

NANCY E. FELLOWS
President of Council

JOHN PLECNIK
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
DAVID M. FIEBIG
JENNIFER SOMMERS GREER
CHRISTOPHER HALLUM
JANET R. MAJKA

Regular Meeting of Council Minutes of April 28, 2016

Policy No. 2: All Council Meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened wherever possible.

The Regular Council Meeting was held on Thursday, April 28, 2016 at 7:00pm in the Willoughby Hills Council Chamber. President Fellows presided.

Members Present: Councilman Christopher L. Biro, President Nancy E. Fellows, David M. Fiebig, Councilwoman Jennifer Sommers Greer, Councilman Christopher Hallum, Councilwoman Janet R. Majka, Vice President John Plecnik

Others Present: Mayor Robert M. Weger, Law Director Thomas G. Lobe, Finance Director Frank J. Brichacek, Jr., City Engineer Pietro A. DiFranco, Clerk of Council Victoria Ann Savage

DISPOSITION OF THE JOURNAL

President Fellows: The next order of business is the Disposition of the Journal, Regular Council Meeting Minutes for April 14, 2016.

Councilman Fiebig moved to accept the Regular Council Meeting Minutes of April 14, 2016. Councilman Biro seconded.

Roll Call: **YEAS:** Biro, Fellows, Fiebig, Hallum, Majka, Plecnik

ABSENTION: Greer

With six affirmative votes, motion passes.

COMMUNICATIONS

CORRESPONDENCE

City Engineer's Report dated April 21, 2016 (Emailed: April 21, 2016)

Letter from Mayor Robert M. Weger to Cathy Murphy, Chairman to the Noise Abatement Council/Cuyahoga County Airport; cc'd to Willoughby Hills City Council, Council Clerk, Law Director Thomas Lobe, NAC Representative Ed McKenna, NAC Vice Chairman Roche (Emailed: April 22, 2016)

NOTIFICATIONS

Council Retreat April 23, 2016 (Emailed: April 15, 2016)

Planning & Zoning Commission and Architectural Board of Review Meeting of April 21, 2016 (Emailed: April 19, 2016)

Planning & Zoning Commission Public Hearing scheduled for May 5, 2016 (Emailed: April 25, 2016)

MINUTES

Records Commission Meeting Minutes posted on the City's Website as April 14, 2016

FILE

Email of April 11, 2016 from Mayor's Assistant to the Members of Council and Council Office re: Fire Chief Job Description – Revised

Email of April 18, 2016 from Pat Grebenc to Members of Council, BZA, Building Department, Building Commissioner Fred Wyss, City Engineer Pete Di Franco, Planning & Zoning and Architectural Board of Review (general email address); Law Director Thomas G. Lobe, Finance Department; Keely Davidson-Bennet of the Chagrin River Watershed Partners

Email from Finance Director Frank Brichaeck to Members of Council dated April 14, 2016 re: Wages

Public Records request from Gloria Majeski to Council Clerk, dated April 14, 2016 re: Public Records Request
Letter from Council Clerk to Gloria Majeski, dated April 19, 2016 re: Public Records Request

Council Clerk: I received today (April 28, 2016) and it was distributed to the Members of Council an email from resident John Weber it was directed to the Mayor and to Willoughby Hills Council and the subject matter is the NAC Representative

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR WEGER: We received 18 applications for the Fire Chief position and we will begin interviews on May the 3rd.

Route 91 is going out to bid on the 18th of May and we hope to get some favorable bids.

The Worrell Road Project update is scheduled to begin after July 2nd that's when the money is available so we can start planning then.

We are in the process of LED conversions and we completed the Fire Department in the bays last week; the reason for that is each fixture only has 36 watts, it produces more light than the old fixtures and they were at 560 watts each so we'll have considerable savings. We're also going to be doing City Hall and we're doing that as they burn out and we're replacing those.

Welcome to Avalon Adult Day Care ribbon cutting is set for 5:00pm on May 13th.

To respond to a request from the Willoughby Hills Senior's Group, I presented the "Mayor's Message" on economical an abbreviated City Newsletter will appear shortly in the Willoughby Hills households. It's my communications to our residents and will include news from the departments and promote recreational activities. Our first "Mayor's Message" will include the budget message which is a requirement by Charter.

