

Regular Meeting of Council

Minutes of February 11, 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, February 11, 2016 at 7:01pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

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

President Fellows: Can I have a motion to amend the Agenda for our presentations this evening?

Councilman Plecnik moved to amend the agenda to make our presentations this evening of resolutions. Councilman Fiebig seconded.

YEAS: Unanimous.

Passed.

PRESENTATION

President Fellows: So we're going to start with the presentation and the Mayor's going to go first.

Mayor Weger: Len, come on up. On behalf of the City I'd like to present you with this Proclamation, now I'll read it a little bit. Where you served thirty-three years with the Willoughby Hills Police Department, retired on January 6th. You began your career, your law enforcement career in 1980 as a Full Time Dispatcher and Part Time Police Officer in Highland Heights. In 1981 you were hired as a part time for the City of Willoughby Hills and sworn-in as a full time officer in 1983. During your tenure you were assigned to the Patrol position, the Detective Bureau, the Training and Fire Arms Instructor and Field Training Officer. You received several accommodations most notably the County Chiefs of Police exceptional award for rescuing a 19-year-old trapped in a burning van. The manner in which you perform your duties your thirty-three-year career demonstrated your community your commitment to serving and protecting your community. Now I understand you sold your house already and you are moving tomorrow. So congratulations and here it is. Don't go away.

President Fellows: Thanks Bob. On behalf of City Council, a Resolution acknowledging Police Officer Leonard Kratochvil for thirty-three years of dedicated service to the City of Willoughby Hills, Ohio.

Whereas, Police Officer Leonard Kratochvil began his law enforcement career in 1980 as a Part-Time Police Officer and Full Time Dispatcher for the City of Highland Heights; and

Whereas, in 1981, Officer Kratochvil was hired as a Part-Time Police Officer with the City of Willoughby Hills and sworn in as a Full Time Police Officer in 1983; and

Whereas, during his tenure, he was assigned to the Patrol Division, the Detective Bureau, and the Training Section as a Firearms Instructor and Field Training Officer; and

Whereas, Officer Leonard Kratochvil received several commendations during his career to include the apprehension of two armed robbery suspects, saving a baby thrown from a moving vehicle, and most notably the Lake County Police Chiefs' Exceptional Service Award for rescuing a 19-year-old male trapped in a burning van; and

Whereas, the manner in which Officer Kratochvil performed his duties during his career certainly demonstrated his enduring commitment to serving and protecting our community; his job performance set a standard of excellence for all law enforcement officers to emulate.

Now, therefore, be it resolved by the Council of the City of Willoughby Hills, County of Lake, State of Ohio that this Council hereby express to Leonard Kratochvil their thanks and appreciation for his dedicated service to the City of Willoughby Hills.

Congratulations Lenny.

President Fellows: Chief, Chief, did you want to say anything?

Chief Collins: Obviously I would just like to say that it's been an absolute pleasure working with Len he's the kind of Officer that any Chief would want to work with during his career. Len has a great sense of humor, he was very active as a Patrol Officer and again, I can't remember ever getting a complaint from a resident or from somebody stopped on a traffic stop or anything. He has a great personality, a wonderful family. Don't leave your email account open if he's in the area it could be detrimental but he has a great sense of humor, a great family and we wish him the best and we're sorely going to miss him. Thank you.

President Fellows: Thank you everyone.

DISPOSITION OF THE JOURNAL

President Fellows: Our next order of business is the Disposition of the Journal for January 28, 2016.

Councilman Biro moved to accept the Regular Council Meeting Minutes of January 28, 2016. Councilman Fiebig seconded.

YEAS: Unanimous.

Passed.

COMMUNICATIONS

CORRESPONDENCE

WH Community Center Rental Summary Report for January 2016 (Emailed: February 1, 2016)

Email: Gloria Majeski to Willoughby Hills Council, dated February 3, 2016 re: Cell Tower Information City Engineer's Report dated February 4, 2016 (Emailed: February 4, 2016)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month Ended January 31, 2016 (Emailed: February 9, 2016)

NOTIFICATIONS

Civil Service Commission Meeting of February 10, 2016 (Emailed: February 2, 2016)

Finance Committee Meeting of February 8, 2016 (Emailed: January 29, 2016)
Planning & Zoning Commission and Architectural Board of Review Meeting of February 4, 2016 (Emailed:
February 2, 2016)
Recreation Commission Meeting of February 3, 2016 (Emailed: February 2, 2016)
Rules and Legislation Committee Meeting scheduled for February 8, 2016 (Emailed: January 29, 2016)
Utilities Committee Meeting of February 8, 2016 (Emailed: January 29, 2016)

MINUTES

Planning & Zoning Commission and Architectural Board of Review Meeting of January 21, 2016 (Emailed:
January 19, 2016)
Rules and Legislation Committee Meeting of January 25, 2016 (Emailed: February 9, 2016)

ON FILE

Willoughby Hills Senior Center Newsletter for January 2016, Issue Number 93

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor's Report – resident Jerry Wolanin has been appointed as the Mayor's appointee to the Willoughby Hills Income Tax Board of Review.

AARP continues to assist residents with Federal and State taxes. Call Mayor's office to make an appointment.

