

REGULAR COUNCIL MEETING

November 11, 2020

MINUTES

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

PRESENT AT ROLL CALL: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

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

Mayor Fritz asked if anyone had any corrections to last month's meeting minutes. Mr. Richman stated that on page 4, fourth line down that reads "conservative 20% overall budget" should read "conservative reduction of 20% in the overall budget."

Mr. Richman made a motion seconded by Mr. Stanard to approve the minutes of the Regular Council Meeting of October 14, 2020, as amended.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: None

MOTION CARRIED

Resident Comments

There were no residents present wishing to speak.

Reports from the Mayor and Other Municipal Officials

Mayor Fritz gave an update on the Moreland Commons project. He stated that he spoke to Bryan Stone of Axiom who informed him that the house that is being built right now is moving along rather quickly. There is another house that is going to be built soon. The plans are currently in the final phases with the architect, because it did not meet the criteria that Axiom has, so some amendments are being made to that plan, before it will come to the Village. The

Village should be receiving that plan within a week or so, according to Mr. Stone. Mayor Fritz stated that he will let Council know when they do come in. In addition to that, Axiom has held two drive-through open houses to show interested parties the parcels, which garnered them a handful of holds that were placed on parcels, but no plans submitted as of yet. He stated that he would continue to keep Council up to date.

Cru Uncorked came before the Planning Commission for a preliminary discussion of a very ambitious expansion plan, which was discussed extensively. Mr. Stanard will provide a more thorough explanation in his update.

Mayor Fritz stated that the COVID numbers are on the rise. Governor DeWine is asking that we all adhere to the mask mandate and hinted that bars and restaurants may have to be addressed again, if the numbers are not getting better. The Village has had no positive cases with our employees; however there have been a few instances of close-contact quarantining. He stated that he is noticing an increase in positives in his personal frame of reference with a lot more frequency. The effects of those that are positive range from no symptoms, to minor symptoms, to severe symptoms, to being on a ventilator. We need to respect everyone's level of comfortability and we are taking it seriously on the campus. Employees continue to take best practice measures. He stated that opening windows and adding some ventilation is imperative as well.

Service

Mr. DeWater did not have a report.

Police

Chief Wyant did not have a report.

Engineer

Mr. Filarski reported that he was notified from the County that the Village has received funding for the resurfacing of the remaining portion of Chagrin Blvd., from South Lane to Chagrin Falls. It is part of the 50/50 program, which means we will have to pay 50% of the construction cost up to \$250,000.

The Addison Lane project (Kilpatrick) is finishing up. They have six more soil nails to install into the hillside and it will be strength tested next week. Marks Construction is a subcontractor that will be doing work on the streambank stabilization, starting Monday. Following them,

Independence Excavating will come back in to re-grade the hillside to the slope. The landscaping will follow that, but will not be until spring. He shared pictures of the project site.

Mr. Stanard asked how the permits were coming along for Marks Construction as he knew they were waiting on them. Mr. Filarski stated that they were waiting for the revision letter of authorization from the Ohio EPA Director for one permit; they are expected to have it by November 20. While they are waiting, they are going to be doing the work above the high water line. The ODNR allowed for an extension of the water work. Mayor Fritz pointed out that as a courtesy, he placed a call to Sean McDermott from the Metroparks and he was complimentary of Mr. Filarski's efforts to keep them up to speed and stated that the Metroparks is definitely on board with the project.

Mr. Spencer stated that Council received an email from a resident that was concerned about the Addison Lane property. He stated that the Mayor did respond to them in collaboration with Mr. Filarski and others with an excellent response. Mr. Spencer asked if anything else has happened with that or if it has been resolved. Mayor Fritz stated that the resident did not respond to his email so he assumes that it has been resolved. He stated that he used meeting minutes and notes from previous conversations with Mr. Filarski to answer her questions/concerns.

Mr. Spencer asked how the Chagrin Blvd. widening project was going. Mr. Filarski stated that today was just the first day, but there was nothing out of the ordinary to report on. He stated that it would be complete in three or four weeks. Mr. Richman stated that he appreciates Mr. Filarski's efforts and he is happy to hear that Chagrin Blvd. will finally be resurfaced.

Finance

Mr. Shah reported that the RITA tax collections are down 4.5% (\$172,000) as of this morning, but that changes daily. He cannot say how we will end the year at this time, but it looks as though it will be around 5%.

As discussed previously, RITA has done a quick study based on the current state law and how the withholding taxes could impact some of the communities when we have people living in Moreland Hills but working elsewhere or living elsewhere and working in Moreland Hills (if they are allowed to pay taxes to their home community instead of Moreland Hills). They have done 10%, 20%, and 30% scenarios, which are very rough estimates at this point, but as he sees it, it will not impact Moreland Hills at all. What may impact us, is the fact that income

may be down for some of our residents. Mr. Shah stated that we are planning for a 10% reduction in revenues for next year, but will keep polishing that number as we approach the new year and start preparing the 2021 budget.

