

## REGULAR COUNCIL MEETING

October 14, 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; Lt. Todd Dietzel; Sherri Arrietta, Clerk of Council; Anthony Furino, Cuyahoga County Library Orange Branch Manager; Judith Mitchell, Davey Resource Group; Chip Hess, Hess & Associates Engineering, Inc.; Jim Kilpatrick; Emily Brasfield

Mayor Fritz asked if anyone had any corrections to last month's meeting minutes. Mr. Stanard stated that on page 5, first line under the Finance report, should say "tax revenues" instead of "income tax."

Mr. Richman made a motion seconded by Mr. Stanard to approve the minutes of the Regular Council Meeting of September 9, 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.

At this time, Mayor Fritz introduced Anthony Furino, Cuyahoga County Library Orange Branch Manager. Mr. Furino stated that Issue 70 is a 1 mill continuing levy that will cost residents less than \$3.00 per month/per \$100,000 home valuation, and are hoping it will generate 18 mills annually. He stated that they are in need of more funding because it has been

twelve years since the last 2.5 mill levy request. Since that time, revenues from property taxes have decreased by 14%. This funding will enable us to operate our 27 branches, preserve our evening and weekend hours, make necessary security and safety updates, sustain our robust materials collection, and maintain critical services such as after school homework help and training for job seekers. Unfortunately, if this new levy does not pass, we will most likely have to cut open hours, cut some evening and weekend hours, reduce virtual services, defer maintenance projects, and reduce our collection budget which will result in much longer wait times. For more information visit [www.cuyahogalibrary.org/Issue70](http://www.cuyahogalibrary.org/Issue70) and if anyone would like a yard sign, they can email Mr. Furino at [afurino@cuyahogalibrary.org](mailto:afurino@cuyahogalibrary.org).

Mayor Fritz thanked Mr. Furino for coming tonight and told him that he fully supports the library system and the levy. Mr. Richman agreed and stated that it would be a shame to have to cut back hours and services considering the recent expansion of the library branches. He stated that he fully supports the levy because he spent a lot of time at the library growing up, as did his children.

Mr. Furino left the meeting at 7:10pm.

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

Mayor Fritz reported that he is starting to have 2021 Budget discussions. He will be meeting with department heads and those whose contracts are expiring this year. He and Mr. Shah met for lunch yesterday and they had a very good conversation and have some mutually agreed upon goals and expectations moving forward. He stated that they are aware that 2020 has been a challenge for us all in so many ways, as evidenced by the fact that we are meeting virtually. Mayor Fritz stated that 2021 will pose potential significant financial challenges that we are unable to predict, therefore we have to anticipate and will be doing so in a very fiscally conservative manner. Council will, of course, be kept up to speed along the way.

He gave an update on the Smith property on Miles Road. There will be a new plan before the Planning Commission next month, for preliminary discussion only. This plan does not include a development or a street, and is smaller in scale than the previous submittal. He stated that he will keep Council up to date on this proposed project.

Mayor Fritz wanted to give thanks to Chad and Stephanie Schreiber who will be building a new home on River Road, the former property of Olympic Gold Medalist Diana Munz. They donated the existing house to the Chagrin Valley Fire Department to burn down for training

purposes. He stated that he was present at that training and it was very intensive and included single room and contents fires, multiple room fires, and fires in wide-open spaces. This provides a great opportunity for our local firefighters to practice. He appreciates the Schreibman's generosity.

### **Service**

Mr. DeWater reported that the service department is beginning to get all their snow removal equipment together. The mechanic has the three large salt and ice trucks up and running and he has not found any major deficiencies with them. The other truck will be ready before October 31. He reported that several applications have gone out for senior snow plowing. Mayor Fritz informed Council that Mr. DeWater has added the new Village graphics to the new service department pick-up truck.

### **Police**

Chief Wyant reported that they had a brief and small dedication ceremony on Monday night from the Retired Chief's Association, to honor former Police Chief Frank Swanek. Chief Swanek served as Moreland Hills Police Chief from 1987 to 2002. The plaque will be hung in the police department lobby. He stated that they received the "okay" a few days ago to start ordering items, with regard to the \$17,000 grant from the state. Chief Wyant reported that they have had some training this last month with regard to de-escalation and implicit biased. Lt. Dietzel is scheduling training now at Tri-C, which is being offered free through a grant from the county, and will provide additional training in the areas just mentioned as well as in "blue courage" and "biased-free policing." Mr. Spencer applauded the MHPD's efforts in alerting residents of the recent car thefts in the area and asked if there had been any in Moreland Hills. Chief Wyant answered that they did have one incident but it was minor and nothing like what our surrounding communities are experiencing, fortunately.