RITA will be available for City Income Tax assistance at **Willoughby City Hall** on Thursday, March 10th from 1 to 7pm.

Twenty-three applications were received by the Civil Service Commission to take the Full-time Police Exam on Saturday, February 27th.

Phase 1 of the three-year plan for computers replacements were bought today. Computers were bought for the Finance, the Court and the Council Clerk and they will be making schedules to put them online with our vendor. If you recall our last plan was to upgrade the scan servers downstairs and our next phase in this three year plan is to make sure that everyone has battery backups so that will be coming.

Deepest sympathy to the family of Ed Kriz of Emerald Lakes Boulevard who passed away this week.

Willoughby Rotary/Willoughby Area Chamber of Commerce State of the Cities Luncheon is set for Thursday, February 25th at 11:30 a.m. Reservations are now being accepted.

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

Seeing none, Mr. Lobe.

Law Director Lobe: No formal report tonight.

President Fellows: Any questions for the Law Director? Thank you. Mr. Brichacek.

Finance Director Brichacek – No report tonight.

President Fellows: Any questions for Mr. Brichacek this evening? Moving right along, City Engineer, Mr. Di Franco.

City Engineer Di Franco – Thank you Madame President, just one item. There are some upcoming Code updates to the Stormwater Codes in the City, for the City to remain compliant with EPA requirements. So I will be working with the Chagrin River Watershed Partners to prepare that and that concludes my report.

President Fellows: Thank you and are there any questions for the City Engineer? See none, we will move on to Committee Reports.

COMMITTEES OF COUNCIL

President Fellows: I know that we have a couple Council Members that had committees.

Councilman Plecnik: Madame President, the Finance Committee of Council met on February 8, 2016 at 6:03pm.

Provided are the written minutes of the meeting.

Committee Members: Vice President John Plecnik, Chair, President Nancy E. Fellows, Councilwoman Jennifer Sommers Greer

Also Present: Councilman Christopher L. Biro, Councilman Christopher Hallum, Councilwoman Janet R. Majka, Finance Director Frank Brichacek, Law Director Thomas G. Lobe and Mayor Robert M. Weger

Open Checkbook

Chairman Plecnik shared a copy of model legislation to adopt **Ohio Treasurer Josh Mandel's** open checkbook program, whereby the City would link its bookkeeping software to the open checkbook program's software to provide checkbook level expenditure information on the transparency website OhioCheckbook.com. **Chairman Plecnik** noted that **Councilman Fiebig** had originally proposed adoption of the model legislation. He also noted that **Treasurer Mandel's** office had recently called him offering to explain the benefits of the program. **Chairman Plecnik** expressed that he was supportive of providing as much financial information as possible to residents without the need for public records requests, and asked if the Finance Committee, Members of Council, Mayor, or Finance Director had thoughts on the costs or benefits of the open checkbook program. **Council President Fellows** replied that she needed time to review the model legislation before expressing an opinion. **Finance Director Brichacek** stated that the City already posted everything the open checkbook program proposed to the City website and then some, and that the open checkbook program is a waste of time and money. **Chairman Plecnik** replied, if that is true, then we should not proceed with the open checkbook program, however, we must do our homework to compare what we currently disclose to what open checkbook would disclose, and learn what the actual cost of the program would be going forward.

Workers Compensation Adjustment to 2016 Proposed Annual Budget

Chairman Plecnik began by thanking **Finance Director Brichacek** for his hard work on the budget. **Chairman Plecnik** noted that **Finance Director Brichacek** recently e-mailed an update to the Proposed 2016 Annual Budget for the City of Willoughby Hills with an accompanying memorandum, which appeared to show that two adjustments related to Workers Compensation reduced the projected budget deficit from \$155,300 to \$54,900. He asked **Finance Director Brichacek** to explain the two adjustments. **Finance Director Brichacek** replied that beginning in 2016 the Bureau of Workers Compensation is changing from billing in arrears to billing currently, meaning that we are liable for not one, but two years of Workers Compensation (2015 and 2016) in 2016. To cushion the impact of this transaction, the Bureau granted a 50% credit against our liabilities for 2015 and 2016. That credit, along with a refund from the Bureau for claim years 2012, 2013, and 2014, resulted in a \$100,400 positive adjustment to our budget.

