

City of Milloughby Hills

Regular Council Meeting Minutes of December 13, 2018

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. Council minutes shall be written, and approved by Council.

The Regular Council Meeting was called to order on Thursday, December 13, 2018 at 7:00pm in Council Chambers. President Nancy E. Fellows presided.

Members Present: Councilwoman Janet R. Majka, Councilwoman Laura Pizmoht, Vice President John Plecnik, President Nancy E. Fellows, Councilman David M. Fiebig, Councilman Christopher Hallum, Councilwoman Laura Lenz

Others Present: Mayor Robert M. Weger, Finance Director Frank J. Brichacek, Jr., City Engineer Pietro A. Di Franco, Clerk of Council Victoria Ann Savage

DISPOSITION OF THE JOURNAL

President Fellows: The first order of business this evening is the Disposition of the Journal for the Regular Council Meeting of September 27, 2018.

Councilman Fiebig: Madam President. Motion to adopt the Regular Council Meeting Minutes of September 27, 2018.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to approve the Regular Council Meeting Minutes of September 27, 2018. Is there any discussion on the motion?

Roll call: YEAS: Majka, Pizmoht, Plecnik, Fellows, Fiebig, Hallum, Lenz
Motion PASSED.

President Fellows: The Regular Council Meeting Minutes of September 27, 2018 have been adopted. The next is the Regular Council Meeting minutes of October 11, 2018.

Councilman Fiebig: Madam President. Move to approve the Regular Council Meeting minutes of October 11, 2018.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to approve the Regular Council Meeting Minutes of October 11, 2018. Is there any discussion on the motion?

Roll call: YEAS: Majka, Pizmoht, Plecnik, Fiebig, Hallum, Lenz

Abstain: Fellows
Motion PASSED.

President Fellows: The Regular Council Meeting Minutes of October 11, 2018 has been approved. And the next is the Regular Council Meeting minutes of October 25, 2018.

Councilman Fiebig: Madam President. I guess I'll do them all then.

President Fellows: That's fine.

Councilman Fiebig: The Regular Council Meeting Minutes of October 25, 2018, move to approve.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to approve the Regular Council Meeting Minutes for October 25, 2018. Is there any discussion on the motion?

Roll call: YEAS: Majka, Pizmoht, Plecnik, Fellows, Fiebig, Hallum, Lenz
Motion PASSED.

President Fellows: The Regular Council Meeting Minutes for October 25, 2018 have been approved and thank you very much Vicki, I know that you've been working very diligently the last few weeks to get these completed. I appreciate that.

The next is the Mayor's report.

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR' REPORT: Thank you. The lease for the substation down at the Shoppes of Willoughby Hills has not been signed yet because Scott Scheel has some partners and they have to review and they weren't sure what all the build- outs and all that were. Ray has a meeting with them tomorrow morning and he said that it will probably get resolved, signed and then I can sign it. So, that's pending for tomorrow.

I want to say everybody have a Happy Holiday and a very prosperous New Year and then I'll let Pete tell our exciting news about something coming up. That's all I have.

President Fellows: Thank you. Are there any questions for the Mayor this evening?

Councilman Fiebig: Madam President. Mayor, will the Police Chief be involved in that meeting because I know that he had some concerns about what exactly to build-out and that was going to be involved, so will he be involved in that?

Mayor: No. Just Scott and Ray Somich to get the details because Scott had to meet with his partners to clarify things. It was just the clarification of things with his partners so that they're on board. So...

Councilman Fiebig: It sounds like it's more of their internal discussions then what our end of things would be...

Mayor: Correct.

Councilman Fiebig: To ask them for, is that right?

Mayor: Yes.

Councilman Fiebig: Okay, thanks, keep us posted on that.

President Fellows: Any other questions for the Mayor this evening? Seeing none, the Finance Director's report, Mr. Brichacek.

FINANCE DIRECTOR'S REPORT: No report tonight.

President Fellows: Any questions for the Finance Director this evening? I think you have an ordinance on the docket.

Finance Director: Yes, the temporary appropriations ordinance, it's on second reading.

President Fellows: And would you like us to vote on it this evening?

Finance Director: I'd love it if you would pass it, thank you.

President Fellows: Any questions? Any other questions? Next is the City Engineer's report, Mr. Di Franco.

