

Regular Meeting of Council

Minutes of February 25, 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 25, 2016 at 7:01pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

Councilman Hallum moved to excuse Councilman Christopher L. Biro. Councilman Plecnik seconded.

President Fellows: He actually left us know earlier this week that he would not be here.

YEAS: Unanimous.

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: Our next order of business is the Disposition of the Journal for February 11, 2016.

Councilman Fiebig moved to accept the Regular Council Meeting Minutes of February 11, 2016. Councilwoman Majka seconded.

YEAS: Unanimous.

Passed.

COMMUNICATIONS

CORRESPONDENCE

Memo from Assistant Director of Finance to Council dated February 10, 2016 re: New Hires (Emailed: February 10, 2016)

City Engineer's Report dated February 18, 2016 (Emailed: February 18, 2016)

Email: Clerk of Council to Mayor serving as Safety/Service Director dated February 22, 2016 re: Ohio Department of Liquor Control with respect to **C NEW 2707307 – Fiddles and Vittles, LLC located at 2749 SOM Center Road & Patio, Willoughby Hills, Ohio 44094**

NOTIFICATIONS

Civil Service Commission Meeting of March 10, 2016 (Emailed: February 23, 2016)

Finance Committee Meeting of February 22, 2016 (Emailed: February 16, 2016)

Planning & Zoning Commission and Architectural Board of Review Meeting of February 12, 2016 was cancelled due to no pending business (Emailed: February 16, 2016)

Rules and Legislation Committee Meeting of February 22, 2016 (Emailed: February 16, 2016)

MINUTES

Finance Committee Meeting Minutes of February 8, 2016 (Emailed: February 23, 2016)

Rules and Legislation Committee Meeting of February 8, 2016 (Emailed: February 23, 2016)

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor's Report: Thank you Madame President. This afternoon I was able to give the State of the Cities Address to the Willoughby Area Chamber of Commerce. The following is brief synopsis of what I said:

In our Finance Department we had 1.476 million in the General Fund as December 31st. We started out with 1,178,000 and we ended with 1.476. Just to recap the previous year we had 635,000 in the carryover. It was nearly a 300,000 gain in the carryover and since we had a deficit budget last year we didn't spend the 560 we saved the 300 so we came out really \$860,000 a head so that's good for the City.

We received the excellent audit from the State and we were awarded the Auditor of the State Award; the first time that we ever got it, you can see it hanging on the wall over there, it's framed. Through the hard work we saved even in spite of the efforts of the local government funds were cut like 780,000 since 2008. The income tax remains stagnate it means that it was relatively unchanged but the thing that will affect us this year is the Affordable Care Act and that's going to affect us with eleven people that can take the health insurance and that maybe a big attack to our budget. But this year we have a balanced budget, just barely we came out ahead in the budgeting and we're going to remain steadfast and keep that going.

Economic Development, last year we lost our Economic Developer suddenly, Steve Roszczyk, he got cancer but we have to move on. Some new businesses on this year's radar the Pub on 91 is going to come, they're going to serve breakfast, lunch and dinner and that coincides with Clover the assisted living for senior citizens, it's right in close proximity to that and we think that it will...they'll be very successful. They are taking over the place where the um where Spectators was and Brindaliers in that corner spot.

The School of Innovation opened last year and they are completing their first year and this Monday we're going to have visitors from the 3rd grade class in City Hall, the Police Station and Fire Station.

We are going to have a total of three cyber cafes. The thing is that they have to follow the new rules and they...the third one that's going to open this next couple of weeks. Dunkin Donuts was another winner last year and they opened last fall. We have the possibility of getting cell phone towers and we discussed that tonight but that's on the possibilities.

Police, Service and Fire their contracts all expire December 31st so probably later this year we'll start negotiating with them.

Healthcare, Health Span they're closing their branch in Willoughby and that is a significant, a significant area of coverage for us and we are rebidding the process and we will go from there. We've got bids out right now and they will be in, in the next two to three weeks.

Our Recreation Department in 2015, 536 rentals at the Community Center it's supposed to 591 in 2014 but the fact that we took so many dates up ourselves that's why the numbers are down. The basketball program had 99 participants; baseball had a 123, softball 62. Flag football which was new in 2015 we had an amazing 55 participants in that...it was...they didn't really want to...we had no participants in '14 because we only offered tackle football and the concern that the concussion was causing no one to enter that program.

Safety Town Elaine Crane, she donated for the year '13, '14, and '15. She donated again for '16, '17 and '18 so that will continue and we had a full regiment of people in that.

The Easter party last year we held by ourselves and we had 111 children. This year we are going to do a new thing were we're doing it in conjunction with all the churches in the area and that is being planned right now.

Mayor's Court under the direction of Janeen Mullin had 6808 cases which contributed to \$1,244,000.

The Building Department they had 414 building permits, they had 507 building, plumbing and HVAC inspections and 98 electrical inspections. The income from the total of that was \$131,000 that's all the fees collected. In the sweepstakes area, this year we will collect \$64,000 just from the three cyber cafes.

The Service Department they are going to build our truck tomorrow and we expect delivery the 11th of March. Hopefully in time for use this year, some use but needless to say it's a long road in coming.