Mayor Fritz thanked Chief Wyant and Mrs. Bossart for securing that grant during a time of financial uncertainty.

### **Engineer**

Mr. Filarski did not have a report.

### **Finance**

Mr. Shah reported that income tax revenues are up 5.6% from this time last year, but he wants to caution them that the reason it is up is because most of our taxes come from individuals in

the Village. A lot of that increase is associated with six or seven different accounts, so this is subject to change every year. He stated that he feels that next year is going to be a whole different story, as we may see some significant reductions in income tax. Mr. Shah stated that they will start with a very conservative reduction of 20% in the overall budget and will watch it as it comes along. Next year we will hopefully not have this delay in filing so we will know by the end of the first quarter where we are ending up. He reiterated that he will start with a conservative number, the budget will be based on that number, and if things progress better than expected, then adjustments can be made throughout the year. RITA recently did a quick analysis of the shift in withholding in income taxes if people were to be working from home. There is a pending state law that claims that if someone is working from home, they do not have to pay taxes in the community where their employer is located. This will not affect us much, however, there is a chance that we may lose 1-2% of our withholding tax. We have a 0% tax credit so people working within, and residents living in, Moreland Hills will not get the benefit of that.

Mr. Shah thanked Chief Wyant for getting the COVID grant. He stated that we have received \$38,000 from the state, and will be receiving an additional \$119,000 tomorrow from the state, making that a total of \$157,000. So far, we have purchased cleaning supplies, hand sanitizer, UV lights, etc., which adds up to approximately \$30,000. As we discussed earlier, a lot of those funds can now go toward our safety forces salaries and wages. The State Auditor recommends that everyone is on the same page as far as using wages and salaries. He stated that he would get together with Mayor Fritz, Chief Wyant, and Mr. Hanna to come up with a scenario and to get some type of analysis done of how many COVID related calls we get and how work schedules have shifted as it relates to COVID. Although the State Treasury Department has said that they do not need any justification if we use that, the State Auditor has asked that we do have some sort of accounting on our books to show why we have charged, 30-40% (for example) of safety forces salaries to COVID funds. Mr. Shah stated that it will be easy to establish. We have until the end of December to use those funds and until February to refund any funds we do not use.

Mr. Richman asked if it is too early to have any guidance for residents who have been working from home, for an employer outside of Moreland Hills. Mr. Shah stated that it is still in the discussion phase; however, they can claim that they did not go to the city of their employer, and get a credit from that city, but they would still have to file with the city where they reside. He stated he is not sure how many people will do that, however, if it is beneficial to them, he

is sure some will do it. Mr. Spencer asked if RITA would be doing an analysis on that to see the impact on the region. Mr. Shah stated that they have started that analysis as well as how the withholding tax, if the law passes, will impact all the RITA communities. They collect taxes for almost 300 communities, so it will be a telling picture once they figure out where it is going. It is very preliminary right now and it is based on quite a bit of generalities. He stated that we should be getting analysis for Moreland Hills in the next couple of days.

**Law**

Mr. Hanna did not have a report.

**Reports of Committees -**

**Roads & Safety Committee**

The Roads and Safety Committee met on October 6, 2020. Ms. Sturgis gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is November 3 at 8:00am.

**Facilities Committee**

The Facilities Committee met on October 6, 2020. Mr. Emerman gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is November 3 at 8:30am.

Mr. Emerman made a motion seconded by Mr. Richman to allow the Village Engineer to develop specifications and advertise for bids for the 2020 Sewer Inspection and Cleaning Program.

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 allow the Village Engineer to develop specifications and advertise for bids for the 2020 Sewer Rehabilitation Program.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

### **BZA**

The Board of Zoning Appeals met on October 5, 2020, and Mr. Stanard gave a report based on the meeting minutes, which are attached. The next meeting will be on November 2, 2020 at 6:00pm.

### **Planning Commission**

The Planning Commission met October 5, 2020 immediately following the BZA meeting. Mr. Stanard gave a report based on the meeting minutes, which are attached. The two Conditional Uses Certificates on the agenda tonight were recommended to Council from the Planning Commission. The next regularly scheduled meeting is November 2, 2020.

### **APPROVAL OF BONDS, CONTRACTS, PLATS, ETC.**

#### **Brasfield Residence**

60 Farwood Drive

Conditional Use Certificate –

Stabilization Work in a Riparian Area

Mr. Stanard stated that the Planning Commission was unanimous in their recommendation to Council for a Conditional Use Certificate to be issued for stabilization work in a riparian area at 60 Farwood Drive. He explained that this is private property with a ravine (ephemeral stream) where the precipitation from the rain has begun to erode in different locations, which in turn is causing shifting in the property that has troubled the homeowner. There is a particular area immediately adjacent to the septic system that has a slip. The plan was to have that work done that includes four down cut areas (there is a schematic plan that shows this work from Hess Associates in the Council packet). There is another area that would require some slope protection and two rock check dams. This ultimately amounts to making minor excavations and putting a stabilizing rock material down on top of a fabric, which will allow water in future occurrences to be deflected and to dissipate its energy in the rock soils instead of taking soil away. This is a straightforward repair system that does not require any permits other than the Conditional Use Certificate approval. The overall consensus is that this work should be done

sooner rather than later for erosion protection.