CITY ENGINEER'S REPORT: Thank you, Mr. President. From an engineering standpoint, the consultant is still working on the Dodd Road retaining wall, but we're hoping to have that soon so that we can go out to bid. From a zoning perspective, we're working with the Produce Packaging to get a similar use review so that they can move in to the former Sam's Club. We're planning on having a public meeting, January 3rd for that. And today we received a submittal from Aldi to move into the former American Heritage motorcycle building, so they'll be on the Planning Commission's agenda next week for a work session. And we also received plans for the YMCA house on Maple Grove Road. That concludes my report.

Councilwoman Majka: Yes. Yes.

President Fellows: Thank you so much. Any questions for Pete this evening?

Councilwoman Majka: That's really cool.

President Fellows: Pete, I have, you said Aldi to go into...

Councilman Fiebig: She looked at me and said...excuse me, I'm sorry...Madam President, I was asked here by my colleague next to me, did you know about that and I answered yes. And then I asked no because you looked at me and I said, no I didn't have a question. So, she was confused, so...

President Fellows: Okay.

Councilman Fiebig: Excuse the interruption.

President Fellows: That's all right.

Councilman Fiebig: I know we're not suppose to have dialogue back and forth...

President Fellows: As I recall, some years back where they put O'Reillys, I thought there was discussion on putting an Aldi there at that time but there wasn't enough parking, do you remember?

City Engineer: No, I wasn't here at that time.

President Fellows: Okay. Bob, do you remember?

Mayor: No, but the lot at Sears is much larger. They have the side lot too.

President Fellows: Okay.

Mayor: So...

President Fellows: So, they're going to give Giant Eagle some competition.

Councilman Hallum: Marc's.

Councilwoman Majka: Marc's.

President Fellows: Yeah, that's true too. Well, that's great news. Great news. Any other comments or questions for Pete? Thank you.

Councilwoman Pizmoht: Madam President. I just want to make sure that the Dodd Road Project is on schedule. It sounds like it is, but I just want to confirm.

City Engineer: Yes.

Councilwoman Pizmoht: Great. Thanks.

President Fellows: Moving on to Council Committee Reports. Vice President Plecnik, update us on Finance.

COUNCIL COMMITTEE REPORTS/ OTHER COUNCIL REPRESENTATIVE REPORTS

Vice President Plecnik: Absolutely, Madam President, on the 5th the Finance Committee of Council met at 6:00pm. All members were present as well as the owner and advisor to Produce Packaging. We had two items on the agenda and I'll be brief, the proposed temporary appropriations ordinance for 2019 which is our temporary budget. After discussing it thoroughly with the Finance Director there was unanimous recommendation that we waive and adopt this evening. And then second, we looked at a proposed tax incentive for produce packaging and essentially agreed that Mr. Kramer, the advisor to Produce Packaging would forward additional information to me, and myself and the clerk would work to update the ordinance so that it would be introduced at this meeting where it will be on first reading today. We had public portion opened and closed within one minute. There was a question from Ms. Cheryl Ota who wanted to know where the numbers for the White Road Repaving Project came from and both Councilman Fiebig and Mr. Brichacek answered that it was from our City Engineer, but a very, very rough estimate. I certainly stand open to questions.

President Fellows: Any questions for the Finance Chair?

Councilman Hallum: Madam President. I read the minutes and I did not see anything in there because may be it was discussed, or I may have missed it, about the potential probability that the SERB Board may find in favor of the union for the union basting ULP based on their, there was some confusion who the Attorney General was representing and I think that it's been clarified since then that he or they are representing SERB and so I just wonder if we are considering the three elements that I think are involved with that, one being assuming that SERB follows their attorney's advise and reinstates the thirteen employees, the cost of that; secondly, the cost or the lack of revenue that was in the first quarter of last year, that would not be in the first quarter of this year, so there's a revenue impact, an expense revenue impact and in additional expense revenue impact of the additional costs involved with the municipal, Willoughby Municipal handling our cases because it's my understanding that bill is base on the previous year's usage of court.

President Fellows: Councilman Hallum, where you at that Finance meeting?

Councilman Hallum: No, I was not, that's why I said I read the minutes.

President Fellows: Well, I would presume that the minutes would be reflective of what was on the meeting.

Councilman Hallum: It didn't specifically go into detail about that stuff.

President Fellows: All right. Councilman Fiebig, do you have anything to share on Planning and Zoning?

Councilman Hallum: So, did I get a response to my question?

President Fellows: Well, the minutes stand.

Councilman Hallum: So, no answer, okay.

Vice President Plecnik: No, I'll happily answer, the minutes stand. There was no such discussion at the meeting, Mr. Hallum.

Councilman Hallum: Thank you.

President Fellows: Councilman Fiebig, anything for Planning and Zoning to report this evening?

