

REGULAR COUNCIL MEETING

June 10, 2020

MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Fritz at 7:01pm, 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; Paul Kowalczyk, Building Commissioner; Sherri Arrietta, Clerk of Council; Paul Moody, owner of 100 Mill Hollow; Jim Kilpatrick, owner of 50 Addison Lane; George Clemens, Architect

Mr. Richman made a motion seconded by Mr. Stanard to approve the minutes of the Regular Council Meeting of May 13, 2020.

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 stated that he gave a lengthy update on Senate Bill 310 at the Committee of the Whole meeting and not a lot has happened since then. It did advance to the House; some amendments were added onto it and sent back to the Senate. He is unsure which hearing it is in, but his hoping for a quick passage for that first disbursement of CARES funding. The Village will be receiving \$25,600.00 in the first wave of the federal 1.2 billion-stimulus money. He will keep everyone posted as it develops. Mayor Fritz stated that Mr. Shah and Mrs. Bossart have already filled out the online paper work in preparation of this process, and there is legislation on the agenda tonight, both of which postures the Village to receive those funds.

Mayor Fritz stated that the Village is still following ODH guidelines for employees relating to COVID-19 in the wearing of masks and social distancing. He recently met with Maureen Geck, MHHS President, regarding visitors to the James A. Garfield Cabin. They are working on having small groups come to the cabin and use the path to go to the birth site; however there will be no access to restroom facilities. He stated that he would let Council know the particulars as this becomes more formalized.

Greening the Hills is this Saturday from 9:00am to Noon. This will be our first event since the COVID-19 restrictions were put into place. Mrs. Arrietta has done a good job messaging the event including a direct mailer to all residents, putting it on social media and the website, as well as in the newsletter. He stated that this event will be different than ones in the past in that the residents will not be able to get out of their cars. They will pull up to where our volunteers are, who will then remove items from their trunk; we will not be accessing passenger compartments. He feels that we have messaged that very well and stated that we will be in line with the CDC guidelines and will limit the volunteers/employees to ten people. We have a number of Council members that have offered to help in their capacity of serving on the Green Commission or just showing interest in doing so. We currently have nine volunteers, including himself and the Service Department employees, so there is one additional spot if any other member of Council is interested in helping, they can contact Mrs. Arrietta tomorrow, and it will be on a first come, first served basis.

Mayor Fritz stated that Council may notice new signs in the area advertising the Greening the Hills event. We have previously used the white, a-frame signs, but Mrs. Arrietta and Mr. DeWater worked together and were able to get new ones through our Recycle Grant, along with the posters for it. The new signs are more streamlined and are two-sided and can move with the wind. The posters can be changed out so we have the ability to use the signs for other events as well. He reminded everyone that the fall Greening the Hills event was rescheduled for October 31.

Service

Mr. DeWater stated that he met with the demo contractor at the House on the Hill and they have forwarded their asbestos survey to a lab. The results will take at least one week to come back and the contractor will need at least three weeks before they are ready to demo the house. The contractor has guaranteed that they will have it done before the Community Kids Fishing Day in September.

Police

Chief Wyant reported that there is a rally at Orange High School tomorrow from 4:30pm to 6:30pm. A small group of students has gotten together to organize this and the school has allowed them to use the property in the front of the school for that purpose. It is not a march, just a peaceful gathering with a few speakers/presenters. He stated that he met with Chief Mariola from Pepper Pike and other departments for mutual aid, so they will have it covered. Chief Wyant reported that the Community Kids Fishing Day was rescheduled for September 12. There will be SWAT training on Hickory Lane on Friday, from 1:00pm to 4:00pm. Mayor Fritz asked Mrs. Arrietta to post that on Facebook and the website so residents know that it is only a training exercise.

Mr. Spencer asked if anyone planned to attend the rally and demonstrate their support and stated that he will unfortunately be out of town. Mrs. Kozminski-VanderHart stated that she would be there with her kids. Mayor Fritz stated that he is working tomorrow, so he may be there.

Engineer

Mr. Filarski reported that the completion date for the Route 87 Slide Repair Project has been delayed until mid-July. The reason for this is because the soil stock pile that they are using to bring the road to grade is too wet from all the rain, so they need to dry it out.

Building

Mr. Kowalczyk did not have a report.

