Fritz began the meeting by presenting a proclamation to the Chagrin Falls Lady Tigers Soccer Team for winning the State Championship. Co-Captains Pamela Malone and Joe Ciuni and Team Co-Captains Peyton Gellin and Sarah Burgess were present to accept the proclamation.

At this time, Mayor Fritz swore in new Councilmembers Thomas Fish and William Janke.

PRESENT AT ROLL CALL: Mr. Emerman, Mr. Fish, Mr. Janke, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer (present via telephone; unable to vote)

Also Present: William Hanna, Law Director; Sherri Arrietta, Clerk of Council

Mayor Fritz stated that the first order of business is to approve the minutes from the December 8, 2021 meeting. He reminded Council that according to Roberts Rules, if a member was not at the last meeting they could abstain, but they can also vote to approve the minutes with the understanding that they have faith that they are accurate. Therefore, it is up to Council how they want to handle it but it may help for everyone to vote in order to establish a quorum to approve the minutes.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Fish to approve the minutes of the Regular Council Meeting of December 8, 2021.

ROLL CALL:

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

NAYS: None

ABSTENTIONS:

MOTION CARRIED

**Resident Comments:**

There were no residents present wishing to speak.

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

**Mayor**

Mayor Fritz gave an update on the Village COVID protocols. He stated that they have been updated to require KN95 or N95 masks to be worn in all Village buildings. All department Heads and employees have been notified and we have ordered masks that will be made available to employees if they do not have their own. This change was made in response to leading health organizations and agencies stating that with the increased virility of the Omicron variant, it makes more sense to step up the masking. We have taken that advice and incorporated into our guidelines here.

He stated that we do have a new order of limited home tests kits for employees only; we are not providing them to residents at this time. It was implied by the way it was worded in the newspaper that we were providing them to residents, which was incorrect. We are at a point where it is crucial to our operations so we cannot give them out to residents. We are receiving the tests from the Department of Health specifically for internal municipal services.

Our COVID dashboard has a few changes; Administration went from one positive to two; Service Department went from two positives to three. Our total exposures requiring employees to quarantine outside of work went up from ten to thirteen. Our current vaccination rate is 68% amongst Village employees. Comparatively, our numbers look good. He stated that we are still using the 7/10 rule for exposures, and have not employed the new 5/10 protocol recommended by the CDC. Mayor Fritz stated that copies of the Village COVID protocols are available if Council needs them.

Mayor Fritz gave an update from the Building Department. The following numbers were provided to him by Mr. Kowalczyk and reflect permit and inspection amounts for 2019, 2020, and 2021:

Permits Issued -	2019 =	593
	2020 =	587
	2021 =	715
Inspections	2019 =	949
	2020 =	1025
	2021 =	1297

He stated that Mr. Kowalczyk feels that 2022 will surpass 2021, so our small Building Department is very busy.

Mayor Fritz reported that the lights were installed in the pavilion today and they look outstanding. He stated that it is exciting to see all the hard work that the Service Department has been doing. They have also started planting some of the donated Christmas trees today. We will also be getting some of those trees in the Spring from residents that wanted to donate one, but did not want to buy the live Christmas tree. The trees are being planted on a mound that is being created to shield the gas well from view and to create some screening between the neighbors to the north as well.

Mayor Fritz gave a coyote update. During this time of year through March, coyotes start to come out. He stated that he met with Judy and Ron Neuger, resident who live in the area by Jackson and Chagrin River Road. They have contacted him regularly about messaging and Mrs. Neuger attended a coyote webinar with him. Together they came up with some ideas surrounding messaging. We will be making a Google document with a link that we can share with the residents to fill out if they see a coyote and whether it exhibited aggressive behavior, etc. The Village has absolutely no goals of doing any harm to these animals as it is about cohabitation with them, not removal. He stated that he is strongly entrenched in that approach; some residents are not. That goes against all the guidance from the ODNR and the webinar he attended. They both explain that culling is an exercise in futility. If they are removed by force, new coyotes will come and inhabit the area. Our messaging will include that attacks on humans are very rare. ODNR officials stated that in their decades of service, they were only aware of a few aggressive attacks on humans and in those cases, the coyotes were rabid. This form will also highlight something that

residents can do to prevent coyotes from coming into their yard as well as helping us to identify what areas they are in, in case we do have some that are aggressive.

Mayor Fritz stated that he has been sharing the information on Fire/EMS runs with Mr. Richman and Mr. Spencer, but if Council would like, he could share them with all members. He reported that in the month of December, there were 28 runs (down from the usual number in the thirties). It was determined that Council would like the Mayor to send them a copy each month.