Councilman Fiebig: I think we touched on the, thank you Madam President, the news about the dream house that was there and Produce Packaging development, so I think we've covered that.

President Fellows: Any questions on Planning and Zoning? Mr. Hallum, how about Recreation? Can you provide some feedback on Winterfest and Breakfast with Santa?

Councilman Hallum: I know that they're doing a report on that, so I don't have the final numbers, but they did say that it was very successful. The children's store in the Santa Shop was very busy. They was a lot of children in there, in fact, they were probably busier than they expected, so they did very well from my understanding. I was there serving pancakes and whatnot, so there were a lot of lines and people seeing Santa, so all and all, it was a successful event. I want to thank everyone from the Recreation Commission that put it together, volunteered and all the residents here in the City that helped do the cooking and serving and volunteering at the event.

President Fellows: Thank you. Any questions? Are there any other Committee Chair reports this evening? Any other Council Representative reports this evening? Moving on to Public Portion.

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: Public Portion is an opportunity for the public to come forth and share thoughts, and ask questions. Sometimes we can answer them, sometimes administration can and sometimes we need to do some homework. So, I will open **Public Portion at 7:14pm.**

Linda Fulton – 2990 Marcum Boulevard. Regarding Aldi, I know that it's just very preliminary, but is there enough parking in the spot, for Aldi?

City Engineer: Yes.

Linda Fulton: And the other thing is, I'd like to know who is Ray Somich working for? Is he working for the City? Is he working for Scott Scheel? He gets paid? What does he have to do with all of this?

President Fellows: You want...

Councilman Fiebig: I'll answer directly, but usually we wait till Unfinished Business.

Linda Fulton: That's all.

President Fellows: Thanks, Linda.

Jenna Bing – 36951 Beech Hills Drive. I just want to question because I didn't make it to the BZA or whatever meeting it was, is the Y House on Maple Grove and is its backyard the detention pond or is it on the other side where Church sign is? That's where I can't figure out where it is. Thank you.

President Fellows: Thanks, Jenna. Anyone else this evening? Okay, **I will close Public Portion at 7:15pm.**

UNFINISHED BUSINESS

President Fellows: Councilman Fiebig, did you want to address both questions?

Councilman Fiebig: First of all, Happy Birthday, Jenna. The Maple Grove, it's address is on Maple Grove, isn't it? So, it's Maple Hill, on Maple Grove and the detention pond is somewhat on the side...

Mayor: Backyard.

Councilman Fiebig: It's definitely in the backyard. Okay, all right. I 'd have to look at the plans again, I remember looking at it, visualizing it, but I don't have it right in front of me, but I'd be glad to share that with you.

As far as Ray Somich's, my understanding is that he has been compensated by the Scheel Development Company in some way or another, but he is not working for the City, but there is some sort of, he shared with me that there was some sort of compensation. It's not like an employee relationship, but there's something there, so...

President Fellows: Honestly, that might be a question that should be more appropriate to the individual so that he could provide the exact answer.

Councilman Fiebig: Of course. Of course, but I can share with you what I know and that is what I know. That's what I was told by him, directly, so, all right.

President Fellows: All right, moving on to Unfinished Business. Legislation.

LEGISLATION

ORDINANCE NO. 2018-49 – SECOND READING

1ST Reading: November 8, 2018

AN ORDINANCE PROVIDING FOR TEMPORARY APPROPRIATIONS TO MEET THE ORDINARY EXPENSES OF THE CITY OF WILLOUGHBY HILLS, STATE OF OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2019 THROUGH MARCH 31, 2019; REPEALING ALL LEGISLATION INCONSISTENT HERewith.

Councilman Fiebig: Madam President. Move to waive the 3-Reading for Ordinance No. 2018-49.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to waive the 3-Reading Rule on Ordinance No. 2018-49. Is there any discussion on that motion?

Councilman Fiebig: Madam President. Just to, for those who perhaps were not following, this is just simply the temporary appropriations for the first quarter of next year and they go along with what we spent last year and it is something that we can amend come January, come February, should we need to. We read it once, this is just in case we don't meet for our second meeting in December which many times around Christmas time there's no call to have a meeting, so we want to make sure that this gets passed. So that's why we've moved to waive the third reading on this.

President Fellows: And I might also add that there was an in-depth discussion about it at the Finance meeting too, prior to this meeting, so that we would have a better understanding of the numbers.

Roll call: YEAS: Majka, Pizmoht, Plecnik, Fellows, Fiebig, Hallum, Lenz
Motion PASSED.