Included in this year's budget is a 1 Ton Dump Truck with Plow (\$65,000); a 4WD – 1 Ton Pickup with Snowplow (\$30,000); a highflow Skidsteer & Attachments w/ a 24" mill for roadway grinding and pickup broom (\$80,000); 2 cameras – a mainline camera with a trailer and a push camera (\$60,000). All this was made possible with a lot of money from the Lake County Stormwater Management and the things that we got done with that were that Lamplight replacement, the Knecht/O'Brien storm sewer, those two were very large and in the area of \$300,000. Then we also through the Stormwater Management grant, we did Worrell Road sinkhole, the Pine Valley dredging, a crossover on Timberline and the Eagle Road curb and gutter.

As far as the Fire Department I said that the Fire Chief was retiring this year and we're on a search for a Fire Chief. We had 1678 calls through the Fire Department; most of those were ambulance. We purchase two electric lift cots. We received a grant for half of that. Also the two loans in the Fire Department will be paid off this year, at the end of the year and that frees up about \$200,000.

The Police Department, this year.... last year we got a Community Service Officer, three cars were purchased; one car was delivered earlier and two cars were just delivered today and go in service tomorrow. In the budget we have two more planned and those will hopefully be Dodge Chargers. We had 16,991 through our Dispatch Center and 8,887 traffic citations were issued.

We are in the process of looking at replacement of lights within City Hall with LED lights and that was about the extent of the report.

I just want to make an announcement that we're giving a full-time police department test this Saturday. The Civil Service and there are 23 people who have opted to take the test and that will be given Saturday.

Upcoming events: We have the photo contest underway, they're ready to hang for the March Art Show and the Pancake Breakfasts are the 6th, the 13th and the 20th. That's all I have.

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

Councilman Plecnik: Madame President. Really quickly, as we've talked about how many part-time employees are 30+ hours I know that the budget message said that we had eight that were in that category, one of whom might elect or is projected to elect and I think that our Finance Director previously has said 1 of 10 and the Mayor said 1 of 11 and I'm just curious if that number is increasing or if we were kind of talking colloquially what's the actual, do we know the actual number?

Finance Director Brichacek: It's 8, it's 8.

Councilman Plecnik: It's 8, thank you.

President Fellows: Any other questions? I'd just like to mention that attending the State of the Cities today, it was reported that 5% of communities in the State of Ohio have received the Excellence Award for the Audit Department of the State of Ohio. So this is a testament to Frank Brichacek's dedication in making sure our books are in order, thank you, Frank.

Finance Director Brichacek: Thank you and I hate to take the credit all by myself, this is really a result not only of my work but the work of all the other directors and the employees of this City. There is a strong commitment of the people that I work with to do the job the right way and a high dedication to the community and I think that award reflects it and everyone should share the credit.

President Fellows: Thank you, thank you. Our next order of business is our Law Director's report. Sometime ago, there was an inquiry from a resident about what the status of the litigations that we have in the City. So I've asked Mr. Lobe to provide a brief synopsis of the three areas of litigation that the City is still under the umbrella of.

Law Director Lobe: Thank you. As Ms. Fellows said, I will give just a... like a public record review of and the open information as to the three cases, I will not comment on strategy or other matters that of course would be covered in an Executive Session but for anybody else in the audience if they have any questions, anybody can contact me at 440-725-5410, seven days a week, anytime you want, I'll try to get back with you if you have any questions that I could answer if they surface.

There are three cases and I'll generally refer to them on this dais as the names of the Plaintiffs which are Albertone, Lenz and Tanner Gates. Starting in that particular order there is the Albertone, Charles Albertone and his wife Erica are the Plaintiffs vs. Richard Iafelice, Defendant No. 1 who was CT and our former Engineer; CT Consultants is Defendant No. 2 in that case; City of Willoughby Hills is defendant no. 3 and Andys Empire Construction and Demolition is defendant no. 4 and Hudson Fowler is the third party and the 5th defendant in the case.

It is a case in Lake County Common Pleas Court; the Case No. is 15CV000480 and is assigned to Judge Vincent A. Culotta. The matter was initiated by means of a Complaint by the complainants on 3/23/15 there was some standard discovery requests, service issues, motions to dismiss things of that nature and then the plaintiff amended his Complaint on 11/18, excuse me, on 10/05/2015 he had filed the first amendment to the Complaint. All the defendants did in fact answer, I did in fact answer because this matter is not covered by any insurance and I am technically lead and sole counsel. We filed an answer to the first amended Complaint and we also filed cross-claims and a third party complaint with a jury demand on 11/18. There have not been any status conferences, no court action whatsoever on this matter since it's been filed under the direction of Judge Culotta.

President Fellows: Mr. Lobe, so this is where an individual bought a piece of property where the pump station was and there were pump station walls; you didn't say what it was....

