

REGULAR COUNCIL MEETING

July 8, 2020

MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Fritz at 7:04pm, 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; Lt. Todd Dietzel; Larry Arnold; Contractor for project at 15 Hunting Trail

Mr. Richman made a motion seconded by Mr. Stanard to approve the minutes of the Regular Council Meeting of June 10, 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 reported that the Village has received our \$25,687.00 from the first round of CARES funding, which he reported on at the Committee of the Whole meeting as well. There is a piece of legislation on tonight's agenda to create a fund in our budget for those funds. He has been keeping Council up to date on the use of those funds as a revenue stream enhancement, and the most recent update is that we may be able to. The Heroes Act is making its way through Congress right now and the legislators are working on putting in some language, which would allow much more flexibility in the use of in the disbursements of CARES and future disbursements. The state still has approximately 800 million dollars in the stockpile to be distributed to local municipalities accordingly.

The Village continues to follow the ODH guidelines on campus which includes the wearing of masks, social distancing, and limiting visitors. The employees are doing an outstanding job adhering to the guidelines.

Mayor Fritz stated that there was a new mandate issued by the State of Ohio by Governor DeWine for seven (7) counties, that are designated “red” (escalation method), that as of 6:00pm this evening, masks are required to be worn in public; inside of all public occupancies and outside if social distancing cannot be maintained. Cuyahoga County is one of those seven counties that are part of this mandate. He stated that he asked Chief Wyant, Mr. Hanna, and Mr. Incorvaia to look into the way that enforcement will work on that. They have been in communication with each other and will have a plan in place as soon as possible so that our officers are well-versed, up to speed, and are able to quote the appropriate means for which they are able to enforce this order. There is some vagary with this as well. Mayor Fritz stated that it was discussed at the Cuyahoga County Mayor’s and Managers meeting this morning and several mayors stated that they are not going to advise their officers to enforce it because they feel it is a county enforcement issue. Tim Cosgrove, Mayor’s and Managers lobbyist, informed them that it is within the scope of local municipalities to enforce the Governor’s mandate. He stated that we are going to put the politics aside and found out what our enforcement guidelines are and will update Council once we know.

Mayor Fritz reported that we are still planning on having our Community Kids Fishing Day in September. We continue to monitor guidelines and messaging residents accordingly that we still plan on holding the event, but that we may have to cancel depending on the guidelines from the state.

Mayor Fritz reported that Shane Wohlken with the WRLC, gave approval on the corrections that were made to the damage done at Forest Ridge (mountain bike trail) by the three gentlemen that created it, with help from the Service Department.

Mayor Fritz stated that front yard structures are becoming a hot bed issue, as he is sure Mr. Stanard will discuss in his report. The Building Code dictates that structures are not allowed in the front yard. The BZA had an issue regarding a front yard structure on the agenda this past Monday, and since then, several more have been brought to the Village’s attention. We will continue to message that in our newsletter, website and on social media.

Mayor Fritz reminded Council that the fall Greening the Hills event has been moved to October 31. He shared pictures with Council of the Honorary Tree Planting event that involved several residents last week, and which are also on our Facebook page. Mayor Fritz pointed out Mr. Allan Kleinman as one of the residents that participated and stated that the Village recently took part in his 99th birthday parade. He is a WWII Veteran who served in Patton's Army in a tank. Mr. Kleinman is a true war hero and a great resident and an all-around great guy. This tree planting is at the entrance to Forest Ridge and is something we can all be proud of.

Mr. Spencer asked if Council will be briefed on the mask mandate enforcement procedures so that they too can be up to speed should someone ask. Mayor Fritz answered that he will provide that information to them, probably in the form of an email as soon as he knows.

Engineer

Mr. Filarski reported that Moreland Commons started construction on the first house. He reported that the earthwork at 50 Addison Lane would be completed in a few days, if it has not already. That part of the project has gone smoothly. The next part of the project will be the reinforcement of the slope.

Mr. Emerman asked if any residents have questioned him about the project at 50 Addison Lane. Mr. Filarski stated that he has not received any questions and he would guess that any neighbors can see the construction going on, but he would assume that they were briefed by the owner as to what would be taking place.

Mayor Fritz asked about the Willey Creek Bridge replacement project. Mr. Filarski stated that they are a week ahead of schedule and they are going to be getting the box beams (concrete beams) delivered July 27 or July 28.