Finance

Mr. Shah stated that he does not have any updates since he reported last week at the Committee of the Whole meeting. Income tax does continue to be down but he monitors it every day. The interest rate environment is close to zero, so there is nothing to invest. He stated that the Finance Department did register online for the COVID-19 Relief Fund; \$25,687.00 will be coming to us, as Mayor Fritz mentioned. We have to make a good accounting of all the funds we receive and if they are not used by a certain date, we have to refund them back to the County. Mr. Shah asked all department heads to please keep good records of all their COVID related expenses, whether they be personnel or other types of expenses. At the end of the term, we will have the documentation to provide to the county so that we will not have to refund any of those funds. If we use up all these funds, we should continue tracking expenditures so that we can use any future funds that we may receive. There is a resolution tonight for SB310, but he believes that he heard that the number is changing (from 310 to 481) but he will let Mr. Hanna address that.

Mayor Fritz stated that he has been updating Council each time they discuss SB310. We have been talking about the fact that if our receipts which show actual things related to COVID-19 (hand sanitizer, disinfectant, overtime incurred, etc.), do not equal the amount given, we will have to give the unused amount back. He stated that he does not think that our receipts are high enough yet to match the amount we are being given, so the debate continues if you can use the leftover money by applying it to safety forces for normal operation costs. We have had many different answers and at one point, our lobbyists were pretty confident that we will be able to keep all the funds, however, they were less confident last time they spoke. He will keep Council updated on this situation.

Law

Mr. Hanna reported that the firms hours through May are just over 160 hours, which is a little under the normal monthly average amount. There was a big increase in May, which will continue into June, but he will continue to try to manage those hours and keep the Village up to date on what that looks like, including which hours are related to the COVID-19 issue. He stated that regarding SB310, he just received an update from Columbus that indicates that the Ohio Senate refused to concur in the House amendments. There are no details yet, but there should be later tonight. It is not yet a done deal, but many of the details that are reflected in the legislation before Council tonight, did not change substantially from the initial Senate version to the House version as amended, so he would think it is in the Village's best interested to adopt that resolution tonight, if Council is so inclined. If the legislation changes substantially, we can always come back and modify the Village's resolution. There has also been some general discussion regarding efforts at the federal level working with State of Ohio officials to provide additional flexibility for the potential uses of the reimbursement from the local Coronavirus Relief Fund.

Reports of Committees -

Roads & Safety Committee

The Roads and Safety Committee met on June 2, 2020 and Ms. Sturgis gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is June 30, 2020 at 8:00am.

Facilities Committee

The Facilities Committee met on June 2, 2020 and Mr. Emerman gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting will be on June 30, 2020 at 8:30am.

BZA

The Board of Zoning Appeals met on June 1, 2020 and Mr. Stanard gave a report based on the meeting minutes, which are attached. The next meeting will be July 6, 2020 at 6:00pm.

Planning Commission

The Planning Commission met after the BZA on June 1, 2020 and Mr. Stanard gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is July 6, 2020 immediately following the BZA meeting.

APPROVAL OF BONDS, CONTRACTS, PLATS, ETC.

Moody Residence

100 Mill Hollow Drive
Conditional Use Certificate –
Solar Panel Installation

Mr. Stanard stated that per the Village Codified Ordinances Chapter 1177, all solar panel installations are required to obtain a conditional use permit. Mr. Kowalczyk does a remarkable job analyzing each application that comes before the Planning Commission and drawing up a table, which lists all the Code sections, the description in that section, and the requirement that the applicant needs to fulfill. In this case, the first requirement according to Section 1177 is that it cannot be visible from the street, however the Code is also written so that you can put them in the front if that is the best place to generate the optimum amount of electricity. The Code states that if you have to put them in the front, it has to be because the alternative location will produce substantially more electricity than other locations, there are no alternative locations, and that the proposed panels and their location is designed to minimize any adverse impacts to the neighborhood. He stated that the applicant and his contractor, YellowLite, showed pictures of the system at the Planning Commission meeting and it is very low profile, dark in color, and not easily seen on the roof because the house is located a good distance off the street. It was determined that because this was an appropriate application of the alternative location which would allow it to be placed in the front yard. All other requirements were met and all documents were submitted by the applicant.