Law Director Lobe: I thought that I would just give the general info.... we got sued because and I will tell everybody and now I'm getting into some facts. On Fowler Drive when we had some sewers put in and there was a water treatment plant at the end of the cul-de-sac at 3:00 at the end of the cul-de-sac on Fowler that piece of property was owned initially by I think Mr. Fowler and then the development of Fowler Drive he had to put in a water treatment plant and he had a deed that was transferred from Mr. Fowler to Lake County to put in the water treatment plant and operated the water treatment plant and when the sewers came in the water treatment plant was not necessary and this was in about 2004 – 2005 during one of our matters involving sewers and what happened with this one there was a reversionary clause in the deed which is very unusually, Mr. Fowler was pretty smart to keep one in there, the possibility which I didn't think would happen did happen. And so when

the water treatment plant was removed the property reverted to Mr. Fowler and this was in 2005 at that time, I want everybody to know that the City didn't own the property, the City never operated the treatment plant, the City didn't order the demolition of the water treatment plant this was all done between Mr. Fowler, the County and Andys Empire. We did not even hire Andys Empire which did it. But there was a letter in our file that indicated that Mr. Iafelice had indicated that the water treatment plant had been completely and extensively removed from the premises. As such Mr. Fowler then sells the property to the Albertones who are a nice couple who are now residents of our good City and they are in the process of constructing a home during all the proper procedures and during the initial phases of excavation they dig down and found part of the water treatment plant and as such they were quite upset and then we had to take some various actions immediately. I think I've mentioned this before, I even met with all the parties tried to get them in a room which I did right here in this Chamber with CT, with the County with Mr. Fowler; I invited everybody and Andys Empire and we were unable to satisfy everyone and as such Mr. Albertone did in fact through his Attorney Greg Pelini did in fact file litigation and he is looking for damages now in that regard and we have no insurance coverage on this matter and I am defending it. All I can tell you is that we didn't own it, we didn't operate it, we didn't remove it but there is a letter in our file and that's why I cross claimed against CT for that particular matter because it is written as is on our letterhead and as the City Engineer so they are trying to hold us responsible. And that's their main claim against us without saying anything further.

President Fellows: Thank you.

Law Director Lobe: The next case is what I entitled the Lenz Case. This is in the Federal Court for the Northern District. It is basically Laura Lenz individually and on behalf of her minor child as the plaintiff; the two defendants are the City of Willoughby Hills and Mayor Robert Weger. Jim Climer is the attorney for the City through the insurance counsel and Lester Potash is the attorney for the plaintiff. The matter was initially filed in Federal Court and the case no. is 1:14-CV-01223 and it was filed on or about June 6, 2014. We've had a few pre-trials, we've gone through some discovery and there was an interlocutory appeal taken to the 6th Circuit Court of Appeals on January 4, 2016 by our attorneys to the 6th Circuit Court of Appeals in Cincinnati on these particular matters the law allows normally it's the only time that you are allowed an appeal is at the final conclusion of the case on matters of these matters involving sovereign immunity the law allows a what is known as an interlocutory appeal in the middle of the case before you get to the actual adjudication on the merits. That thing was just filed on January 4, 2016 and the briefs have not even been filed for that particular matter. This matter will take probably, just traditionally about another, if I say nine months that's on the short end; probably a year to get through the appellant process and then if it is still in existence it will come back to court at that time. So I don't anticipate much action that would be relevant for further acknowledgement other than what's on the record, probably if at earliest towards the end of this year. And that matter is assigned to Judge Solomon Oliver of the Federal Court.

That is the second case and she is raising constitutional issues concerning her employment at the Community Center basing in upon political free speech.

The third case is a case that we've discussed also at the dais technically is titled Tanner S. Gates by his legal guardian. It is a case filed in Cuyahoga County and it is Cuyahoga County Case No. CV-14-824344; it's assigned to Judge Maureen Clancy and again the plaintiffs in that case are in fact Tanner Gates and his is represented by a variety of lawyers: Terry Gilbert of Cleveland, Larry Lashinsky from Pennsylvania, Jordan Lebovitz of Cleveland and Jamie Lebovitz of Cleveland. The two defendants in the case are technically the two police officers Greg Leonbruno and Officer Michael Gerardi and again the insurance counsel has appointed Jim Climer and John Pinzone from Mazanec, Raskin & Ryder located in Solon. The Complaint was filed on or about March 26, 2014 and this matter involves...two individuals that were in a car on Bishop Road. The generalized facts are that they were speeding, our officers saw them, they took down ramp on Bishop Road to head towards the on the spur where the intersection 90-east and 271-south. Our officer had to turn around and put his lights and flashers on. The closest our car got to the car that was already speeding and continued to speed was about I believe 8 or 900 feet. Ultimately this issue continued from down 271 and the car in question

was putting its blinker on going in and out of traffic at a high rate of speed. When it went up the on ramp, the off ramp which goes up at Wilson Mills there is a grassy knoll and there is a tree and our office was still somewhere on 271; there is a flash of light and the car hit a tree. The driver was in fact prosecuted for criminal aggregated assault and convicted in Cuyahoga County. But the passenger had been severely injured and he has brought an action and the only people that he hasn't sued is the driver and he is only suing the officers for their potential alleged breached of duties claiming that it is a pursuit. The matter was again very similarly had gone through the process and the City filed a notice of appeal to the 8th District Court of Appeals. Again all three cases are in different venues and jurisdictions; one's in Lake County Common Pleas Court, one's in Federal Court and this one is in Cuyahoga County Common Pleas Court. And we filed a notice of appeal again on an interlocutory order and that matter the briefs are not yet written that too will go through the appellant process, I'm assuming for eight-month minimum, maybe a year and a quarter and I will report on it at that time and it's in the hands of the insurance counsel at this time.