Congratulations to Travis and Craig Liddington of the Willoughby Hills Boys Scout Troop on their attainment of Eagle and I attended their ceremony last Sunday.

Congratulations to Officer Dave Broadwater on his retirement, he retired on the 12th and his party was last night.

Thanks to Assistant City Engineer Dan Collins and best wishes as he leaves our City for other assignments.

Upcoming events: the Art Gallery Reception is slated for Friday, May the 6th from 7 to 9 and I want to wish everybody a happy Mother's Day this Sunday on May the 8th.

President Fellows: Thank you Mayor, are there any questions for the Mayor this evening?

Councilman Fiebig: Mayor, did you say eighty or eighteen?

Mayor Weger: Eighteen.

Councilman Fiebig: I don't know if you are aware, I see that you switched the dimmer over there but these lights are so bright now that our Clerk decided not to turn them on because they are almost too bright, so if you want to look into that and see if lower wattage LEDs might make sense for us here, right. Thank you.

Councilman Hallum: Just curious if we have or could we touch base with our insurance carrier so see if switching to LED gives us any insurance benefits sometimes they do for households, I don't know if they do for cities.

Mayor Weger: Yes.

Councilman Plencik: Madame President, the last time we talked about the City newsletter and the City communications, Mr. Mayor you said that you were open to having at least the Council President and Vice President put an article or a statement in and we talked about, or at least I did, I think the important of having all of Council to have an opportunity to submit a report whether it be for their district or the whole City so are we going to have a chance to review this newsletter before it goes out and to contribute an article if we think that there's something lacking?

Mayor Weger: Sure.

Councilman Plencik: Thank, Mr. Mayor.

President Fellows: Thank you, anyone else? Seeing none the next item on our agenda is our Law Director's Report, Mr. Lobe.

LAW DIRECTOR LOBE: No formal report tonight, open for questions.

President Fellows: Any questions for the Law Director? Seeing none, next is the Finance Director's report, Mr. Brichacek.

FINANCE DIRECTOR BRICHACEK: No formal report tonight.

President Fellows: Any questions for Mr. Brichacek this evening? Seeing none, thank you Frank. Next is our City Engineer's report, Mr. Di Franco.

CITY ENGINEER DI FRANCO: Thank you, no formal report tonight.

President Fellows: Thank you Pete, any questions for the City Engineer?

COMMITTEES OF COUNCIL

President Fellows: Committee Reports are next. I don't believe we've had any individual committee meetings since our last Council Meeting. I will just touch base on the Retreat that we had last Saturday which I believe was very successful and the Clerk is compiling the bullets of the retreat that she will be sending out to us so I want to thank everyone who participated, thank you very much.

COUNCIL REPRESENTATIVE REPORTS

President Fellows: Any other Council Representative Reports this evening?

Councilman Hallum: I just want to report the Planning and Zoning Board did meet; we approved a couple of pools, a couple of new homes that are going to be built in the area and also Mr. Babuder did complete his application for permit and he was spoken to just an initial investigation really, we're in the initial phases we need to do more work before we can make any decisions or have any further decisions on that, so that is where that stands.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies

(a) All meetings of any municipal body are declared to be public meetings open to the public at all times.

All meetings shall provide a reasonable opportunity to hear public opinion.

President Fellows opened Public Portion at 7:11 p.m.

Linda Fulton – 2990 Marcum Boulevard. At the last Council Meeting, I believe that Councilman Plecnik mentioned about when he was giving his Noise Abatement Report that Richmond Road was going to be closed at White Road next year and I believe that I had mentioned something about if the City was going to be doing anything about rerouting trucks or anything like that on Bishop Road because I'm sure a lot of them are going to start using Bishop Road and that's a lot of wear and tear on the road itself. Now I've noticed that Highland Heights put up a sign stating the weight limits and I'm sure that they put that up next year...using it next year for the trucks or any other equipment, I mean cars or anything and I just want to know if the City of Willoughby Hills is going to be doing anything. I think it would be wise to start talking about it because for the four months that Richmond Road is going to be closed there and I know that there are a lot of trucks that travel that road so where are they going to go? So Highland Heights has already pursued this and I think that Willoughby Hills should do the same. Thank you.

President Fellows: Thank you, Linda. Anyone else? Mr. McKenna, Ed.