### **Appointments and Confirmations**

Mayor Fritz stated that he would hand off this portion of the meeting to Mr. Richman.

Mr. Richman stated that is the organizational portion of the meeting. After checking with Mr. Hanna, a Council member does not need to be present to be nominated and appointed. The first two appointments are to be made by the Mayor and confirmed by Council.

Mayor Fritz stated that Robin Cooper is up for reappointment as a resident member of the Planning Commission for a six-year term. However, Mrs. Cooper has expressed her interest to leave this position. She has served greatly and he has been happy to work with her with her insight, suggestions, and ability to work with others. Mrs. Cooper has agreed to stay on for a few months while we find another resident member who will then fill in and serve for the remainder of this six-year term.

Mayor Fritz asked Council to confirm his re-appointment of Robin Cooper to serve on the Planning Commission for a six-year term, ending December 31, 2027.

Mr. Richman made a motion seconded by Mr. Janke to confirm the re-appoint of Robin Cooper to the Planning Commission for a six-year term.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mayor Fritz stated that he reached out to Council for suggestions for a resident member of the Planning Commission. He stated that he received a very enthusiastic phone call from Mrs. Kozminski-VanderHart about her neighbor and friend, Kris Etzel. He asked Council to confirm his appointment of Kris Etzel to the Planning Commission for a four-year term, finishing William Janke's term, ending December 31, 2025. She has a background in interior design, and an interest to get involved in the community. He stated that he looks forward to getting to know Ms. Etzel better and thanked her for stepping up to serve.

Mr. Richman made a motion seconded by Mrs. Kozminski-VanderHart to confirm the appoint of Kris Etzel to the Planning Commission for a four-year term; finishing Mr. Janke's term ending December 31, 2025.

ROLL CALL:

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

NAYS: NONE

**MOTION CARRIED**

At this time, Mayor Fritz swore in Kris Etzel as a Planning Commission member.

Mr. Richman stated that the next order of business is to elect a Council President for 2022.

Mr. Emerman nominated Mr. Spencer to serve as Council President for 2022.

There being no other nominations, Mr. Richman declared nominations closed.

Mr. Richman stated that the nomination on the floor is for Mr. Spencer to serve as the Council President for 2022.

Mr. Richman read the following statement from Mr. Spencer, "I am sorry that I cannot be at the Organizational Meeting. If nominated as Council President, I would like to thank my fellow Council Members for considering me for Council President and to especially thank Steve Richman, our Council President for the last two years for his service. It would be an honor to serve and if elected I will do my best to live up to the example he set by being prepared, informed, and efficient when conducting Council business. Thank you."

Mr. Janke made a motion seconded by Mrs. Kozminski-VanderHart to accept the nomination of Mr. Spencer to serve as Council President for 2022.

**ROLL CALL:**

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

**NAYS:** NONE

**MOTION CARRIED**

Mr. Richman stated that the next order of business is to elect one Council Member from Cycle A (Emerman, Fish, and Janke) to serve on the Planning Commission for a two-year term.

Mrs. Kozminski-VanderHart nominated Mr. Janke to serve on the Planning Commission for a two-year term.

There being no other nominations, Mr. Richman declared nominations closed.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Richman to accept the nomination of Mr. Janke to serve on the Planning Commission for a term of two-years, ending December 31, 2023.

**ROLL CALL:**

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

**NAYS:** NONE

**MOTION CARRIED**

Mr. Richman stated that one Planning Commission Member needed to be appointed as the Planning Commission Chair for 2022, which would be either Mrs. Kozminski-VanderHart or Mr. Janke.

Mr. Janke nominated Mrs. Kozminski-VanderHart to serve as the Planning Commission Chair in 2022.

There being no other nominations, Mr. Richman declared nominations closed.

Mr. Richman made a motion seconded by Mr. Fish to accept the nomination of Mrs. Kozminski-VanderHart to serve as the Planning Commission Chair for 2022.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Richman stated that Council has all witnessed the expertise of the nominees in the past, and so he is looking forward for that to continue. Council has always tried to have a good balance of experience and capability and he thinks that with Mr. Spencer's experience he will indeed be a fine Council President based on the qualities he has shown on his term on Council so far.