Mr. Shah reported that our share of the 5 billion that the BWC is giving back would be \$245,000, which we should receive in December. They have billed us for next year for \$60,000. We will put the balance in a reserve and hold it until next year to try to offset some of the revenue downfalls.

Mr. Shah reported that he has heard from the State Auditor, who does our annual audit. Since they do not have the manpower to cover all political entities in the state of Ohio this year, they are allowing independent public accounting firms to come out and do the audit, so he was informed that Moreland Hills' audit would be performed by one of those accounting firms. The State controls the entire process. They will put out an RFP on our behalf and interested firms can bid on it. The Village can also suggest IPA's that the state may have missed. It will go through a 3-4 week process where the state rates them and the Village gets a chance to rate them based on the RFQ and RFP's that are received from the accounting firms. Once that is done, they do a tally and inform us who the winning bidder is. This will probably occur in January, at which time he will ask Council for contract approval for whichever accounting firm is selected.

Mr. Shah reported that he, Mayor Fritz, and Mr. Hanna are working on the Coronavirus Fund legislation for Council's approval to suggest that those funds be used for 15-20% of our safety forces salaries/wages/benefits. Mayor Fritz is also working with CVD and the Chagrin Valley Fire Department to see if they can identify the number of COVID related calls. The legislation will probably be on the December agenda.

Law

Mr. Hanna reported that he is still waiting to hear the outcome of House Bill 404, which will provide an extension for virtual meetings for public bodies; the original deadline was December 1 which to date, has not been extended. This would leave communities to look at their Charters to decide if there is an argument to be made that they can have these meetings, nonetheless. He stated that he feels that with the unfortunate spike we are seeing in COVID cases statewide, there will likely be an extension for some relatively long period of time to allow public entities to meet remotely rather than forcing people to be in a room together.

He updated Council on HB 49 regarding net profits income tax litigation. It received a decision from the Ohio Supreme Court who upheld the law overall. Four of the Justices (a majority) did find that one-half of one percent of the administration fee charged by the state for the centralized processing and collection, was not authorized by law, and are therefore striking that down. Some of the open questions at the moment are “will that change going forward?” and “will there be some action to try to force the state to discourage those fees that have been charged to date?”

Reports of Committees -

Roads & Safety Committee

The Roads and Safety Committee met on November 3, 2020. Ms. Sturgis gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is December 1 at 8:00am.

Facilities Committee

The Facilities Committee met on November 3, 2020. Mr. Emerman gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is December 1 at 8:30am.

BZA

The Board of Zoning Appeals met on November 2, 2020, and Mr. Stanard gave a report based on the meeting minutes, which are attached. The next meeting will be on December 7, 2020 at 6:00pm.

Planning Commission

The Planning Commission met November 2, 2020 immediately following the BZA meeting. Mr. Stanard gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is December 7, 2020.

ORDINANCES AND RESOLUTIONS

Ordinance 2020-66 Introduced by Ms. Sturgis

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH BARBICAS PAVING, LLC FOR THE 2020 ASPHALT REPAIRS AND MAINTENANCE PROGRAM AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that the program is now complete which resulted in a total decrease amount of \$7,912.63.

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules of Ordinance 2020-66.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Spencer for passage of Ordinance 2020-66.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Ordinance 2020-67 - Introduced by Mr. Spencer

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

Mr. Spencer stated that the amendments to current appropriations are as follows: Municipal Motor Vehicle License Fund for the 2020 Culvert and Drainage Program - there is an additional \$65,000, which will restore some funding since this program was reduced during COVID reductions. The next two amendments are for the Coronavirus funds from the county. The Village received an additional \$119,046.37 and we also had \$12,714.95 that was appropriated to the fund last time, however it went to the wrong budget account number, so it needs to be transferred to the proper account number, which is why \$131,761.32 is being appropriated and we are moving -\$12,714.95 out of the erroneous account number. There were also two transfers from the General Fund to the Police Pension Fund for \$15,000 and to the Muni Motor Vehicle Fund for \$100,000 because that fund does not generate enough revenue to fund the entire Culvert and Drainage Program.

Mr. Spencer made a motion seconded by Mr. Stanard to suspend the rules of Ordinance 2020-67.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Spencer made a motion seconded by Ms. Sturgis for passage of Ordinance 2020-67.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

MISCELLANEOUS

Mr. Spencer stated that he hoped that the Parks Commission's Virtual 5K went well. Mayor Fritz stated that they made around \$2,000 after all expenses were paid. He thanked everyone who participated.

Mr. Richman made a motion seconded by Mr. Stanard to go into Executive Session to discuss employment and compensation of personnel at 7:50pm

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Richman to come out of Executive Session and adjourn the meeting at 8:32pm

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE
MOTION CARRIED

The meeting was adjourned at 8:32pm.

Attest:

Sherri Arrietta, Clerk of Council

Steve Richman, Council President