Ed McKenna – 2963 Lamplight Lane. Under the topic of Correspondence and there was some discussed at the last Council Meeting, and that's kind of my question this evening, that it was, I believe you, Nancy said that Council will have a representative to the Airport Noise Abatement Committee, as well as the Mayor having one and that Council voted on that. I went back to look at my meeting... minutes to see where Council voted and I couldn't find anything so my question is where or when did you vote, was it recorded, did the minutes, the normal 2016 minutes don't reflect that. Thank you.

President Fellows: Thank you, Ed. Anyone else? Cheryl.

Cheryl Ota – 2960 Marcum Boulevard. I have a question concerning the paint on the new truck. Are all of our trucks going to be blue from now on and if they are, what shade of blue, is this a dark blue that's hard to see and I was wondering who chose this color? And why we're paying \$2500 when we could use it in a white condition or whatever color it comes in. It seems like a lot of money to paint a truck, and then maybe we don't need it. And I was wondering if our whole fleet is going to be blue, if by chance it is, we're so close to Mayfield Village and all of theirs is blue. So you know, I think that it was a bad choice.

President Fellows: Thank you, Cheryl. Anyone else? I'll close Public Portion at 7:15pm.

Councilwoman Fellows: The first question that Linda Fulton had, Pete maybe we can get an answer for her or where are some thoughts about signs futuristically for this airport expansion.

City Engineer DiFranco: Actually, I have a follow up question, where did you see that sign in Highland Heights?

Linda Fulton: Right on Bishop Road, it's right before the Countyline.

City Engineer DiFranco: Okay, I can look into that.

President Fellows: Wonderful, thank you. And Ed we will go back and look it up in our minutes for when Councilman John Plecnik was voted on to be the Council Representative. I can't give a personnel opinion, John let me pass this (gavel) to you. Honestly I think more people from the community that go to that meeting and bring back information that's a good thing. So, I don't think that we voted on that there would be a representative for Council and a representative for Administration. Administration has their own protocol and policy to do what they choose to do. But at the time, in fact it was when then Councilman or President Reichelt served on that committee and he was from Council so we had a Council Representative at that time. So Council just continued with that when Councilman Reichelt left his position. But we can certainly find the records for you.

And Cheryl, we can go to the Mayor or Mr. Grubiss about the blue trucks...

Mayor Weger: Yes.

President Fellows: I'd like to know too.

Gavel was given back to President Fellows.

UNFINISHED BUSINESS

President Fellows: Next order of business is "Unfinished Business", is there any unfinished business for this evening? Seeing none, then next will be legislation.

LEGISLATION

Ordinance No. 2016-11 – SECOND READING

An ordinance amending Part Nine – Streets, Utilities and Public Services Code, Title Three – Utilities, Chapter 925 – Sewerage System Regulations, Section 925.06 – Fees, Sub-Section (c) of the Codified Ordinances of the City of Willoughby Hills, Ohio and repealing conflicting legislation.

President Fellows: So this ordinance is requiring that the City of Willoughby Hills adopt uniform requirements for the discharge into the Willoughby-Eastlake Wastewater Collection Treatment Systems. This will be on Second Reading this evening.

Ordinance No. 2016-12 – SECOND READING

An ordinance directing the Mayor to sign any and all necessary documents to secure the purchase of a 2016 GMC 3500HD Pickup through the State of Ohio Cooperative Purchasing Agreement Contract with said purchase being exempt from competitive bidding pursuant to Section 125.04(c) of the Ohio Revised Code and declaring an emergency.

President Fellows: And this will also be on Second Reading this evening.

Ordinance No. 2016-14

An ordinance amending Part Nine – Streets, Utilities and Public Services Code, Title Three – Utilities, Chapter 925 – Sewerage System Regulations, Section 925.02 – Definitions and Section 925.22 – Hauler Prohibitions of the Codified Ordinances of the City of Willoughby Hills, Ohio and repealing any and all conflicting legislation.

President Fellows: So this ordinance is an ordinance requiring the City of Willoughby Hills adopt uniform requirements for hauler prohibitions into the Willoughby-Eastlake Wastewater Collection Treatment Systems. This is just maintaining compliance so this will be First Reading.

Ordinance No. 2016-15

An ordinance authorizing the Mayor to execute the contract modification agreement by and between City of Willoughby Hills, Ohio and Richard L. Bowen + Associates, Inc.; repealing any and all conflicting legislation and declaring an emergency.