President Fellows: The 3-Reading Rule for Ordinance No. 2018-49 has been waived.

Councilman Fiebig: Madam President. Move to adopt Ordinance No. 2018-49.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to adopt Ordinance No. 2018-49. Is there any discussion on the motion?

Councilman Hallum: Madam President. Mr. Brichacek, just to confirm, the numbers for the first quarter, at least, do they or do they not reflect the probability of the ULP being decided in favor of the union, the extra costs to Willoughby Court and the lost of revenue because we don't have a Mayor's Court currently?

Finance Director: Those were not provided for in that budget.

Councilman Hallum: Thank you.

Councilman Fiebig: Madam President. There are some offsets through, other savings that we've had as well, aren't there, Mr. Brichacek, that were factored into the numbers that will be put forth?

Finance Director: Well, the temporary appropriations ordinance is based on the, in general, 25% of the amounts that were appropriated for 2018, you know, with the exception of a couple items, as an example, the debt service is higher as our first debt service comes January 1st. There's \$40,000 in construction additional for the Dodd Road retaining wall and a couple of other items like that.

Councilman Fiebig: Right and of course, as I mentioned in the motion to waive, we can always amend it come January, February, or March.

Finance Director: It's no different than any other appropriations. It can be amended at any time. You know, for example, the Ohio Revised Code requires us to, requires any government entity, both governmental entities to adopt a budget for the year that provides for the temporary budget that provides for the first ninety days. When the annual appropriations ordinance is adopted it could be amended the very next day.

Councilman Hallum: Madam President. One other question, so Mr. Brichacek would it then be safe to say that should the ULP be decided in favor of the union that we would then need to do an appropriation or is there already enough money to cover what that might be?

Finance Director: No, I think that if the ULP comes back and reinstates the employees' backpay, depending on when it's done, we would have to go back and amend this budget.

Councilman Hallum: Okay, thank you.

Councilman Fiebig: Madam President. Mr. Brichacek, did you look into those numbers or Mr. Hallum do you know what those numbers would be, like in a ballpark figure?

Councilman Hallum: I actually asked Mr. Brichacek earlier if he could come up with some numbers for us and he doesn't have them currently because he didn't have a chance...

Councilman Fiebig: Okay, fair enough.

Councilman Hallum: But I don't know, I'm not privy to those numbers or I don't have them on me, I have an idea in my head, but I don't want to throw it out there because I don't know for sure.

Councilman Fiebig: Is that a good answer, Frank? Is that close enough, is that a good answer?

Finance Director: It's going to be sufficient. A fair estimate depending on what the settlement would even be, it could be between 2 to 3 hundred thousand dollars but that's just an estimate.

Councilman Fiebig: Okay.

President Fellows: Any other discussion on the table?

Roll call: YEAS: Majka, Pizmoht, Plecnik, Fellows, Fiebig, Hallum, Lenz
Motion PASSED.

President Fellows: Ordinance No. 2018-49 has been adopted. Next is Ordinance No. 2018-50.

ORDINANCE NO. 2018-50

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN ECONOMIC INCENTIVE GRANT AGREEMENT WITH PRODUCE PACKAGING, INC. AND DECLARING AN EMERGENCY.

Vice President Plecnik: Madam President. I know that this will remain on 1st Reading tonight, as we had discussed in our Finance Committee meeting, but I do want to share that the owner and the advisor of Produce Packaging were kind enough to invite Willoughby Hills representatives to join them for a tour of the Sam's Club building this Tuesday as part of a presentation of Jobs Ohio. They are continuing their work to try to come into

Willoughby Hills and bring 300+ jobs to our City and part of that, they are trying to reach out to both the State and the County for financing. I will say that I was somewhat pleased to see the County's Director of Coastal Development was actually my former student, Pete Zahirsky so it was nice to see him again, but we toured the facilities and the hope is that we'll receive support not only for Willoughby Hills but from the County and most importantly the State. It's certainly the case without support from Jobs Ohio this project won't be possible. So, I would call on all of you as colleagues to express your support for this project going forward, but this ordinance itself reflects formal support from the City, something that we certainly shared from Jobs Ohio as they asked will the City give financial support; will the City make this happen on their end and I think that it's safe to say that we're working hard with Produce Packaging to give them a strong amount of support and incentives so that it's viable for them to bring their jobs and their work into Willoughby Hills. This is, in my view, the best tax abate that we've offered a business to this point, but this is also one of the biggest businesses that we've had an opportunity to bring into Willoughby Hills and I want to say that it was really something to finally go through the Sam's Club facility and to picture it, imagine it with hundreds of workers, coolers and vegetables and fruit processing in and out. I think that it will really be game changer for the plaza along with the police substation that the Mayor is finalizing at this point with Mr. Scheel and I want to personally express my support for Produce Packaging, but their hope was that we introduce this ordinance tonight, that we would all have a chance to collectively review it to make sure that it is exactly as it should be and hopefully we'll pass it the first meeting in January which will give them enough time to make their final decision and to get financing and hopefully result in their ultimate, their ultimate decision to join us in Willoughby Hills as part of our jobs and business family. We're certainly grateful that the owner, Mr. Greg Fritz is here tonight along with his advisor Mr. Larry Kramer and we're grateful for all the work that they've done with the City both on the zoning and on the tax end. So, welcome and we're hopeful that we're not only adopting this ordinance in January but that we'll be welcoming you to Willoughby Hills.