Two Major Differences Between 2015 and 2016 Budgets

Chairman Plecnik recalled that **Finance Director Brichacek** noted in the previous Finance Committee meeting that there were two major differences between the 2015 and 2016 budgets: (1) our healthcare provider is leaving the municipal healthcare market and we will need to find a new provider, most likely at substantially higher cost; and (2) the SOM Center Road repaving project is likely to go over-budget by \$600,000, our share of which is \$300,000. **Chairman Plecnik** asked **Finance Director Brichacek** if these differences were reflected in the 2016 Proposed Annual Budget. **Finance Director Brichacek** replied that they were reflected in the budget. Specifically, he budgeted for a 20% increase in healthcare cost for the second half of 2016 when our old coverage expires and must be replaced. **Councilman Hallum** asked why individuals who waived health insurance coverage were entitled to precisely \$2,700. **Finance Director Brichacek** replied that he was unsure of the reason for the precise figure of \$2,700. It has been \$2,700 as long as he has been here, and it was, to the best of his recollection, largely an issue of negotiation with the Police Department. However, the reason for providing cash compensation in any amount is to incentivize employees to waive coverage. **Chairman Plecnik** asked when we would go out to bid for a new health insurance company. **Finance Director Brichacek** replied that we are filling out the applications to go out to bid with our broker and those applications would be done today or tomorrow. **Chairman Plecnik** asked if that meant we would go out to bid this week. **Finance Director Brichacek** replied, probably not, but we might have bids back as early as March. **Mayor Weger** disagreed, and said it might well take longer. **Finance Director Brichacek** also budgeted for the \$300,000 overage in the SOM Center Road project, which is reflected by the \$243,169.36 projected negative balance in Fund 270 (Road Levy). **Chairman Plecnik** noted that negative balances in funds are not legal, so he assumes we are going to make a further adjustment. **Finance Director Brichacek** replied that **Chairman Plecnik** is correct, and that Council has a few options to adjust the budget to avoid a negative fund balance. Council could borrow the funds or Council could transfer money from Fund 110 (General Fund) to Fund 270 (Road Levy). **Councilman Hallum** asked if we could transfer money from Fund 250 (St. Construction Main & Repair) instead, and **Finance Director Brichacek** replied that **Councilman Hallum** was correct and that was a third possible option. **Councilman Hallum** asked for clarification on the funding sources and purposes of Fund 250 (St. Construction Main & Repair). **Finance Director Brichacek** replied that funding sources include license fees and gas tax and the permissible purposes were essentially the same as that of the Road Levy, which is why an inter-fund transfer between the two would be appropriate. **Chairman Plecnik** asked if it was true that some of the license fees were ultimately paid into Fund 443 (Pleasant Valley Road Bridge Maint) for the Pleasant Valley Road Bridge. **Finance Director Brichacek** replied that **Chairman Plecnik** was correct and that the City is not only paying \$15,000 of license fees a year into the fund, but is making catch up contributions for years the City failed to pay the required amount into the fund. **Chairman Plecnik** noted that the 2016 budget showed a projected balance of nearly zero in the Pleasant Valley Road Bridge fund at the end of the year and asked if major maintenance was planned which would exhaust the fund. **Mayor Weger** replied, yes, there is plans to repaint the underside of the bridge. **Chairman Plecnik** asked if the purpose was to protect the bridge from rust and water damage, and **Mayor Weger** replied, yes. **Council President Fellows** noted that she, **Councilman Biro**, **Mayor Weger**, and others fought to preserve the bridge as a historic landmark when the County decided to stop maintaining the bridge. She also thanked **Frank Cihula**, President of the Willoughby Hills Historical Society, for working to get the bridge recognized as a historic landmark and raising money to pay for the official marker, which was stolen, damaged, found, and repaired. **Chairman Plecnik** noted that in addition to being a significant historical landmark in the City, the Pleasant Valley Road Bridge is very important to the safety of our residents and neighbors on Pleasant Valley Road, because the east end and exit of Pleasant Valley Road onto Chardon Road can be dangerous in heavy snow and ice storms, whereas the west end and exit on Chardon Road tends to be safer and more accessible in inclement weather.

Possible Delay of SOM Center Road Project

Finance Director Brichacek stated that there is a possibility that the SOM Center Road project will not go forward this year because the Northeast Ohio Areawide Coordinating Agency (NOACA) is having problems getting the federal funds released to subsidize the project. **Councilman Biro** asked for clarification on when the project is scheduled. **Mayor Weger** said the project is scheduled to begin in June, but for the aforementioned reason, it might not proceed until next year.

Worrell Road Project

Chairman Plecnik asked if there were any projected overages or delays with respect to repaving Worrell Road—the other major road project planned for the year. **Finance Director Brichacek** replied that he was not aware of any overages or delays, and that the Worrell Road project is a go for this year. **Chairman Plecnik** replied in turn that it is a relief to hear that the Worrell Road project is on schedule because the residents would agree that it very much needs to be repaved. **Council President Fellows** asked **Finance Director Brichacek** if she was correct in understanding that 50% of the Worrell Road project would be paid for by the Ohio Department of Transportation (ODOT), with the remaining 50% split equally between Willoughby Hills and Kirtland. **Finance Director Brichacek** replied that 50% is payable by ODOT, with the remaining 50% split according to the portion of street in each City, which is close to, but not precisely, half and half.

City Debt and Potential Fire Engine Purchase

Council President Fellows asked **Finance Director Brichacek** about the state of our City Debt and the reissuance of our short-term note. **Finance Director Brichacek** replied that he was initially concerned that interest rates were likely to go up significantly, but that the debt markets had calmed down. He stated that we were on track to reissue our remaining note of about \$800,000 this year, and planned to pay down the entire note within about five years if we assume no additional borrowing within that period. **Council President Fellows** stated that **Fire Chief Rich Harmon** shared with her that he believes the Fire Department needs to replace a fire engine next year at a cost of roughly \$450,000, as well as an ambulance in 2018. **Mayor Weger** and **Finance Director Brichacek** replied that this was news to them. **Councilwoman Greer** asked if **Council President Fellows** received a written report from **Fire Chief Harmon** that she could share with the rest of Council. **Council President Fellows** replied that she regularly consults with **Fire Chief Harmon** about his department's needs, and that he expressed this concern to her in conversation. **Finance Director Brichacek** noted that we should not borrow money for police cars, because we replace them every year and they are appropriately viewed as an operating expense. However, he believes we should borrow for items like a fire engine that have a long useful life of 15 or more years, because then we pay for the items over time as they are used up and match our cash outflows to the depreciation.