President Fellows: I just want to mention that I think that everybody needs to look at this ordinance pretty carefully because when CT Consultants was asked to leave the City the retainer for the City Engineer was about \$26,000 and when our current City Engineer with his first retainer was \$13,000 and we had one Assistant which was paid approximately \$6,500. Then an additional Assistant was added with the second contract for an additional \$6,500. So adding those up, we have three people with the same retainer for one and now that we have one of the Assistants leaving this ordinance is asking that the Assistant City Engineer have the same retainer as the City Engineer. This will be placed in the Finance Committee for review and discussion, so it's on First Reading tonight.

Ordinance No. 2016-16

An ordinance amending Section 1 of Ordinance No. 2016-3 – AMENDED to comply with state budgetary laws requiring municipalities to maintain positive account balances throughout the year by providing for 2016 operating budget revisions specifically for the Route 91 Resurfacing Project; repealing conflicting legislation and declaring an emergency.

President Fellows: We will take the emergency tag off Ordinance No. 2016-16 and this is the ordinance amending Section 1 of Ordinance 2016-3 that was amended to comply with state budgetary laws requiring municipalities to maintain positive account balances for 2016 operating budget. This revision is specifically for the Route 91 Resurfacing Project. This afternoon I emailed our Finance Director and inquired about where was this money coming from that would be put into the General Fund and then from the General Fund would be put into the Road Levy Fund #270. Frank, could you please speak to that.

Finance Director Brichacek: There is no specific revenue source tied to this transfer, this change will result in the projected ending available fund balance in the General Fund at the end of 2016 being reduced from approximately 1.45 to 1.1 million.

President Fellows: This ordinance will remain on First Reading this evening.

Ordinance No. 2016-17

An Ordinance amending Part One – Administrative Code, Title Five – Administrative, Chapter 157 – General Employment Provisions, Section 157.05 – Vacations, by the addition of sub-section (i) of the Codified Ordinances of the City of Willoughby Hills; repealing conflicting legislation and declaring an emergency.

President Fellows: So this ordinance is aligned with lump sum vacation payout to those individuals who retire. The union contract individuals are covered under their contracts. There is no cap designated in this ordinance and with the caveat of the Mayor determining if he wants to do this or not I'm not sure why this should be legislated but at any rate this will be placed in Personnel Relations and this will be the first reading.

Ordinance No. 2016-18

An Ordinance amending Part Thirteen – Building Code, Title Three – Local Building Provisions, Chapter 1367 – Stormwater Management of the Codified Ordinances of the City of Willoughby Hills and repealing any conflicting legislation.

President Fellows: This will be on First Reading and then read the second one (Ordinance No. 2016-19) and then I will make a comment.

Ordinance No. 2016-19

An Ordinance amending Part Thirteen – Building Code, Title Three – Local Building Provisions, Chapter 1369 – Erosion and Sediment Control of the Codified Ordinances of the City of Willoughby Hills and repealing conflicting legislation.

President Fellows: These two ordinances are aligned with stormwater management, erosion and sediment control of which the Chagrin River Watershed Partners will review as well. So 2016-18 is aligned with Chapter 1367 for stormwater management and Ordinance 2016-19 is aligned with Chapter 1369 for erosion and sediment control so both of these are on First Reading.

Ordinance No. 2016-20

An Ordinance amending Part One Administrative Code, Title Five – Administrative, Chapter 157 – General Employment Provisions, Section 157.01 – Compensation of the Codified Ordinances of the City of Willoughby Hills; repealing conflicting legislation and declaring an emergency.

President Fellows: Ordinance 2016-20 is an ordinance where the Mayor is requesting a 3% increase in compensation for all non-union city employees. This was already introduced in the Personnel Relations Committee Meeting on Monday, April 11, 2016. As I was reviewing this the Tables are not the same, Bob from the first one to the second one. So the first one didn't have the Safety Officer in it; the second one has the Safety Officer in it but there are no monies aligned with the Finance Director in the table. So we need to have a corrected table. Thank you, so this is First Reading.

Resolution No. 2016-7

A resolution recognizing the City's Public Safety Dispatchers for their dedicated service to the City of Willoughby Hills.

Councilman Biro moved to suspend the 3-Reading Rule. Councilman Hallum seconded.