That is the overview of the three cases for the record as to the name of parties, the defendants, the case number and what is on public record on the docket. I will stay open for questions.

President Fellows: Thank you very much Mr. Lobe, any questions for the Law Director? Thank you. Next order of business would our Finance Director's report, Mr. Brichacek.

Finance Director Brichacek: The only item that I have for tonight in addition to what was discussed at the Finance Committee on Monday was that we took bids on the \$805,000 general obligation notes on Tuesday and they were sold at a rate of 1% which is identical to the maturing notes. I am happy given the shifts in the short term rates....

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

Councilman Fiebig: Madame President. Frank, did you believe that the legislation as proposed for merging funds was urgent, that we need to do that this evening? Waiving three readings because of some timing issues?

Finance Director Brichacek: It doesn't have to be done tonight, no. If you want to go through three readings you can, it would be certainly more convenient for me if we did make the changes but it can go through three readings.

Councilman Fiebig: Okay, thank you.

President Fellows: Thank you, any other questions? City Engineer's report, Mr. Di Franco.

City Engineer Di Franco: Thank you Madame President, nothing to report but I am open to questions.

President Fellows: Any questions for our Engineer? Seeing none, we'll move on to Committee Reports.

COMMITTEES OF COUNCIL

President Fellows: I know that we have a couple meetings in between our last Council meeting and tonight. Do you want me to first, John or...

Councilman Plecnik: Madame President, since my meeting was first we'll go in chronological order. Before I get into the minutes though, I do want to make note that our budget in all likely hood given that it will be on 3rd reading at our next Council meeting may well and in fact is likely to be voted on that time, it has to be passed before the end of March per State law, so if anyone has critical comments or suggestions for how the budget might be modified or changed our next Finance Committee Meeting before our next Council Meeting is probably our last chance to have that kind of substantive discussion, so bear that in mind.

But with that our Finance Committee of Council met on February 22, 2016 at 6:03pm.

Provided are the written minutes of the meeting as read for the record.

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

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

Combination of Fire Capital Funds

Chairman Plecnik referred to **Finance Director Brichacek's** interoffice memo dated February 16, 2016, which summarized and discussed the proposal to effectively combine Fund 441 (The Fire Department Capital Construction Fund) with Fund 444 (The Fire Department Capital Equipment Fund). **Chairman Plecnik** noted that his read of the memo indicated that the fund combination and reallocation of monies would have the effect converting our projected general fund deficit of \$54,900 into a surplus of \$27,100, and asked if his read was correct. **Finance Director Brichacek** replied that yes, net of other changes, that is true. However, there are other adjustments to the budget that need to be discussed. **Chairman Plecnik** asked if he was correct, in that, Fund 441 would be eliminated in the combination and Fund 444 would be renamed the Fire Department Property, Plant and Equipment Capital Fund, which could be spent for the purpose of financing fire buildings and their maintenance as well as fire equipment purchases. **Finance Director Brichacek** replied, yes, **Chairman Plecnik** is correct, with one side note. Fund 441 will not be eliminated, but rather, will be fully expended this year and have its funding source rerouted to the new Fund 444. As a result, Fund 441 will go dormant unless Council chooses to utilize it in the future. **Chairman Plecnik** closed the discussion on the combination of the Fire Capital Funds by thanking **Finance Director Brichacek** for his hard work and noting the significance of balancing the budget for the first time in years.

Multiple Dwelling License Fees & Community Center Rental Fees

Chairman Plecnik shared that he met with **Finance Director Brichacek** on Friday, February 12th, to go over the budget line-by-line and identify tax savings and ways to balance the budget. He thanked **Finance Director Brichacek** for taking the time and noted that the Finance Director had two suggestions that might go into different committees of Council. First, **Finance Director Brichacek** suggested that our multiple dwelling license fees should be reexamined because they have not been updated in many years. **Chairman Plecnik** stated that he knew **Councilman Hallum** had begun to look into the issue and asked about its status. **Councilman Hallum** replied that he was also reviewing the possibility of rental registration and vacant property fees, and that all of these property fees would be considered in the Planning & Zoning Commission for its recommendation prior to looking at them in the Planning & Zoning Committee. **Law Director Lobe** noted that Solon had performed a similar review recently, and suggested that Shaker Heights had good legislation to use as a model for property fees. **Chairman Plecnik** added that a significant concern of residents relates to homeowner associations and common property. When a homeowner association disbands or falls apart, such common property is often abandoned and the grass is not cut. **Chairman Plecnik** suggested that **Councilman Hallum** consider this issue in the Planning & Zoning Commission as well. Second, **Finance Director Brichacek** suggested that our Community Center Rental Fees should be continuously revisited, perhaps even on an annual basis, in order to keep them aligned to current market rates. **Chairman Plecnik** noted that his first task in his first term on Council as Chair of the Recreation Committee was to reexamine the Community Center Rental Fees and draft a new ordinance to update the fee schedule. He proposed that **Councilwoman Greer**, current Chair of the Recreation Committee, reexamine the Community Center Rental Fees in cooperation with the Recreation Commission to determine if they need to be updated. **Councilman Biro** noted that the fees were looked at two years ago by **Chairman Plecnik** and four years ago by himself, so they are unlikely to need a major update. However, it cannot hurt to look again and be certain.