Combine Fire Capital Funds

Council President Fellows expressed the desire, if realistic, to put away money each year to save for major expenses like a new fire engine. **Finance Director Brichacek** shared that next year the debt for the fire station and ladder truck will be fully paid off, and he suggested that the revenue currently be used to pay off those debts could be rerouted for that purpose. He also suggested that the Fire Capital Fund for equipment and the Fund for buildings should be combined along with their revenue from accident fees and ambulance fees, respectively, to put to the side for major purchases for the Fire Department. **Chairman Plecnik** expressed his support for the idea and encouraged Council to take action on it. **Council President Fellows** proposed to consider the combining of the Fire Capital Funds in Rules & Legislation.

Reminder of Legal Restrictions on Funds

Finance Director Brichacek closed by reminding Members of Council and the administration that government fund accounting requires you to look at individual funds and their permissible uses. Aggregate figures in the budget are there for illustration, but restricted funds may only be spent for their restricted purpose.

Public Portion Opened at 6:53 p.m. Frank Cihula of 35060 Dixon Road agreed with Finance Director Brichacek that Treasurer Mandel's open checkbook program is not a good idea and expressed doubt that it would share more detail about City finances than our current practices. Mr. Cihula also noted that the hill to the west on Pleasant Valley Road is less steep than the hill to the east which is why residents strongly prefer to exit their street across the Pleasant Valley Road Bridge in inclement weather. **Public Portion Closed at 6:55 p.m.**

Meeting adjourned at 6:56pm

Councilman Biro: Madame President, I think that there needs to be more specificity on that...I thought that I was bad...I'm just kidding John that was a very thorough report. Thank you.

President Fellows: Thank you Councilman Plecnik; very thorough, a lot of great information in there so we might want to keep that on hand for a while so that we can refer back to it.

President Fellows: Councilwoman Majka did you want to comment on Utilities?

Councilwoman Majka: Yes, I have a brief comment. Utilities Committee met also on Monday, February 8th and I am in the process of compiling minutes, I expect to have them completed by the next Council Meeting but I did just want to thank everyone for their input. I know that it was a long evening and each committee went longer than expected so I want to especially thank the Mayor for all the valuable information that he shared regarding the state of the sewers and Mr. Lobe for the history of sewers and Mr. Brichacek for the financial end of it, Pete for being there to consult on future projects and all the Council Members for their input as well. I thought that it was a good meeting; very informational hopefully we all learnt something and benefited from it. Thank you.

President Fellows: Thank you Councilwoman Majka, so she'll provide her minutes at the next meeting.

Councilwoman Greer, did you have an opportunity to speak to the Recreation Director and select your committee members for the Recreation Committee?

Councilwoman Greer: I did and Councilman Biro and Councilwoman Majka will be joining the Recreation Committee.

President Fellows: Wonderful, thank you, thank you.

So the last committee meeting minutes are from Rules and Legislation. We also met on February 8th we began our meeting at 6:57pm.

Provided are the written minutes of the meeting.

Committee Members: President Nancy E. Fellows, Chair, Vice President John Plecnik, Councilwoman Janet R. Majka

Also Present: Councilman Christopher L. Biro, Councilman Christopher Hallum, Law Director Thomas G. Lobe, Mayor Robert M. Weger

Purpose: Pending Legislation

Still in research mode:

Identifying "What Constitutes an **Excused Absence**?"

Creation of a Policy of Council that addresses the Charter Change indicating if a Council Member misses three (3) consecutive unexcused regular meetings they will be removed from Council.

Ordinance 2016-2 An Ordinance to declare city vehicles x2 Chargers from the Police Department, with doors painted black, and more than 100,000 miles each and a Brush Chipper from the Service Department all valued at more than \$1,000 that will be available for sale or internet auction.

The Rules and Legislative Committee of Council recommends that the Emergency Clause be added, the 3 Reading Rule be waived, and this Ordinance be adopted.

Ordinance 2016-3 An Ordinance accepting the 2016 Budget.

The Rules and Legislation Committee of Council recommends 1st Reading.

Ordinance 2016-4 An Ordinance adding “For the Good of the Community” as part of Council’s Order of Business. This agenda item will provide an opportunity for anyone at the Council Table to announce public/community events or information of importance concerning the community including but limited to Willoughby Hills, other cities within our County, Lake County or beyond.

The Rules and Legislative Committee of Council recommends that the Emergency Clause be added, the 3 Reading Rule be waived, and this Ordinance be adopted.

Resolution 2016-3 A Resolution acknowledging Ray Somich for his service to the City of Willoughby Hills.
The Rules and Legislation Committee of Council recommends 1st Reading.