Mr. Stanard made a motion seconded by Mrs. Kozminski-VanderHart to approve the Conditional Use Certificate at 100 Mill Hollow Drive for a solar panel installation.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Kilpatrick Residence

50 Addison Lane

Conditional Use Certificate –

Lot Stabilization in a Riparian Zone

(Resolution 2020-42)

Mr. Stanard stated that he is going to introduce an official resolution to approve a Conditional Use Certificate for this project. This project was looked at by the Planning Commission as well as Council at the Committee of the Whole meeting. The Planning Commission heard the application on May 4 with a robust discussion and many good questions asked. He gave a brief synopsis of this project. The top of the slope has to be cut and removed such that the grade can be 2:1, horizontal to vertical ratio, because the slope is failing dramatically. There are trees at the top of the slope that will have to be removed because they are in the earth that will no longer be there. Halfway down the slope, an access bench will be constructed where equipment can be situated to install soil anchors and soil nails. This will essentially nail the slope back and keep it place over time. The work that is being done includes, removal of the trees, excavation, embankment, hauling 6,000 cubic yards of earth away, building of an access road to the river, installation of access benching along the river, installation of soil anchors, soil nails, reinforcement steel, a shotcrete retaining wall, tekko geomesh, and plantings and vegetation to hold the whole thing together. Mr. Stanard explained that future Zoning Certificates and Conditional Use Certificates would be required for other aspects of this project. The team that the owners, James and Rosemary Kilpatrick, put together includes; George Clemens, Architect; Paglia Homes; Gutoskey and Associates; Nicholson Construction Company; Davey Resource Group; TGC Engineering; and Cloonan Design Services. There are also a number of municipal entities involved as well including; The Cleveland Metroparks, the Ohio EPA, the Ohio Department of Natural Resources Division of Fish and Wildlife, Chagrin River Watershed Partners, the US Army Corps of Engineers, and the Village of Moreland Hills.

Mr. Stanard stated that in Section 1 of the resolution, the work is described and is also pinned down to the sets of plans that were received, which Council was also provided; Nicholson

drawings, Gutoskey drawings, and the Cloonan drawings. The owner is diligent, responsible, and responsive to any requests for additional information from Village Council or Planning Commission members. Page 2 of the resolution has notations about the bond that would be presented to the Village to protect the roadway while all the excavation material is hauled off site. The haul roads have been identified to protect the roads that the Village feels are the most vulnerable. Mr. Filarski, Mr. Kowalczyk, Mr. Hanna, and Mr. Hunt have all worked on this to make sure that everything is being done correctly.

The Planning Commission approved the Zoning Certificate contingent upon Council's approval of the Conditional Use Certificate. Mr. Stanard gave a brief review of the timeline; on February 3 an informal review of the home was presented to the Planning Commission; on May 4 the Planning Commission was presented with this project for the slope stabilization; on May 6 it was introduced to Council members at the Committee of the Whole meeting so they would have time to review it for the following month's Council meeting; on June 1 the Planning Commission reviewed the application for the residential structure; on June 3 there was a Special Committee of the Whole meeting held just for this project and then a Regular Committee of the Whole meeting held afterward where project representatives attended to answer any questions. Mr. Stanard thanked Council for their interest, questions and discussions relative to this project.

Mr. Richman gave his accolades to the Planning Commission and stated that he feels that they all have an even greater respect for them as well as for our Building Commissioner, Village Engineer, and Law Department for the review that they do for projects like this on a regular basis. He stated that the condition that he inquired about regarding monitoring is not included in the resolution. He stated that he is okay with that and that Council's consensus was that it was not necessary as a condition but that they wanted our Engineer to discuss further with the applicant to see whether or not that should be made an additional condition. He stated that he spoke to Mr. Filarski who informed him that due to the testing procedures of the anchors and the various equipment within the plan along with the fact that the anchors are imbedded in the slope, a formal monitoring should not be a condition. He pointed out that the Section 1177.05 of the Codified Ordinances regarding Conditional Use Certificates does require monitoring as one of the standards that the applicant is required to have, so even though it is not a condition of the approval, it is required per our Code.

Resolution 2020-42- Introduced by Mr. Stanard

A RESOLUTION CONFIRMING THE RECOMMENDATION OF THE PLANNING COMMISSION TO APPROVE A CONDITIONAL USE CERTIFICATE AT 50 ADDISON LANE.