Review of the 2016 Budget

Chairman Plecnik began by noting again how significant it is that we are on track to pass a balanced budget for the first time in years. He added that this achievement is a testament to the importance of the work of Council committees, because the positive revision that balanced our budget was born out of discussion in the Finance Committee. However, **Chairman Plecnik** noted that our budget for this year includes a two-part windfall of approximately \$100,000 from Workers Compensation, including a one-time credit and a refund for overpayment of obligations. He added that our revenue sources are stagnant or growing very slowly, while our expenditures continue to substantially increase. He then quoted the last line of the budget message from **Mayor Weger** and **Finance Director Brichacek**, “As the past [h]as shown, we cannot continually balance budgets by deferring the replacement of equipment needed by the staff to operate or maintaining streets and infrastructure without paying a significant price in the future.” Given the significant capital needs of the City anticipated in the near future, such as fire trucks, ambulances, and major road projects, we need to look for tax savings now, even though the budget is on track to be balanced. **Chairman Plecnik** advised that every Member of the Finance Committee and Council should be looking at the budget to see if any line items might be cut. He added that even in a balanced budget, every line item and expense must be justified, particularly given the increasing needs of the Service, Police, and Fire Departments. **Chairman Plecnik** added that the City budget effectively sets our priorities for the year, and it is critical to have the right priorities. There is a difference between nice and necessary, and when times are tight, we can only afford what is necessary, like Roads, Police and Fire. **Chairman Plecnik** asked if anyone had thoughts on what might be cut. When no one responded, he suggested cutting the line item of \$6,300 for the City Newsletter. **Chairman Plecnik** noted that Members of Council frequently put out newsletters at their own expense, and in his view, the City Newsletter, which has traditionally just been a Mayor’s report, was unnecessary because the Mayor could pay for his own report. **Council President Fellows** suggested that the City Newsletter might be more informative, and hence, more justifiable as an expense, if Council participated in writing it. **Mayor Weger** said that the Council President and Council Vice President are always welcome to submit articles, and that he is always looking for more articles to publish in the City Newsletter. **Council President Fellows** noted that no one had ever told her that she was eligible or allowed to submit an article prior to this meeting. **Mayor Weger** replied that **Council President Fellows** is welcome to submit an article next time and would be notified of the opportunity. **Chairman Plecnik** suggested that a City Newsletter should be open to all Members of Council, not just the Council President and Council Vice President. He also concurred with **Council President Fellows** that if such participation were allowed and the City Newsletter became more informative, its expense might be justified. **Chairman Plecnik** also suggested cutting the Mayor’s gas allowance of \$2,200. He emphasized that he was not targeting the Mayor, but simply observing that no other elected officials are reimbursed for their gas or mileage in meeting with residents or City employees. Even though every elected official, and every employee, would appreciate a gas allowance, **Chairman Plecnik** stated that it is a perfect example of what is nice but not necessary. While \$2,200 is not enough to hire a police officer or fire fighter, pennies add up to dollars and dollars add up to real savings. **Chairman Plecnik** closed by saying that he planned to start work on the 2017 budget as soon as the 2016 budget was passed, because we should pass our budget before the beginning of the fiscal year whenever possible.

Economic Development

Councilman Biro asked **Finance Director Brichacek** if the proposed 2016 budget is essentially the same as the 2015 budget. **Finance Director Brichacek** replied, yes, it is fundamentally the same with some modest changes. **Councilman Biro** went on to say that he believed we need to look to new sources of revenue, such as improved fee structures and cell tower leases. He added that we need to reinvent Loehmann’s Plaza, and should consider **Councilwoman Greer’s** proposal to hire an economic development firm to tackle that issue. **Councilwoman Greer** shared that she asked an economic development firm, which she invited to a Safety Committee meeting, last year, to call **Council President Fellows** to follow up, and asked if they had called. **Council President Fellows** replied, no, she was never called. **Chairman Plecnik** asked if the Mayor’s economic development committee was still active. **Councilman Hallum** replied, no, not for a while. **Councilman Hallum** continued to say that the Mayor’s committee mostly focused on event planning, like Halloween events, which he felt was a waste of time. He added that there was the ownership issue of not