The combing of Fire Capital Fund 441 (ambulance fees for building), and Fire Equipment Capital Fund (accidents) 444 one of which generates revenue from ambulance billing to be used toward the fire station (building needs), and the other that generates revenue from the accidents to be used toward equipment.

Motions of Council

Declare an Asphalt Hot Box from the Service Department as surplus, valued at less than \$1,000.

Concerning the 2008 Durango, value less than \$1,000. This vehicle actually had a value of greater than \$3,000. This was addressed in passing Ordinance 2016-1.



Deer: Vice President John Plecnik shared resident’s concerns aligned with deer in our community. While this topic has been addressed on and off over time, it was suggested to place this topic in the Safety Committee for discussion.

Cell Tower(s) – It has been brought to our attention that there are two (2) companies interested in raising a cell tower(s) within our City limits. One place identified is on the Maplegrove Grange property and another in discussion is on the West Miller property that the City owns. The cell tower would be approximately 120-150’ in height and needing a footprint of approximately 60-40’. There are 2 different company proposals that have been presented to the City. The City would earn approximately \$15,000/yr as incoming revenue. It was suggested by Vice President John Plecnik that a Council Committee Meeting of the Whole be called just prior to the February 25th Council meeting to provide an opportunity for both companies to give a presentation on the project and allow Council the chance to ask pertinent questions. The Planning & Zoning Commission would be invited as well to attend.

Public portion opened at 7:36 p.m.

Frank Cihula mentioned as the President of the Willoughby Hills Historical Society, that frequently companies interested in searching for placement of cell towers, will contact him to identify any historical sites within the City.

Public portion closed at 7:36 p.m.

Meeting adjourned at 7:36 p.m.

COUNCIL REPRESENTATIVE REPORTS

President Fellows: Are there any other Council Representative Reports? Councilman Hallum do you have any updates on Planning and Zoning this evening?

Councilman Hallum: No, nothing to report tonight. **President Fellows:** Thank you.

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 7:31 p.m.

Linda Fulton: 2990 Marcum Boulevard. This probably would go more to Attorney Lobe. In the past there has been that I recall, there were two litigations that the City was involved with and one is with Laura Lenz verse the City and Mayor Weger and the other one is in regards to a law suit to the City for damages because of a car pursuit and I haven't heard anything in a long time in regards to that and I was just wondering what was going on with the litigations. Thank you.

President Fellows: Thank you Linda. Anyone else?

President Fellows: Nobody else is coming forward, so then I'll close Public Portion at 7:32pm. Mr. Lobe.

Law Director Lobe: Ms. Fulton, as always you can always call me at 440-725-5410 and I can give you a more detailed explanation. I can assure you that I've kept Council apprised especially on the one case more specifically I can even walk you through the docket as you go forward to assist you so you can learn about this case and all other cases. I can even show you how to do that and that is even the best thing and the most that I can tell you. I can't tell you some of the internal stuff but I can walk through the docket with you in greater detail and that will tell you everything that I'm allowed to tell you, that's not strategy or something that's confidential. Okay, I don't know if you know how to do that already but it will help you even for all court cases, so I would gladly show you how to do that one day and I can even do that down in Vicki's office if it is even more convenient for you, okay.

Linda Fulton: Is the City charged for that? **Law Director Lobe:** Nope.

President Fellows: Thank you.

UNFINISHED BUSINESS

There was no unfinished business to address.

LEGISLATION

President Fellows: Moving on to legislation, Ordinance No. 2016-2. Will you read the caption Clerk.

Ordinance No. 2016-2

An ordinance to declare city vehicles(s) and/or equipment as surplus property and granting authorization to sell said surplus vehicles(s) and equipment on the open market, upon such terms and at such prices as are deemed most advantageous to the City of Willoughby Hills and declaring an emergency.

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

YEAS: Unanimous.

Councilman Biro moved for passage. Councilman Hallum seconded.

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

Motion passed.

Ordinance No. 2016-3

An ordinance adopting permanent appropriations necessary to maintain City services for the fiscal period beginning January 1st through December 31st of 2016; repealing conflicting legislation.

President Fellows: This is an ordinance for our 2016 budget and this will remain on 1st reading.

Ordinance No. 2016-4

An ordinance amending Part One – Administrative Code – Title Three – Legislative, Subsection 121.01(d) Order of Business of the Codified Ordinances of the City of Willoughby Hills by the inclusion of “For the Good of the Community” in Council’s Order of Business and repealing any conflicting legislation and declaring an emergency.

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

YEAS: Unanimous.

Councilman Biro moved for passage. Councilman Hallum seconded.

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

Motion passed.

Resolution No. 2016-3

A resolution acknowledging Raymond C. Somich for his service to the City of Willoughby Hills.

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

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

NAYS: Plecnik

Passed.

Councilman Biro moved for passage. Councilman Hallum seconded.