Mr. Richman asked if any effects to downstream neighbors would be positive instead of negative and asked if there were any suspected adverse effects to anyone else. Mr. Stanard stated that it is his understanding that there would not be any adverse effects to adjacent properties, but that he would defer to the Village Engineer. Mr. Filarski stated that there would be no adverse effects to the downstream neighbors, and in fact, it should have a positive impact because the check dams will help decrease the washout of the streambed and transport that sediment downstream.

Mr. Stanard made a motion seconded by Mrs. Kozminski-VanderHart to approve the Conditional Use Certificate for stabilization work in a riparian area at 60 Farwood Drive.

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 –

Stabilization Work in a Riparian Area Below Normal High Water

Mr. Stanard informed Council that the Planning Commission unanimously recommended this slope stabilization project at 50 Addison Lane to Council. He gave a recap of the project, which is in the second phase; the first phase also came before the Planning Commission and Council and was approved. At that time, the in-stream work was deferred until plans could be a little further developed and approved by all the agencies that needed to weigh in. Since that time, because of all the rain on Labor Day weekend, the scope of work in the river has grown significantly. There will now be five groynes and a toe area, instead of 5-7 bendway weirs (small versions of groynes) that was in the original plan. The groynes are significantly larger than the original plan with the bendway weirs. The amount of premium rock material has also increased from 130 yards to 1540 cubic yards. The rock is a high quality, premium material limestone rock that is large enough to withstand the forces of the river as the water moves through in high impact events. Just like in the first phase, it appears as though the team on this

project has properly prepared the plans and specifications, such that the objective will be obtained if the project is allowed to proceed.

Mr. Stanard stated that the Village Engineer recommended approval of this Conditional Use Certificate, but he did make a notation that all of the governmental agencies that regulate this type of work, will need to review the change in the revised plans and as such, they will also need to re-issue or amend their permitting from the Ohio EPA, ODNR, and the US Army Corps of Engineers. We are also involving the Cleveland Metroparks and the Chagrin River Watershed Partners. The Planning Commission recommended this project to Council with the stipulation that it be contingent on the approvals of the Ohio EPA, ODNR, and Army Corps of Engineers, along with final approvals from the Chagrin Valley Watershed Partners, the Cleveland Metroparks, and the Village Engineer once all appropriate documentation has been received. Mr. Stanard informed Council that the Cleveland Metroparks and the CRWP have no authority to approve or disapprove, however, as invested neighbors, they have been asked to make recommendations, comments, etc.

Mr. Richman stated that while he presumes that the new plan is more effective regarding preventing erosion of the riverbank, and asked if it is expected to have any more, less, or the same impact on the waterway and ecosystems. He also asked if that is what the regulatory agencies will be looking to confirm.

Mr. Stanard answered yes, hydrological studies will be done of the impact of the river, both now and in the future, but he stated that to thoroughly answer Mr. Richman's question, he would defer to Judith Mitchell, who is responsible for the design of the in-water work. Ms. Mitchell stated that the work in the river is designed using the groyne weirs, as Mr. Stanard previously stated, to slow the water next to the bank and allow the sediment to deposit out. The bank has been eroded and so by dropping that sediment out, it will help build up the bank. The additional material on the slope is to stabilize the slope and although they are connected because they have to be, they are functioning in two different ways. Mr. Richman stated that he understands that it is below the high water mark and so it may have a different effect than the above the water line bank work would have. Ms. Mitchell stated that was correct and explained that there is a lot of material being put above the ordinary high water mark. She explained that the groynes have long legs that go into the bank to prevent water from getting behind the structures, so when the river rises up, the water will go up over the groynes, and the keys, which are designed to extend even further back, will prevent the water from getting behind them.

Mr. Richman asked if the stipulations from the Planning Commission's recommendation are built into Council's motion or if Council would have to make their motion contingent upon those same conditions. Mr. Hanna stated that Council's action is to confirm the recommendation of the Planning Commission, which would include those conditions.

Mr. Stanard made a motion seconded by Ms. Sturgis to approve the Conditional Use Certificate for stabilization work in a riparian area below normal high water at 50 Addison Lane, contingent upon the stipulations set forth from the Planning Commission approval as stated above.