knowing who the ultimate owner of Loehmann's Plaza would be and so there was no one to talk to directly about economic development of the plaza. **Law Director Lobe** shared that administration has been meeting with individuals who are at least somewhat interested in buying Loehmann's Plaza, including developers from Washington, D.C., and Tennessee, but every time, the deal has fallen through. **Law Director Lobe** added that owner of Southgate Mall, a local developer, was vaguely interested in Loehmann's Plaza, but nothing is concrete at this time. **Chairman Plecnik** asked **Councilman Hallum** if he recalled correctly that **Councilwoman Greer** was a Member of the Planning & Zoning Committee. **Councilman Hallum** replied, yes. **Chairman Plecnik** then said, perhaps it would be best for the Planning & Zoning Committee to consider the proposal of hiring an economic development firm, because it is the Committee with the clearest jurisdiction over economic development. **Councilman Hallum** replied that he wanted to take the temperature of Council and see if Council as a whole was open to hiring an economic development firm before he invested significant time in researching the issue. **Councilwoman Greer** suggested a meeting of the Working Committee of Council. **Council President Fellows** replied that we should consider a Council retreat to discuss these issues, and noted that it has been so long since a retreat was held, she and **Councilman Biro** were the only two Members of Council with enough seniority to remember it. **Chairman Plecnik** concurred that a Council retreat was a good idea, and noted that **Principal Brian Patrick** of the Willoughby-Eastlake School of Innovation in Willoughby Hills had volunteered the free use of the school's conference rooms for a Council retreat.

Impact of the Affordable Care Act

Councilwoman Greer asked if she could raise an entirely new issue that she was concerned about. **Chairman Plecnik** invited her to share and **Councilwoman Greer** expressed her concern that we are providing health benefits or a stipend of \$2,700 to full-time employees, and that companies today are trying to transition responsibilities from full-time to part-time employees to avoid that cost. In her view, we should consider the same strategy. **Chairman Plecnik** noted that under the Affordable Care Act, better known as Obamacare, employers are generally required to offer health benefits to employees who work thirty hours a week or more, and that employers are indeed trying to reduce their number of full-time employees to avoid that mandate. He agreed that in some cases it might be appropriate to hire part-time instead of full-time employees to save money, but that strategy might not always be workable for the City. This is why the Personnel Relations Committee, said **Chairman Plecnik**, will perform an extended review of what positions need to be eliminated, reduced, combined, or even created. **Councilwoman Greer** clarified that she is particularly concerned with **Council Clerk Savage** performing thirty or more hours a week and suggested that we might consider hiring a second Council Clerk so that neither of them would work more than thirty hours and be entitled to health insurance or the \$2,700 that the City pays to employees who waive health coverage. **Councilwoman Greer** added that she felt that eliminating or creating any positions other than the Council Clerk is an administrative matter and not in the purview of Council. **Chairman Plecnik** corrected the record by agreeing that Council generally should not supervise or judge the performance of individuals who serve in a position, but that only Council has the ultimate authority to set pay scales or create and eliminate positions. By way of example, **Chairman Plecnik** noted that **Councilwoman Greer** voted to create the position of Community Service Officer last year. **Councilman Hallum** asked who was responsible for supervising Council Clerk Savage and approving her hours, and **Council President Fellows** replied that it was her role. **Council President Fellows** stated that anyone who questioned the need for the hours that **Council Clerk Savage** currently works should spend a full day with her to get a better understanding of her responsibilities. She added that in all cases **Council Clerk Savage** provides Council with a professional, polished, well-researched work product. **Councilman Hallum** replied that he was not disagreeing, but merely making the point, in line with **Chairman Plecnik**, that we must look at every line item in the budget and cannot ignore the expenses of Council. **Finance Director Brichacek** interjected that we are very fortunate right now, because of the ten part-time employees who are working thirty or more hours and are entitled to healthcare, only one of them is projected to accept it. The remaining nine, including **Council Clerk Savage**, are projected to waive it and only accept the far less expensive \$2,700 stipend. **Councilman Plecnik** noted that at the last Finance Committee Meeting **Finance Director Brichacek** and **Mayor Weger** indicated that we would go out to bid for a new healthcare provider in the near future. He asked when we anticipated hearing back with bids. **Mayor Weger** indicated that we could hear back as early as this week. However, we might not receive any bids back, and that actually happened in

the first go around the last time we went out to bid for a new healthcare provider. **Mayor Weger** added that we are going out to bid for the remaining nine months of the year because we want our healthcare provider contract and union contracts to begin at the same time so that we can accurately build in the cost of healthcare to the union contracts.

Cell Tower

Chairman Plecnik asked if the proposed construction and lease of a cell tower at the Willoughby Hills Grange would start this year and potentially provide revenue for this year's budget. **Mayor Weger** replied, yes, and there could even be a signing bonus. **Law Director Lobe** noted that there was the possibility of erecting a second cell tower on the City's West Miller property, and that the Sprint cell tower lease, to which the City is a party, is about to come up. When it does come up, **Law Director Lobe** indicated that there could be a \$60,000 signing bonus if we renew the lease. **Chairman Plecnik** stated that his biggest concern with any cell tower is the aesthetic impact on the community, and so he felt the presentation of the proposed cell tower at the Willoughby Hills Grange would be very important to visually appreciate that impact.