Councilman Plecnik: Madame President. I want to preference my comments by saying that although Mr. Ray Somich has deeply hurt me personally, as well as my family, what I am about to say is not personal and that I have with considerable difficulty forgiven him for what he said and for what he has done. But the reason that I withheld my comments until this point is precisely for the reason that I hoped this moment wouldn’t come, it wouldn’t be necessary to have further discussion on Mr. Somich’s record. But because this moment has come, I feel obligated to my constituents who’ve asked me to speak, to my family and to those who have been affected by Mr. Somich to say the following. And I’d honestly like to start with a quote, not from myself, but from a man whose integrity cannot be questioned in this community former Lake County Commissioner Dale Fellows and I quote: “several incidents of a most grievous nature have occurred to compel me to write you, namely false statements on campaign literature”. Specifically, and I’ll skip a little irrelevant text, “most recently from Ray Somich these are people who I’ve supported in the past and have considered friends but making false statements on campaign literature is unacceptable. In Ray’s case unfortunately this is the second time in two years he had to send a letter of apology to John Plecnik after the last election and now I believe he owes you, the residents of Willoughby Hills one as well”. What Mr. Fellows was referring to was in my first election when I was stepping up to get more involved in my City and help my neighbors really out of nowhere Mr. Somich distributed a letter to a great portion of the City claiming, strongly insinuating that I was a liar and beyond that even at the polls he yelled and yelled at a colleague from another city the honorable Cindy Quinn Hopkins then a Councilwoman for the City of Eastlake and the first person ever to receive the key to the City of Eastlake and I have that entire conversation recorded and I’d be happy to share it with you afterwards but I don’t believe that a discussion laced with profanity is appropriate for Council Chambers so I won’t play it now but in relevant part he swore, Mr. Somich swore on the lives of his children and grandchildren that I was a liar. Now you would imagine that someone of integrity would stand by his statement so serious and severe to swear on the souls of his children and grandchildren but less than a week later Ray came to me apologetic and gave

me a written apology and while it was lengthy, I'd only like to read the relevant part, the only part that Mr. Somich himself chose to underline directing to me and I quote: "you are not a liar" less than a week after swearing on the lives of his children and grandchildren that I was a liar which deeply hurt not only Councilwoman Cindy Quinn Hopkins, my close friend, not only me, not only my family but everyone who chose to support me; he flipped and said you are not a liar and went on to say on a personal basis and I'm quoting "on a personal basis I sincerely apologize for hurting you. I pledge to do my best to build both a meaningful, professional relationship with you starting now, here's to our future, thank you. Ray Somich". And I saved that email to this day. While I had a little doubt someone who would flip from swearing on souls of children and grandchildren to admitting that I wasn't a liar in an apology later I try to give people the benefit of the doubt. And with good faith I looked forward to work with Ray Somich but low and behold in the next election he sent a letter out distributing it once again to a great deal of the City that was if anything was worse than the first. Now there are many things that troubled me about the letter, first of all, he identified my opponent as well as the opponent of Councilwoman Janet Majka as Council members Joe Zawatski and Jim Walsh. Council members, now Mr. Somich was Council President at the time he wrote this letter, he was well aware that not only were Zawatski and Walsh not members of Council but they had never been elected to any office anywhere, never served as a Council member, this statement obviously was intended to help their electoral chances but was clearly unethical, clearly a lie and arguable illegal as a matter of election law.

President Fellows: John, are you nearly done?

I'm nearly done. The worst thing that Mr. Somich said though and this needs to be stated under the banner of nationality he claimed that one candidate, myself, was using my Slovenian name as a reason why I deserved votes and directed this comment to the entire Slovenian community in all caps PLEASE DO NOT VOTE ONLY BASED ON A NATIONALITY VOTE FOR THE PERSON WITH THE MOST INTEGRITY AND WHO IS THE MOST CAPABLE CANDIDATE FOR THE JOB. Now I could respond to that myself but frankly I think that former Commissioner Dale Fellows said it best, to insinuate that you vote only based on nationality, that you Slovenians only vote based on nationality and then to question why and when you would put certain signs in your yard is offensive beyond words. I understand that Mr. Somich has done some good things over time but the way he treated me, my family, my supporters, my neighbors and many people at this dais Councilman Fiebig, Councilwoman Fellows were also singled out in this very horrible, unacceptable letter which reflects the negative politics of the past that have embarrassed Willoughby Hills in the past and today I can't see myself as voting for this resolution, I feel as though I have to explain my no vote, it's not out of personal animosity towards Mr. Somich but I think that we should not reward or honor someone who is willing to do the worst things to win. And as I sat last night, last Monday evening in the center position with the gavel to chair the Finance Committee and I let my hand go across the top of the dais, feeling the scars from where Mr. Somich hit the gavel so hard that there are indentations, there are scars on our dais to this day. I'm reminded of the scars that he created in the unity of Council and I believe Willoughby Hills deserves better.

Councilman Hallum: Madame President. As I stated the other night during our meeting, and John, I appreciate the fact that you've had some issues with Mr. Somich however, we've all been put here to express and to support the views of the residents of the City of Willoughby Hills and anything that you said I didn't denote anything where he was in anyway shape or form, in my opinion, did not serve people of this City in a good manner, in fact this City put him here for twelve years and I think that is enough for us to see that this City support him, appreciated him and valued him and for those of you who worked with him, you worked with him for a long time. And I would hope that you would not vote simply based on your own personal feelings and instead you would represent the people of Willoughby Hills which is why we are all here. Everyone here who has participated in any of the events here in Willoughby Hills whether it be a Willoughby Hills sponsored event or whether it be a business here in Willoughby Hills knows that Ray Somich was at many, many of those events, supporting them, MCing them whatever he could do to help out this City, he loves this City it's clear and whether he had individual issues with you or any of you here is irrelevant in my opinion to the job he did with the City and the fact that this City again put him here for twelve years and supported him. Thank you.