Service

Mr. DeWater reported that the Police Department generator has arrived and the Service Department is adding onto the concrete base where the old one was. The generator will be installed and tested by next Tuesday. He reported that the Cuyahoga County Solid Waste District has scheduled a meeting for the Service Directors on July 14 to make the recommendation for the rubbish and recycle consortiums, after reviewing all the bids. Mr. DeWater will bring the information back for the Mayor and Council's review.

Mr. Stanard asked what the preliminary reports were on the functionality and drivability of the new recycle truck. Mr. DeWater stated that his employees are enjoying operating it better than the other truck. He stated that they do have to go to the recycling station twice a day now; however, he thinks that is a result of more cardboard (from Amazon, especially with everyone being home). There are only two drivers for functionality, which also helps in learning the best way to do the route, as well as lessen maintenance issues. Mr. Stanard asked if the volume capacity is less. Mr. DeWater stated that it is the same capacity, but cardboard has always been a challenge in that it does not compress like other materials in the packer. He stated that it was previously discussed about having a cardboard drop off bin at Village Hall. In the new recycle contract as part of the consortium, he believes that there is an option for them to supply the Village with a dumpster for cardboard. Mr. Stanard stated that he has seen the truck operate a few times and it just seems so much better to have all the operation behind the driver instead of in front of him.

Police

Chief Wyant did not have a report.

Finance

Mr. Shah stated that he is getting ready to invoice Pepper Pike for their share of the Building Department expenses. As Council is aware, we have an agreement with them where they pay for 60% of the cost. Last year the total expenses were \$290,000, some of which are non-reimbursable under the contract, but we were able to recover \$111,000. He stated that he invoices Pepper Pike twice a year.

Mr. Shah reported that income tax revenues are down 53% for the month, and 43% year to date, which equates to about \$870,000.

Mayor Fritz stated that he and Mr. Shah are hoping that the impact will be less after July 15 when taxes are all squared away, which will be in September. Mr. Shah stated that it will also account for those that may have asked for an extension.

Law

Mr. Hanna reported that as tonight's meeting was beginning he saw on the Ohio Department of Health's twitter feed, that the mask order was issued at 7:06pm and signed by Lance Himes, Interim Director of the ODH. He feels that is good as far as an enforcement standpoint because the enforcement mechanism is in Chapter 3701 of the Ohio Revised Code, which relates

specifically to rules or orders from the Ohio Department of Health or the Director of the ODH. That will be helpful to our discussion tomorrow regarding enforcement and it should mean that it is clearly enforceable by local law enforcement in that local violations would be a misdemeanor of the second degree. Mr. Hanna stated that he is unsure why the order came out at 7:06pm when the order went into effect at 6:00pm. He reported that the retainer hours through June are 220, which is close to being on track for contract purposes.

Reports of Committees -

Roads & Safety Committee

The Roads and Safety Committee met on June 30, 2020 and Mr. Spencer gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is July 28 at 8:00am.

Mr. Spencer made a motion seconded by Ms. Sturgis to allow the Mayor to enter into a contract with JD Striping, Inc. for pavement marking throughout the Village of Moreland Hills at a cost of \$19,343.15.

ROLL CALL:

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

NAYS: None

NOT VOTING: Mr. Stanard*

MOTION CARRIED

*(Mr. Stanard lost connection to the Zoom Meeting and therefore missed the vote)

Facilities Committee

The Facilities Committee did not meet on June 30, 2020. Mr. Emerman stated that the next regularly scheduled meeting will be on July 28, 2020 at it was suggested to have that meeting at 9:00am in order to provide the Roads and Safety Committee with enough time because of a full agenda.

BZA

The Board of Zoning Appeals met on July 6, 2020 and Mr. Stanard gave a report based on the meeting minutes, which are attached. The next meeting will be August 3, 2020 at 6:00pm.

Planning Commission

The Planning Commission met after the BZA on July 6, 2020 and Mr. Stanard gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is August 3, 2020 immediately following the BZA meeting.

APPROVAL OF BONDS, CONTRACTS, PLATS, ETC.

O'Hara Residence

15 Hunting Trail

Conditional Use Certificate –

Streambank Stabilization in a Riparian Area

Mr. Stanard starting by sharing a photograph with Council Members which showed the stream cutting into the deck and threatening the foundation at 15 Hunting Trail. He stated that this is a problem that will not go away. The applicant intends to install new 18” diameter drill shafts to support the deck and after that work is done, limestone rock would be placed in a bed that would keep the embankment whole and in place. Mr. Filarski had some minor comments to make on the plans. Mr. Stanard stated that the Planning Commission thought that this was a reasonable request for the owner to make this repair in the riparian area and so made the recommendation to Council for approval of the Conditional Use Certificate.