### **Schedule of Council Meetings**

Mr. Richman stated that Committee of the Whole and Council Meetings meet on the first and second Wednesday of the month, respectively, at 7:00pm and asked if anyone had a need or desire to change those meeting dates and times. There being none, Mr. Richman asked Mrs. Arrietta if there were any meeting date conflicts for 2022. Mrs. Arrietta stated that there are two date conflicts this year. They will need to have the Council Meeting for September a week earlier on the first Wednesday of the month, holding it in place of the Committee of the Whole meeting. Therefore, the September Council Meeting would be on September 7 in place of the Committee of the Whole Meeting that month. The second one is October 5; Committee of the Whole Meeting will need to be cancelled because of Yom Kippur. Council members agreed to the changes.

### **Committee Structure/Schedule Committee Meetings for 2022**

Mr. Richman read a statement by newly elected Council President with the following Committee assignments for 2022:

Mr. Fish, Chair of the Roads and Safety Committee

Mr. Spencer, Member of the Roads and Safety Committee

Mr. Emerman, Chair of the Facilities Committee

Mr. Richman, member of the Facilities Committee

Mr. Richman made a motion seconded by Mr. Janke to accept the committee member/chair assignments for 2022.

ROLL CALL:

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

NAYS: NONE

## MOTION CARRIED

Mr. Richman stated that committees usually meet the Tuesday after the Monday Planning Commission Meeting each month. If we do not have pending business, we would not meet. Last year Roads and Safety met at 8:00am and Facilities met at 8:30am, and asked if that still worked for everyone. Mr. Richman asked if they could flip the times and have the Facilities Meeting at 8:00am and the Roads and Safety at 8:30am. Mr. Fish was okay with that time but Mr. Emerman stated that the later time would work better for him for the Facilities Committee.

Mr. Richman stated that they could keep it the way it is. Mr. Emerman stated that he needs to think about it a little more and they can discuss it further later.

### **Reports of Committees**

Facilities – Mr. Emerman gave a report on the November 30 meeting, as he was not in attendance at the last Council Meeting. The meeting minutes are attached. The next meeting will be on February 1, 2022.

## **ORDINANCES AND RESOLUTIONS**

### **Ordinance 2022-01-Introduced by Mayor Fritz**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WALTER|HAVERFIELD LLP FROM THE JANUARY 2022 ORGANIZATIONAL MEETING AND DECLARING AN EMERGENCY.

Mayor Fritz asked everyone to follow along in the contract and he will highlight the changes that were made. On the first page, Routine Services are \$7,888 per month for the retainer and Mr. Hanna's salary, which is up from \$7,285 per month (8% change from the 2021 contract). It must be noted that due to the uncertainties with COVID, Mr. Hanna and Mr. Hunt kept their contract flat from 2020 to 2021, which we appreciated. On page 2, Compensation for Routine Services is \$2,500 per month, which is up from \$2,250 per month. This will take his annual pay from \$27,000 to \$30,000 a year. In the second paragraph, the Village is to pay the net remaining amount for routine services retainer (\$7,888) which comes to \$5,388, which is up from \$5,035; it will cover 400 hours of routine services, which is down from 450 hours. We are slowly tweaking our use of hours, to keep it more actual so we have an idea of what we're paying and what revenue Walter|Haverfield should expect. We can buy additional hours of retainer if needed, at the current retainer cost of \$250 per hour. Mayor Fritz stated on page 2, Section 2, Litigation is not included in the retainer and will be going up from \$265 an hour to \$275 an hour. This amount has not changed in the past five years. On page 3, Additional Projects is going up \$265 to \$275. This will come into play for us this year with the Charter Review Commission. Mayor Fritz stated that he feels these increases are reasonable and when we put into context that the contract amount remained flat from the previous year, the increases are nominal. Also, he informed Council that these numbers have been vetted through Mr. Shah.

Mr. Fish stated that in Section one, Paragraph B of the legislation, he noticed the written amount for \$2,500 is incorrect, but the numerical amount is correct.

Mr. Richman stated that the contract is reasonable and is in the best interest of Moreland Hills. He

stated that Mr. Hanna has a fine reputation not only within our Village, but in Ohio and beyond. He is first rate and the Village is lucky to have him. Mayor Fritz stated that Mr. Hanna is always reachable and always gets back to him quickly with any issue he has. He is happy to work with him.

Mayor Fritz made a motion seconded by Mr. Richman to suspend the rules for Ordinance 2022-01.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mayor Fritz made a motion seconded by Mr. Richman for passage of Ordinance 2022-01.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

**Ordinance 2022-02 - Introduced by Mrs. Kozminski-VanderHart**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CHAGRIN VALLEY ENGINEERING, LTD. AND JEFFREY J. FILARSKI FOR VILLAGE ENGINEERING SERVICES, AND DECLARING AN EMERGENCY.