Councilwoman Greer: Councilwoman Fellows, I truly believe that that was Councilman Plecnik's prepared speech was inappropriate and unprofessional and I'm surprised by it. Unlike Councilman Plecnik, I did not have time...I did not prepare something about former Councilman Somich, but I'll say and I'll say it short. He is a good man, he is a godly man and he has been involved in politics as we all have and there are people who sit at this table who did not support me and I did not support them in their election; there were people who sit at this table who I did support and who supported me however we are all colleagues and I left the election at the election and I hope that each of you votes to support former President Somich for the work that he did at the Council table regardless of what happened during an election. It is an adversarial process; it's what makes America, America and I will not vote any other way. All of you sitting here and if we were putting you up for the work that you've done on Council I would vote for you to commend you for the work that you've done on Council. Thank you very much.

Councilman Biro: Madame President, just to reinforce that, I know the election year, it was kind of a rough one this year, and I looked at some of our other candidates who have moved on beyond the name calling and you know all the literature that was pervade out there and they have accepted the fact that they believe that he was good for the City. He worked twelve long years for our City, it's a... not a very gratifying thing at times to hear dissention and the mean things actually about yourself when you work very hard for that so to me I will always respected him as well as admired him because he did work so hard. He was at every function, he was MCing, he was in the community, I never heard anyone say one bad thing about him so I understand Mr. Plecnik's opinion on this but I don't agree with him and I think he served this community honorably and I would appreciate the support of a vote. Thank you.

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

With five affirmative votes, motion passes.

NEW BUSINESS

Councilman Biro moved to declare as surplus (1) Hot Box, manufactured mid to late 1980's; condition: poor; with an approximate value of \$500. There were no other identifying numbers on item for description as confirmed by Road Superintendent Grubiss). Councilman Hallum seconded.

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

Councilman Fiebig: Madame President, prior to "For the Good of the Order" in "New Business" I understand we have a packet of information regarding a cell tower lease, it would be a good time to review the current cell tower lease, compare and contrast; have you done that Mr. Lobe?

Law Director Lobe: We're in the process of doing that, in fact, the next cell tower is up next year and we already have that information. We are in communication with them in fact I just forwarded something that went to Ms. Doles, and was also forwarded to the Administration so that is all in the works so...

Councilman Fiebig: If you could share that with Council too, we would appreciate that so that we could make a good informed decision, you know, we don't want to duplicate effort that the Administration is doing.

Law Director Lobe: Tell us what you want and we'll get it.

Councilman Fiebig: Perhaps maybe an email of what you've done or where we are on the process.

Law Director Lobe: The next one is up in June of 2017 so they are just contacting us, trying to get together, they are the old contracts and we've looked at them just on the price and things like that so we can make those available, those are public records. Vicki can get it and distribute them.... not a problem, if that would help you guys...

Councilman Fiebig: The other thought was what about other communities or other entities that have a cell tower lease and does this compare, favorable or is there any provision in there for example, I noticed the for sale, the lease would obviously go with the land, so are there any provisions that maybe would be something that we should look at and see if we should incorporate that in the lease.

Law Director Lobe: I've already talked about that with him in our Administrative meetings just so you know and we did not get into those types of details yet because I wasn't sure if number one, the Council wanted to do it so I didn't want to push until Council was desirous of doing this, especially given the location, so I didn't want to get into the details if Council wasn't in favor of it, when we get to that point, yes we are going to do it...I held off in doing too much work before I didn't want to get into too much of the details when the generalities are still not....(Law Director did not speak into the microphone)

Councilman Fiebig: Both sites actually.

Law Director Lobe: Let me clarify just one thing, we talked about it at the meeting, we are talking about two companies at the one site at the Grange that is all that is in front of you. There was some discussion that the one company may also want to have another one at what I am calling the West Miller property that is not in front of you that was simply a discussion and the guy said maybe we can get another one with you in sort of an enticement, maybe look better than the other company but the one that is in front of you is two separate companies for the grange site only at this time. The other one was discussed so that is why I brought it up but I hope that clarifies what was discussed and maybe clarifies it for everybody. And they are both monopolies, just so you know.

President Fellows: Councilman Hallum.

Councilman Hallum: It just want to say because of my career in real estate, I do have some...I've been involved in this stuff a little bit and I will say that the numbers that...as I look at them from both, I haven't seen them that high on a rent and I've seen \$900, \$1100, I've seen a \$1,000; \$1500 is probably pretty top of the market because they failed in Waite Hill to get one, I think we're their best chance to get what they need done and so I think that they didn't mess around, it's what Mentor got; they offered Mentor the same deal, that's what Mentor signed with, that's what they offered us, so based on that knowledge that I have it's a pretty good number.