Roll Call: **YEAS:** **Plecnik, Biro, Fellows, Fiebig, Greer, Hallum, Majka**
Motion passed.

Councilman Biro moved for passage. Councilman Hallum seconded.

Roll Call: **YEAS:** **Plecnik, Biro, Fellows, Fiebig, Greer, Hallum, Majka**

Councilwoman Greer: I definitely agree that our Safety Dispatchers need to be recognized but I'm curious why are we doing this at this point, did this arise from...

President Fellows: Well we haven't done it for a while and we did receive a copy of a resolution from the County Commissioners reminding us that there was recognition for Dispatcher' Week, so we're a little behind the eight-ball but we think that it is important.

Councilwoman Greer: Thank you.

Clerk of Council: We actually, last meeting declared Fair Housing (for the month of April); we addressed that first because we had to go for the grants. That resolution was done first.

Councilwoman Fellows: Needless to say they should always be honored.

Councilwoman Greer: I agree; I was just wondering if there was some specific situation that this arose from.

President Fellows: Thank you, anyone else?

Councilman Fiebig: Mr. Mayor, was there a need for an additional hire in dispatchers at this point?

Mayor Weger: No, not now.

Councilman Fiebig: Okay.

Mayor Weger: We just hired the seventh dispatcher and she has been here for about two weeks.

Councilman Fiebig: Okay, good.

President Fellows: Thank you.

Motion passed unanimously.

NEW BUSINESS

President Fellows: Any new business to discuss?

Councilman Fiebig: Madame President, I'd like to see Council move forward with the Open Checkbook Program that our State Treasurer has put through many, many communities and other organizations throughout the State of Ohio that gives our residents an opportunity to see our City finances very easily, very transparently and I think that it is a good program that I'd like to see us move forward with as a Council and at no cost to us.

President Fellows: Jeff Heinrich from Josh Mandel's office, the Treasurer's Office of the State of Ohio was the guest speaker at our retreat this past Saturday and provided us with some really awesome information so we can certainly look to do that.

Councilman Plecnik: If I could just add he literally demonstrated how you could drill down from the entire city budget down to an individual check for office supplies or a chair. It was just amazing how intuitive the system is and how you can go from the top level to the very bottom line so effectively. It presents a lot of opportunities to save time and effort not even just for residents who might otherwise have to make a public records request to understand what the city is doing but for even for the work of the Finance Committee I know we ask a lot questions of our Finance Director and sometimes with a system like this we would be able to simply pull the data ourselves which would save everyone time and effort so I thought that the Treasurer's Office did an excellent job illustrating its benefits and I think that Councilman Fiebig is absolutely right we should move forward with this proposal.

Councilwoman Majka: I agree all so. It's a very good program.

FOR THE GOOD OF THE ORDER

Councilwoman Greer: Madame President, I received an inquiry from one of my constituents and she was wondering if we do have a policy regarding the Council Correspondence and she was told, no we do not have a specific policy and I think that if we actually don't that we should adopt one because this becomes part of the Council record. We should have a policy on what is actually read and included in the minutes.

President Fellows: We can look into that, absolutely.

Councilwoman Greer: Thank you.

President Fellows: We can also look for guidance as to what other cities are doing as well.

Councilwoman Greer: I think that's a great idea and it would just help to keep things fair and neutral if the same things are being included every single meeting.

President Fellows: Wonderful, thank you.

FOR THE GOOD OF THE COMMUNITY

President Fellows: How about for the Good of the Community?

President Fellows: Seeing none do I hear a motion for adjournment?

ADJOURNMENT

Motion was made by Councilman Biro to adjourn. Councilman Fiebig seconded.

YEAS: Unanimous.

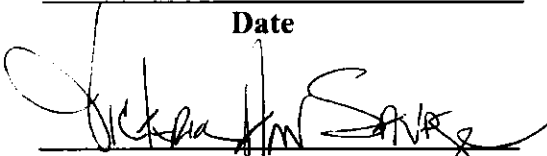
The Regular Council Meeting of April 28, 2016 was adjourned at 7:32 pm.

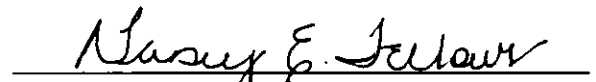
APPROVED:

5-12-16

Date

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council


Nancy E. Fellows
President of Council