Mrs. Kozminski-VanderHart stated that they have all worked with Mr. Filarski and he is a great benefit to the Village. She stated that she was going to highlight some of the differences in the contract. The salary (\$31,800) and hourly rates for additional services are 6% higher than in 2021. Similar to Walter Haverfield, Mr. Filarski's rate remained flat during the early pandemic year, which was much appreciated. He also added new designations in hourly rates; one was for a landscape architect for \$85.00 per hour and one for a traffic engineer for \$135.00 per hour, which we may have the potential to use and would typically be more expensive if we went to outside sources. Mr. Emerman stated that even though he is not here, he would like to thank Mr. Filarski for answering all his questions when it comes to the Facilities Committee and he appreciates his patience with him. Mrs. Kozminski-VanderHart shared Mr. Emerman's sentiment.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Janke to suspend the rules for Ordinance 2022-02.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Fish for passage of Ordinance 2022-02.

ROLL CALL:

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

**Ordinance 2022-03- Introduced by Mr. Richman**

AN ORDINANCE PROVIDING FOR THE CONTINUED EMPLOYMENT OF SANTO T. INCORVAIA AS PROSECUTOR, FIXING COMPENSATION, AND DECLARING AN EMERGENCY.

Mr. Richman stated that he is happy to introduce this ordinance to retain Mr. Incorvaia as Village Prosecutor for two years. The only difference was a very slight increase in Section 1a from \$20,178 to \$21,387 per year and a small increase for work outside the scope of routine matters, which went from \$142.00 to \$159.00 per hour. He feels that these rates are extremely reasonable and that Mr. Incorvaia does a great job for the Village.

Mr. Richman made a motion seconded by Mr. Emerman to suspend the rules for Ordinance 2022-03

ROLL CALL:

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

Mr. Richman made a motion seconded by Mr. Emerman for passage of Ordinance 2022-03

ROLL CALL:

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

**Ordinance 2020-04 Introduced by Mr. Emerman**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA COUNTY BOARD OF HEALTH TO PROVIDE PHASE II STORMWATER SERVICES IN 2022-2025 RELATING TO ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAMMING AND POLLUTION PREVENTION/GOOD HOUSEKEEPING ASSISTANCE AND DECLARING AN EMERGENCY.

Mr. Emerman started by giving some background about how our water is managed in the Village. We have our own wastewater treatment plant (Greentree WWTP) that accepts and treats the water and requires a permit. The Village also has six pump stations that tie into the NEORS D system; for the residents tied into that sewer system, they go through the pump stations and then the sewer district. Many of our residents have septic systems, which they are responsible for. The Village also has a separate stormwater system that is not tied into our treated wastewater and we have a permit (MS4) that regulates how that stormwater is managed. There are a number of requirements and the NEORS D contracts with the Board of Health to perform some of those obligations under that permit. This ordinance and MOU is our acceptance the responsibilities of the Board of Health for some of those duties. The Village does not pay for it; NEORS D pays for it.

Mrs. Kozminski-VanderHart asked if this is an Ohio EPA mandate and if the Village just uses the Board of Health to make sure we are in compliance. Mr. Emerman stated that we are covered under a general permit from the EPA and NEORSD pays the Board of Health to perform specific aspects of that permit.

Mr. Emerman made a motion seconded by Mr. Richman to suspend the rules for Ordinance 2022-04.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Fish for passage of Ordinance 2022-04.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

**Ordinance 2020-05- Introduced by Mr. Richman**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CUYAHOGA COUNTY JUVENILE COURT, CUYAHOGA COUNTY AND THE VILLAGE OF MORELAND HILLS FOR PARTICIPATION IN THE JUVENILE COURT COMMUNITY DIVERSION PROGRAM FOR 2022-2023 AND DECLARING AN EMERGENCY.

Mr. Richman stated that he is honored and privileged to be one of the Village's volunteer magistrates. He explained that this ordinance allows us to continue this program, which diverts juveniles, who commit misdemeanors, away from the Cuyahoga County Juvenile Court system, as 2/3 of juveniles who appear in juvenile court for a first offense, end up coming back. This program prevents that from happening and instead employs measures such as community service, apology letters, essays, etc. This program is no cost to the Village and is over 90% successful.