Law Director Lobe: Those were the discussion; I'm surprised that you know those because they went through Waite Hill, they went to Mentor and got it so those were things that we did discuss, those were some of the concepts that were thrown out, so that is correct.

President Fellows: And the Clerk has reached out to the two companies inviting them to have...to join us in a Council Committee of the Whole before our next Council meeting also inviting the Planning and Zoning Commission so that we or they or whomever have an opportunity to ask the same questions to both companies and we all hear the same response. Good Dave?

Councilman Fiebig: Good, thank you.

President Fellows: Anything else under New Business? For the Good of the Order?

FOR THE GOOD OF THE ORDER

Councilman Plecnik: Madame President, I know that we have yet to have a formal for the “Good of the Community” so if I might break, if I might break protocol one last time to make some general announcements. The first would be, although it’s a little early, the 4th Annual Pasta for Puppies! Which is a funding event to support puppy raising and leader dogs for the blind. Willoughby Evening Lion’s Club member is the host and the primary force behind this, it’s a wonderful event for an incredible cause and actually I brought along a couple of flyers that I’ll hand out to Council if anyone is interested in participating or donating it really is an absolutely wonderful cause. So that would be coming up Monday, April 4, 2016 from 5 to 9pm in the American-Croatian Lodge – Pasta for Puppies to support seeing eye dogs.

And the second thing that I would like to say which is also related to the Lion’s, one of our Lion’s members and Willoughby Hills resident Laura Lenz had her mother pass away two days ago, Gwen Cartulla and her wake as well as funeral memorial will be at the Monreal Funeral Home from 11am to 3pm in Eastlake. The service itself will be at 1:00pm and the burial will be at the All Souls Cemetery so my condolences to the Lenz family. The day is this Saturday; the date would be February 13th.

Councilman Fiebig: The Mayor mentioned resident Ed Kriz and my condolences to you and your family that was your Uncle. Ed was a great guy who ran Willo Music for about forty years. He really served the community here, he loved music, he loved playing at the Indians’ games and he is really a throwback to the old days of the music stores when you could go into the store and just kind of play and just play the instruments and sit around and jam, it was just really a great atmosphere whenever you went in there. He was just such a good guy, so full of life and we’ll definitely miss him.

President Fellows: Thank you Dave, he lived on Emerald Lakes for fifty-five years.

Councilman Fiebig: One other mention, a new business will be coming into Willoughby Hills; we’ll welcome in the old Brindaliers place will be called Pub 91, Tom Clifford and his crew will be bringing a new concept their restaurant with breakfast, lunch and dinner. He has talked about maybe using that storefront as a bit of a coffee shop kind of an atmosphere, I think that would be a good idea and something that we don’t have right here in the so called downtown Willoughby Hills area so we wish them a lot of luck and they hopefully will be up and running by St. Patrick’s Day.

President Fellows: I have one and I meant to read it at the last Council meeting and I didn’t bring it with me but some weeks ago we were selecting individuals to serve on the Chagrin River Watershed and information had come back from the Mayor’s office was that they wanted an individual who was interested in the mission of the Watershed and had a passion for benefiting our community so I would like to read this:

“My interest in the environment actually started as a child. My father moved our family from Bedford to Willoughby Hills when I was in kindergarten. We had a beautiful place on almost 4 acres and spent many hours exploring the grounds and large pond. We were allowed to have many animals as pets and had a variety of both domestic and wild. I felt I always wanted to do some work involving animals and being outdoors. My formal education was at Lake Erie College, majoring in biological sciences. We did a lot of field trips to study local areas of interest and concerns: Little Mountain in Concord, Grand River, and the Morton Salt Mine (going into the actual salt mine below the lake!) I have an interest in water quality issues – my senior research was a study of the water quality in the Euclid Creek watershed and the need for sewer installations to remedy those issues (a branch of Euclid Creek flows directly across my current property, so I am quite familiar with Willoughby Hills sewer and flooding issues). I did an internship for the Ohio Department of Natural Resources, Division of Natural Areas and Preserves while I was living in Columbus and attending Ohio State University. I worked with Senior staff to locate, inventory, and acquire properties for dedication as State Nature Preserves. To be titled as a Preserve meant that there was most likely a plant, animal, or unusual formation that would distinguish the area as unique or sensitive. I also worked as a park naturalist responsible for Mentor Headlands

Dunes, Mentor Marsh, and Hach-Otis nature preserve. Along the way I took upper level courses in ornithology ; wildlife management, environmental science, and GIS systems. The Fact that I have over 30 hours of additional science courses beyond graduation requirements designates me as being a Highly Qualified teacher (HQT) in science. I received my Master's degree in Education from John Carroll University in 2012. John Carroll also gave us a grant-writing course completed in February of 2015 as part of their teachers' mentoring program."

This was the individual that was appointed to the Chagrin River Watershed, Councilwoman Janet R. Majka. So I am pleased Mayor that you accepted her appoint to it. Thank you.

ADJOURNMENT

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

YEAS: Unanimous.

The Regular Council Meeting of February 11, 2016 was adjourned at 8:00pm.

APPROVED: February 11, 2016
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

ATTEST: Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council