ROLL CALL:

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

NAYS: None

MOTION CARRIED

## **ORDINANCES AND RESOLUTIONS**

### **Ordinance 2020-54 (Second Reading)-Introduced by Mrs. Kozminski-VanderHart**

AN ORDINANCE AMENDING SECTION 509.11, "NOISE," OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS, OHIO, AND DECLARING AN EMERGENCY.

Mrs. Kozminski-VanderHart stated that this ordinance will add subsection 7 "Landscape Equipment," which prohibits the use of lawn maintenance equipment in close proximity to dwellings before 7:00am or after 9:00pm on weekdays, or before 8:00am or after 9:00pm on Saturdays and Sundays.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Stanard to suspend the rules of Ordinance 2020-54.

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 2020-54.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

**Ordinance 2020-61 - Introduced by Ms. Sturgis**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH WOODFORD EXCAVATING, LLC FOR THE 2020 CULVERT AND DRAINAGE PROGRAM AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that this was discussed in committee and bids were received on October 2, ranging from \$111,929.00 to \$137,033.50. The lowest bidder was Woodford Excavating, LLC, for \$111,929.00.

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules of Ordinance 2020-61.

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. Stanard for passage of Ordinance 2020-61.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

**Ordinance 2020-62 - Introduced by Ms. Sturgis**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR THE 2020 CULVERT AND DRAINAGE PROGRAM AND DECLARING AN EMERGENCY.

Ms. Sturgis stated in July 2013 the Village entered into a Regional Stormwater Management Program Service Agreement with NEORSD. As part of this program, NEORSD manages a Cost Share Account, which provides funding to assist the Village with District approved projects. The District has approved the 2020 Culvert and Drainage Program as a Community Cost-Share project and will allocate \$40,000 from those funds for that project.

Ms. Sturgis made a motion seconded by Mr. Emerman to suspend the rules for Ordinance 2020-62.

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. Richman for passage of Ordinance 2020-62.

ROLL CALL:

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

NAYS: NONE

MOTION CARRIED

**Ordinance 2020-63- Introduced by Mr. Emerman**

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A TEMPORARY WORK AGREEMENT EASEMENT FROM JASON & BRIDGET MORRIS FOR THE ACCESS TO, CONSTRUCTION, OPERATION, MAINTENANCE AND REPAIR OF A STORM SEWER AND APPURTENANCES UPON THE PROPERTY KNOWN AS 50 FOX GLEN ROAD, AND DECLARING AN EMERGENCY.

Mr. Emerman stated that this ordinance, as well as Ordinance 2020-64, relates to the Sewer Rehabilitation Project and will allow the Village to obtain access to our existing easement for the construction, operation, maintenance and repair of a storm sewer.

Mr. Emerman made a motion seconded by Mr. Stanard to suspend the rules for Ordinance 2020-63.

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 Ms. Sturgis for passage of Ordinance 2020-63.

ROLL CALL:  
AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis  
NAYS: NONE  
MOTION CARRIED

**Ordinance 2020-64- Introduced by Mr. Emerman**

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM JOSEPH MARTIN KANAN FOR THE INSTALLATION, MAINTENANCE, AND REPAIR OF A STORM SEWER AND APPURTENANCES UPON THE PROPERTY KNOWN AS 45 FOX GLEN ROAD, AND DECLARING AN EMERGENCY.

Mr. Emerman stated that that as previously stated, this ordinance relates to the Sewer Rehabilitation Project. The Village does not have an existing easement for this storm sewer, therefore, this ordinance will establish a permanent easement to allow the Village to access the property to install, maintain, and repair a storm sewer.

Mr. Emerman made a motion seconded by Mr. Richman to suspend the rules for Ordinance 2020-64.

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 Mrs. Kozminski-VanderHart for passage of Ordinance 2020-64.

ROLL CALL:  
AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr.

Stanard, Ms. Sturgis  
NAYS: NONE  
MOTION CARRIED

**Ordinance 2020-65- Introduced by Mr. Spencer**

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

Mr. Spencer stated that there were three amendments to appropriations this month; \$2500 to increase the contract with the Board of Health (paid through semi-annual property tax settlement) \$500.00 is an advance to the Parks Donations Fund to pay for the race fee, which will be returned once those funds are collected from donations, and \$12,714.95 is an increase in appropriations for the second round of the COVID funding from the County, which allows the Village to spend those funds.

Mr. Spencer made a motion seconded by Ms. Sturgis to suspend the rules for Ordinance 2020-65.

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. Stanard for passage of Ordinance 2020-65.

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 8:06pm

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 8:06pm.

Attest:

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Sherri Arrietta, Clerk of Council

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Steve Richman, Council President