Mr. Emerman asked if the comments from the Village Engineer are pending or if they have been resolved. Mr. Filarski stated that the comments that he had are going to be addressed by the design engineer who will be revising the plans. Mr. Emerman asked if there would be any upstream or downstream impact. Mr. Filarski stated that this project would not affect the flow in the creek at all. Mr. Richman asked if the reputation of the contractors is known and if any other governmental entities need to be consulted on this project. Mr. Filarski stated that to answer Mr. Richman’s second question, there are no other governmental entities that need to be consulted because the work will take place outside the ordinary high water area. Concerning Mr. Richman’s first question, the contractor for the job, Mr. Larry Arnold, stated that he has several sub-contractors on this project who he has worked with before on other projects for the O’Hara family. He stated that Mr. O’Hara asked him to oversee the project so he will be coordinating all the sub-contractors.

Mr. Filarski explained that this is not a major project like the one at 50 Addison Lane and so he does not expect any major difficulty.

Mr. Stanard made a motion seconded by Mrs. Kozminski-VanderHart to perform streambank stabilization in a riparian area to the property located at 15 Hunting Trail.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mayor Fritz thanked Mr. Arnold for participating in the meeting and apologized that he had to wait so long. Mr. Arnold thanked Mayor Fritz and left the meeting at 7:58pm

ORDINANCES AND RESOLUTIONS

Ordinance 2020-43- Introduced by Mr. Spencer

AN ORDINANCE AUTHORIZING CHANGE ORDER NOS. 2 AND 3 WITH ABV CONTRACTING CO. FOR THE 2019 DRAINAGE PROGRAM AND DECLARING AN EMERGENCY.

Mr. Spencer stated that Change Order No. 2 is for additional scope of work in the amount of \$6,475.80 and Change Order No. 3 is a deduction in the amount of \$2,688.10 which reconciles and closes out the contract.

Mr. Spencer made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2020-43.

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 Mr. Richman for passage of Ordinance 2020-43.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2020-44-Introduced by Mr. Emerman

AN ORDINANCE AUTHORIZING CHANGE ORDER NOS. 2 AND 3 WITH TERRACE CONSTRUCTION CO., INC. FOR SEWER LATERAL INSTALLATION IN VARIOUS LOCATIONS AND DECLARING AN EMERGENCY.

Mr. Emerman stated that Change Order No. 2 is an increase in the amount of \$11,027.09 due to unexpected conditions at the site requiring the use of different materials and Change Order No. 3 is a decrease in the amount of \$9,320.19 to reconcile and close the contract. He stated that he is happy that we can offer this to those residents that have to abandon their septic tanks and tie into the sewer because it saves them money.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2020-44.

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 2020-44.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2020-45 - Introduced by Mrs. Kozminski-VanderHart

AN ORDINANCE CREATING THE CORONAVIRUS RELIEF FUND WITHIN THE FINANCIAL RECORDS OF THE VILLAGE OF MORELAND HILLS, AND DECLARING AN EMERGENCY.

Mrs. Kozminski VanderHart stated that this fund will be where the CARES Act money will be deposited and where any expenditures specifically related to COVID will be expended from. The funds received will be pursuant to any federal or state directive.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Stanard to suspend the rules of Ordinance 2020-45.

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 2020-45.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Ordinance 2020-46- Introduced by Mr. Stanard

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

Mr. Stanard stated that there is an amendment to a current appropriation (decrease of \$120,000) which is a result of the plan to decrease the scope of the 2020 Culvert and Drainage Program in response to the expected decrease in the revenues as a result of the COVID-19 pandemic. There were also the two usual transfers from the General Fund to the Police Pension Fund and to the Police and Fire Levey Fund.

Mr. Stanard made a motion seconded by Mr. Emerman to suspend the rules for Ordinance 2020-46.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

Mr. Stanard made a motion seconded by Mrs. Kozminski-VanderHart for passage of Ordinance 2020-46.

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. Emerman made a motion seconded by Mr. Stanard to adjourn the Regular Council Meeting at 8:09pm

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 8:09pm.

Attest:

Sherri Arrietta, Clerk of Council

Steve Richman, Council President