Mr. Stanard made a motion seconded by Mr. Spencer to adopt Resolution 2020-42, approving the Conditional Use Certificate at 50 Addison Lane for a lot stabilization project in a riparian zone.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mayor Fritz welcomed the Kilpatricks to Moreland Hills. He stated that he wanted to say he is proud of everyone in this meeting. Council was engaged and reached out with questions, they visited the site, and spoke with other various entities for additional information regarding this project. He is very proud of the group effort in doing their due diligence. Mr. Kilpatrick thanked everyone for all the time and energy that was put into this project and for the trust they are showing him.

ORDINANCES AND RESOLUTIONS

Ordinance 2020-37- Introduced by Ms. Sturgis

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MUTUAL AID AGREEMENT ON BEHALF OF THE VILLAGE OF MORELAND HILLS WITH THE BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN PARK DISTRICT FOR THE MUTUAL INTERCHANGE OF POLICE PROTECTION SERVICES AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that this was discussed at the Roads and Safety Committee. The preservation of the public peace and safety in neighboring jurisdictions enhances the public peace and safety in the Village of Moreland Hills, so it is in the best interest of the Village to render police assistance on occasion to neighboring jurisdictions outlined within the area of the Metroparks.

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2020-37.

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. Emerman for passage of Ordinance 2020-37.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2020-38-Introduced by Mrs. Kozminski-VanderHart

AN ORDINANCE AMENDING CHAPTER 903, "USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES" OF THE STREETS, UTILITIES, PUBLIC SERVICES AND ENGINEERING CODE, AND DECLARING AN EMERGENCY.

Mrs. Kozminski-VanderHart stated that this is the second amendment to the code related to small cell facilities in order to make clarifications in the application process, which would allow some guidance in how to handle said applications and move forward. There were some questions and concerns that arose when other municipalities were receiving applications for these types of structures in the right-of-way. This ordinance will streamline the application process and make it in line with federal and state standards.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Emerman to suspend the rules for Ordinance 2020-38.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Richman for passage of Ordinance 2020-38.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Resolution 2020-39 - Introduced by Mr. Spencer

A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET OF THE VILLAGE OF MORELAND HILLS FOR THE FISCAL YEAR 2021 AND DECLARING AN EMERGENCY.

Mr. Spencer stated that this resolution is regarding property taxes for fiscal year 2021. The Village is required to provide expected tax revenues from property taxes and demonstrate that that money will be used for Village operations. This resolution will be requesting approximately 3.5 million dollars in property tax from the county, which is a conservative number so we might end up with less than that. The actual money we receive (in 2021) will be based on property values at the end of 2020, but this needs to be on file with the county by July.

Mr. Spencer made a motion seconded by Mr. Stanard for passage of Resolution 2020-39.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2020-40- Introduced by Mr. Emerman

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

Mr. Emerman stated there are no appropriations, returns, or advances this month. There is one proposed transfer from the General Fund to the Road Maintenance Fund. This is money that has already been appropriated for this program; it is just being transferred to that fund to be paid out.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2020-40.

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 for passage of Ordinance 2020-40.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Resolution 2020-41 Introduced by Mr. Richman

A RESOLUTION AUTHORIZING THE VILLAGE TREASURER TO PREPARE AND SUBMIT AN APPLICATION FOR FUNDS FOR THE VILLAGE OF MORELAND HILLS FROM CUYAHOGA COUNTY UNDER THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT AND OHIO SENATE BILL 310, AFFIRMING THAT SUCH FUNDS SHALL BE USED ONLY TO COVER COSTS INCURRED BY THE VILLAGE OF MORELAND HILLS CONSISTENT WITH THE REQUIREMENTS OF APPLICABLE LAW, AND DECLARING AN EMERGENCY.

Mr. Richman stated that this resolution would formally start the process for the Village to be able to receive the CARES Act funds pursuant to SB310. The Ohio Municipal League has asked all municipalities to pass a resolution comparable to this so that the distributions can be expedited once the bill becomes law. This resolution authorizes our Treasurer to apply for the funds to be distributed, it sets up a special fund to receive the distribution, and it establishes that funds can only be used in accordance with the CARES Act, and authorizes and directs the Treasurer to return any unused funds in accordance with the Senate Bill.

Mr. Richman made a motion seconded by Ms. Sturgis for passage of Resolution 2020-41.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

MISCELLANEOUS

There were no items for discussion.

Mr. Richman made a motion seconded by Mr. Emerman to adjourn the Regular Council Meeting at 8:18pm

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 8:18pm.

Attest:

Sherri Arrietta, Clerk of Council

Steve Richman, Council President