2016 Budget Revisions

Finance Director Brichacek submitted a two-page memo to the Finance Committee entitled, "2016 Operating Budget Revisions as of February 17, 2016." **Finance Director Brichacek** explained that there were three revisions to the proposed 2016 budget. First, there is a positive revision of \$18,000 in increased fees from a new "game room" in Eddy's Bike Shop on Bishop Road. **Chairman Plecnik** asked if this "game room" was another internet gambling café, and **Finance Director Brichacek** replied, yes. **Law Director Lobe** interjected that Willoughby Hills has been criticized for regulating internet gambling cafés as opposed to outright banning them, but he thinks we have made the right decision. This \$18,000 of revenue is allocated to Fund 110 (General Fund). Second, there is a negative revision of \$40,600 to pay for annual property taxes and sewer fees on the newly acquired West Miller property. This \$40,600 of expense is allocated to Fund 110 (General Fund). Third, there is a positive revision of \$82,000 from the combination of the Fire Capital Funds. This \$82,000 positive revision is allocated to Fund 110 (General Fund). **Chairman Plecnik** asked if the cost of the West Miller property explained why our projected surplus had dropped to \$4,500. **Finance Director Brichacek** replied, yes, in tandem with the other revisions, that cost reduced our surplus to \$4,500. **Council President Fellows** asked if we should revisit our fees for internet gambling cafés of \$5,000 a year and \$50 per machine and consider raising them. **Mayor Weger** replied that we could look at the fees, but that internet gambling cafés are not making as much money as they used to and probably did not have enough revenue to survive if we raise their fees.

SOM Center Road Project

Chairman Plecnik asked **Finance Director Brichacek** about the negative balance of \$243,169.36 in Fund 270 (Road Levy), which resulted from the anticipated \$300,000 overage from the SOM Center Road Project, and asked how he proposed amending the budget to eliminate that negative balance. **Finance Director Brichacek** indicated that he planned to revise the budget to use the original, contractually agreed upon amounts, which would eliminate the negative balance. He continued to say that if and when the \$300,000 overage is realized, Council will need to amend the contract for the SOM Center Road Project and may as well amend the budget at the same time. **Council President Fellows** volunteered that she spoke with **Lake County Engineer Jim Gills**, and that he shared with her that the SOM Center Road Project is definitely a go for this year. **Finance Director Brichacek** and **Mayor Weger** both replied that the federal funds to subsidize the project were still tied up, and they were not so sure that the project would go forward this year.

Discussion After Public Portion

Chairman Plecnik repeated his thanks to **Finance Director Brichacek** for his hard work on the 2016 budget and asked if anyone had comments before adjournment. In response to **Mr. Fellows'** comments in public portion, **Councilman Hallum** questioned where the money would come from to pay for salaries without dipping into the Road Levy and Sewer Fund. **Chairman Plecnik** noted that even **Mr. Fellows** conceded that a shift of salaries back to Fund 110 (General Fund) was probably impracticable all at once. **Mayor Weger** stated that only half of the City is on sewer and it is unfair to the East Side, which is not on sewer, to use any general

monies to subsidize the sewer. He added that Willowick and Wickliffe use general monies to subsidize the sewer, but that is okay in those cities because everyone is on sewer. **Mayor Weger** closed by saying the approximately one and a half employees in the Service Department who dedicate their time to the sewer should have their salaries paid out of the Sewer Fund. **Chairman Plecnik** noted that he did not disagree with **Mayor Weger** with respect to paying the salaries of sewer workers out of the Sewer Fund. However, he disagrees, and knows a lot of residents who disagree, with paying administrative salaries out of the Sewer Fund. While **Chairman Plecnik** acknowledged that our Finance Director and Assistant Finance Director must be paid, he is not convinced that twenty percent of their salaries should come out of the Sewer Fund, because he is not convinced that either of them really spend twenty percent of their time budgeting for the sewer. **Mayor Weger** volunteered that he and the Finance Director spent one and a half to two hours this very day to deal with a bad water meter that was overcharging a resident on Legend Lane. **Chairman Plecnik** pointed out that a bad water meter is not exclusively a sewer issue because all residents, whether they are on septic or sewer, have water meters. **Mayor Weger** replied yes, but sewer fees are based on water usage so it is a sewer issue. **Chairman Plecnik** agreed that sewer fees are based on water usage, but restated that a bad water meter has to be dealt with irrespective of whether a resident is on septic or sewer. **Mayor Weger** closed by sharing that he has five to ten serious sewer issues like this a year, and that he currently lacks the authority to adjust a resident's sewer bill if it is erroneous. He said that he is working with the Mayor of Euclid to negotiate for that authority in the future.

Public Portion Opened at 6:55 p.m. **Dale Fellows** of 2812 Fowler Drive proposed that Council review the Willoughby Hills Independent Performance Audit Task Force Report from 2011 for ideas to raise revenue and cut expenses to balance the budget. **Mr. Fellows** shared that he served on the task force and that he believed **Andy Gardner** did a great job of chairing the task force. **Mr. Fellows** commented on the combination of the Fire Capital Funds, saying that it sounds good, but it is robbing Peter to pay Paul, because someday we will need to rebuild or maintain our Fire Station, and we are spending that money on equipment now rather than saving it for the Fire Station. **Mr. Fellows** added that the task force report had ideas for the Community Center, and he mentioned this fact to **Councilwoman Greer** before she left the Finance Committee meeting early. **Mr. Fellows** stated that whether we have a balanced budget or not, every expense in the budget must be justified because they are paid for with taxpayer dollars. What bothers him the most, and what is a pet peeve to many residents, is that salaries are paid for out of the Road Levy and Sewer Fund. Although it is probably impossible to pull every salary out of the Road Levy and Sewer Fund in one fell swoop, **Mr. Fellows** believes we should start working on the problem of backing out those salaries now. In his view, the reason why many of our streets are in disrepair is because we pay for salaries out of the Road Levy. **Public Portion Closed at 6:59 p.m.**

Meeting adjourned at 7:08pm

Councilman Plecnik: I know that we covered a heck of a lot of ground so I remain open to any comments, questions, or thoughts. I did my best to faithfully state everyone's opinions and thoughts in the meeting. I know that we have a lot of work to do in Finance with the budget coming up but hopefully we're almost there.