Mr. Richman made a motion seconded by Mr. Emerman to suspend the rules for Ordinance 2022-05.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Richman made a motion seconded by Mrs. Kozminski-VanderHart for passage of Ordinance 2022-05.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

### Miscellaneous

Mr. Fritz wanted to go over the broad strokes of the Forest Ridge Pavilion Policy and get suggestions from Council. Initially, Mrs. Arrietta looked at policies of other local pavilions and made a spreadsheet. Using that spreadsheet, he met with Chief Wyant and Mr. DeWater to start discussing which of the things on that spreadsheet they wanted to incorporate into our policy. From that, he drafted a rough draft of use and regulations and brought it back to Chief Wyant and Mr. DeWater who made minor changes. It then went to the Facilities Committee where Mr. Emerman offered some changes, which are as follows:

- The rental time should end at 8:00pm as opposed to 9:00pm
- It should be pointed out that the rental is for the pavilion only and that others may be using the Preserve and Potts Pier.
- The applicant should bring a copy of the reservation to have on hand during their event
- Reservations must be made at least 2 days prior to the event
- Residents may reserve the pavilion up to 60 days prior to the event date
- Non-residents may reserve the pavilion up to 7 days prior to the event date
- There should be a maximum occupancy for the pavilion
- There are two time slots for rental; with the 8:00pm end time suggestion, it was also suggested to make the second rental time slot from 2:00pm to 8:00pm
- All guests must vacate the pavilion by the end of their reservation time slot
- Under alcohol regulations, it should be noted that “no guest shall be visibly intoxicated.”
- It should be noted that additional funds may be required for expenses incurred by the Village (on top of the loss of their deposit)

Mayor Fritz went over all the basics of the rules and regulations of the pavilion policy draft. He would like to have a general discussion but the next goal would be for Council to look further at these rules and regulations and then they can discuss it further tonight or at the Committee of the Whole, as he would like to get it to the Parks Commission to review as well. Mr. Hanna, of course, will review and finalize it before we make this available to the public.

Mr. Emerman explained his reasoning for suggesting the 8:00pm end time. He stated that while it says they will have to vacate by 8:00pm, he feels as though people may linger longer and will end up dragging it out such that it ends up that they leave at 9:00pm. He feels that by pushing the time to 8:00pm, they are doing so with the understanding that the compliance may not be perfect. Mayor Fritz stated that he feels that 9:00pm is reasonable but they can discuss it more. Mr. Fish suggested having different time slots depending on the time of year, with winter times being earlier.

Mr. Richman stated that they should consider increasing the deposit if the renters have food trucks or inflatables. Mr. Fish asked if there is water available at the site. Mayor Fritz stated that it is but only from the pond. Mr. Fish stated that a lot of inflatables use water and will require the use of a hose, so they should specify that in the rules and regulations.

Mayor Fritz asked for Council’s opinion regarding the 8:00pm or 9:00pm end time. Mr. Richman stated that 8:30pm is a good compromise. Mrs. Kozminski-VanderHart stated that she liked 9:00pm as most use of the pavilion will be in warm weather. It is a tight window to get everything done and cleaned up by 8:00pm. She stated that they could revisit if it becomes a problem. Mr. Janke supports the 9:00pm end time, even year round especially since there are lights up there which will make it usable at night. He

stated that he agreed with Mrs. Kozminski-VanderHart.

Mayor Fritz stated that this is going to be fluid as we notice things arise so we will have to change things as it goes along. Mrs. Kozminski-VanderHart stated that she was very impressed with Mr. Emerman's very thorough comments.

Mayor Fritz asked if Council had any other suggestions on items that are not included or ones that are included that they may not like. Mr. Janke stated that he has an addition to the fireplace requirements, which is that wood should not be removed from the Preserve or the surrounding woods. Mayor Fritz stated that was a good idea and noted that the Eagle Scouts pulled the wood storage shed to the southwest corner near the fireplace and our intent is to keep it stocked with seasoned firewood. Mr. Janke stated that there is not a firm capacity number yet but he is assuming that Head for the Hills will be subject to the capacity regulations. Mayor Fritz asked Mr. Hanna if a municipal entity can have a different set of standards for a gathering at Forest Ridge and mentioned that the Fire Code does not apply in this case. Mr. Hanna stated that he thinks that that is possible but it is tricky. If you delineate the basis for it and support it properly, depending on the reasoning for the increased capacity, then you can probably do that.