President Fellows: And just as a reminder that Mr. Di Franco had said that there will be public meeting on January 3rd and we need to have a time and where eventually on that and then there are some planning and zoning issues that need to be resolved as well with the project.

Councilman Hallum: Madam President. Did I also see that there was some discussion about the payroll and employees that were still being worked out?

Vice President Plecnik: Mr. Hallum, I can answer that. That's exactly what we discussed in the Finance Committee meeting and Mr. Kramer and I emailed back and forth as he got the payroll information and we were able to get the more precise number which were reflected in the current ordinance. I certainly encourage you to review it and see if you are supportive of it, but I think that it's a very reasonable request to bring such a strong business to the City.

Councilman Hallum: Thank you.

Councilman Fiebig: Madam President. And if I can add that I had a conversation with Mr. Fritz and we lowered the amount from 10 million into 9 million just to make it a safer economic incentive for you and to know that you don't have to hit a high number, but I think that you're probably going to be there and perhaps, even higher than that, but we did call our Clerk and ask that she make that change, virtually the next day. So, anyway, it's been going along just fine and hopefully we'll steer you right through the planning and zoning process and I saw your revised plans and they all look good and I'm anxious to talk to our Fire Chief, Acting Fire Chief and get those details unless you have anything to share, Mayor?

Mayor: Yeah, I talked with the Fire Chief yesterday and he said he didn't see a problem with the aboveground tank because it's so, it's double wall concrete and he had his...

President Fellows: That's a fuel tank, right?

Mayor: Right. He had his inspector check with a couple other cities to see what it is cuz really, they didn't know what it was compared to underground. So, we don't see any problem, but he just wanted to do some more checking.

Councilman Fiebig: That's good to hear. It's four hour rated, you know, it's certainly safer than the old, old days when they were just s steel tank so I'm pretty confident, you know, it's a safer environment and if it's what you need to make the business operate, I think it's important that you have that, so we'll hopefully get that through and take care of all the other things and looking forward to that public hearing. I would assume that it would be 7:00pm, on Thursday, January 3rd.

City Engineer: Correct.

Councilman Fiebig: Very good. Thank you, Pete.

NEW BUSINESS

President Fellows: New Business?

FOR THE GOOD OF THE ORDER/FOR THE COMMUNITY

President Fellows: For the Good of the Order? For the Good of the Community?

Councilman Hallum: Madam President. I just want to wish everyone a Merry Christmas; Happy Holidays and a Happy New Year.

Councilman Fiebig: Ditto.

President Fellows: I concur with that and I wish everyone the most blessed Christmas and Holiday season and pray and wish for peace for the New Year, for Council and Administration and our community as well. Thank you.

Councilwoman Majka: Amen.

Councilwoman Pizmoht: Madam President. Also, we should wish our Council Vice President a Happy Birthday. I think, I believe his birthday is on Sunday?

Vice President Plecnik: Sunday, it is. Thank you.

Councilwoman Pizmoht: And our resident Jenna Bing.

President Fellows: I was going to say, but someone stole the thunder, so sorry.

Jenna Bing: December birthdays rock.

Vice President Plecnik: You feel my pain.

ADJOURNMENT

President Fellows: Entertain a motion to adjourn.

Councilman Fiebig: Motion to adjourn.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to adjourn the meeting, there's no discussion on an adjournment.

Roll call: YEAS: Majka, Pizmoht, Plecnik, Fellows, Fiebig, Hallum, Lenz
Motion PASSED.

The Regular Council Meeting of December 13, 2018 was adjourned at 7:29pm.

APPROVED:

January 10, 2019
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council