Mr. Emerman stated that what he sees with a lot of these regulations is the Village protecting itself and if certain things are getting out of hand, we can enforce the rules and shut down the activity, if need be. He thinks if we are trying to make a distinction in the capacity limit between Village events and non-Village events, one big difference is that with Village events we will have Village staff there as well. He thinks that is a big distinction. Mr. Emerman stated that he had one other suggestion for the regulations, which was to add "No fireworks/firecrackers."

Mrs. Kozminski-VanderHart asked where the requirement to register two days before the event came from. Mr. Emerman explained why he thought that requirement was appropriate. If someone wants to reserve the pavilion for a Sunday, they can do it as late as Friday, which would give the Village time to plan and provide others with advance notice as to whether it is reserved or not.

Mr. Richman stated that he feels that the deposit should be \$200 if renters are going to have food trucks, animals, inflatables, etc. He stated that there are a few places that specify that if the renters do not comply, they will lose their deposit and he presumes that we will have something more global that will apply to any violation of the rules. Mayor Fritz stated that when we get to the point where we are ready to have Mr. Hanna look at it, he would need to add that language and make it enforceable. Mr. Richman suggested that the usage of the fireplace be subject to weather conditions (wind, drought) and we can post a sign stating that "the fireplace cannot be used today." Mayor Fritz stated that he discussed this with Mr. Dewater regarding adding something to that effect in the policy as well. He stated that we could also point out that when using the fireplace, renters are taking a chance. Mr. Richman also suggested having shorter rental time frames, but stated that they can also see how it goes first then reevaluate.

Mr. Fish asked if it would be marked on the pavilion that it is reserved. Mayor Fritz stated that it would. Mr. Fish asked about liability and if the Village carries insurance. Mayor Fritz stated that the Village carries municipal insurance through Wichert Insurance and stated that he will discuss with them about adding to the policy to cover that. Mr. Richman asked if there would be a form for renters to sign or would we just rely on the municipal immunity. Mr. Hanna stated that we might want to have a release form for them to sign; however recreational user immunity applies when there is land that is open for recreational

use, without a charge. He stated that he is not certain about the reservation of the pavilion and how that impacts other areas of the park for those who have paid to rent it, but it is worth talking about with Wichert.

Mayor Fritz stated that he wants to value everyone's opinion but there will be differing ones. Ultimately, he wants to hear more from them so they should take a few days to think about it and then they can send individual emails back to him with any changes or suggestions. He will come up with a new document, and send it out and have the Parks Commission look at it at their meeting on January 18. After the Parks Commission looks at it, he will send it to Mr. Hanna so it can be ready by April. Overwhelmingly, the suggestions he heard tonight were great and thanked Council for their input.

Mr. Richman stated that it has been an honor and privilege to serve as their Council President the last two years and he has no doubt that their new Council President, Mr. Spencer will do an absolutely fine job. He congratulated Mr. Spencer.

Mr. Spencer stated that it was strange to prepare for this meeting knowing he was not going to be there. He thanked everyone for accommodating him. First, he wanted to congratulate Councilman Fish and Councilman Janke and welcomed them; he is looking forward to working with both of them, as is Mayor Fritz, Council, and the administration. In addition, he congratulated Councilwoman Kozminski-VanderHart on becoming the new Chair of the Planning Commission. She puts a lot of work into that commission and will do a great job as Chair. Mr. Spencer thanked Mr. Emerman for nominating him for Council President. He stated that he wanted to point out that the Mayor outlined priorities that the Village and Council have this year in his most recent newsletter. His thought is that the Council President is to collaborate with Council, the Mayor, and administration to forge those ideas that he laid out so well. The main things were budgeting, initiatives, green activities, reviewing the charter and updating some ordinances. He stated that he would also like to take the opportunity to reach out to Council and have a chat about their thoughts and priorities, and other things that they would like to see Council do differently and/or discuss other things Council should take on. Mr. Spencer stated that it has been a pleasure working on Council for two years, as he did not know what to expect initially. Council welcomed him his first year, and he feels good about what they are doing and he feels they have the opportunity to make even more improvements as a team as they go forward. Mayor and Council congratulated Mr. Spencer.

It was realized that an oversight was made at beginning of the meeting because Mr. Emerman was not sworn in for his new term on Council. At this time, Mayor Fritz swore in Mr. Emerman as Councilman.

Mr. Richman made a motion seconded by Mrs. Kozminski-VanderHart to adjourn the Organizational-Regular Council Meeting at 9:04pm

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

The meeting was adjourned at 9:04pm.

Attest:

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Sherri Arrietta, Clerk of Council

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Ethan Spencer, Council President