President Fellows: Thank you Vice President Plecnik. Are there any questions for John? Thank you. Councilwoman Majka do you have some information that you would like to share us about a previous Utilities Committee Meeting?

Councilwoman Majka: Yes, I do I have my Utilities Meeting notes. The Utilities Committee met on February 8th at 7:36pm.

Provided are the written minutes of the meeting as read for the record.

Committee Members: Janet R. Majka, Chair, Councilman Christopher L. Biro, Councilman John Plecnik

Also Present: President of Council Nancy E. Fellows, Councilman Christopher Hallum, City Engineer Pietro DiFranco, Law Director Thomas G. Lobe, Road Superintendent Mark Grubiss and Mayor Robert M. Weger

Chair Majka passed out 2 papers to participants who were present: 02/01/2016 Sewer Rates and 10/2013 Sewer Rate Schedule. Chair Majka briefly reviewed the two documents. The 2/1/2016 document compared the Willoughby Hills rates to those of six other communities and included the water rate charged by Lake County Department of Utilities (LCDU). It was emphasized that several of the communities had not had rate hikes for 3-5 years, whereas Willoughby Hills began another rate increase as of January 2016, with two more scheduled in 2017 and 2018. The 10/2013 document is the rate increase schedule passed by council that the public may access from the Willoughby Hills City Government website. Chair Majka explained the composition of our current sewer bills: One portion comes from the city of Euclid, because they own the sewage treatment plant which processes our sewage, and we cannot control the portion of the billing which belongs to Euclid. Euclid is also in the process of updating its system to prevent overflow during rain events by expanding retention basins and other costly upgrades. We can assume the cost of these improvements will be passed along to Willoughby Hills residents and this is not within our control. The next portion of our sewer bills comes from the LCDU, and is the billing for the water used by each household or business. This is what we have had on the utility bills all along, and this rate is set by the county, and is also something Willoughby Hills cannot alter. The LCDU also does the billing, and all property owners are charged a fixed rate of \$3.50 per quarter to handle meter reading and billing. The final component on our sewer bill comes from Willoughby Hills City. It is a sewer fee which covers construction and maintenance of sewer lines and pump stations. It includes a cost for servicing debt issued in the past. The current rate structure and increases were voted in by the City Council in 2012. It was pointed out by Chair Majka that since 2011, this Willoughby Hills rate has tripled, while in comparison the rate Euclid charges has increased, but not nearly as drastically as the Willoughby Hills portion. This is the portion of the bill that Willoughby Hills *does* have control over. Additionally, Willoughby Hills is part of the Lake County Stormwater Management District. A fee itemized on our property tax bills which Willoughby Hills residents pay goes into this fund, which can then be used to fund projects which benefit the public, such as the current Eagle Rd. drainage improvement project.

Pete DiFranco talked about flooding problems at Stratford Place. A backup valve has been installed, hopefully this will resolve the problem— low interest EPA loans may be available to help take care of the issue if it is not solved.

Mark Grubiss spoke about how there is only one manhole outlet at Stratford Place, and in a rain event when sewage is already flowing through the interceptor line downhill toward Euclid it is just too much for the system. Chair Majka asked if these issues were mainly during rain events, and was told by Mark, yes, that is when problems happen. Mark said having a system to use cameras may be helpful in understanding what is happening underground, and in fact the budget does contain money for cameras and possibly an additional pump to address issues at Stratford Place.

Mayor Weger explained how many older parts of the city's sewer pipe construction are not updated with PVC pipe but rather with old clay pipe connections which can shift and allow infiltration of additional water into the system. The mayor also talked about the need for an additional sewer truck in the future so as not to be stranded if the older truck should break down.

Law Director Lobe explained sewer history in Willoughby Hills going back to when Interstate 271 crossed through the City. He explained how the sewer installations in the parts of the city that were required to install them took place in different phases over a number of years. Grant money was used for part of the installation, and also loans. Mr. Lobe is very conscious of the current EPA regulation stating that the sewer cleanouts need to be checked and cleaned every three years. Because he does not want the city to experience non-compliance and subsequent fines, he has directed Mark Grubiss and his crew to perform the cleanouts so that there is a complete cycle of cleaning occurring every 18 months. Mark stated that for his crew to keep up this pace they must be having two men out every day giving attention to the cleanout schedule.

Councilwoman Fellows asked about the proposed Giant Eagle retention pond, what is the current status of the project and what about grants?

Chair Majka asked Pete DiFranco to update us on any additional stormwater fund projects. Pete said there is a 5-year plan being constructed and he is working with the Mayor and Mark Grubiss to finalize, with projects addressing street flooding as a priority. There are projects on South River Rd. and Dodd Rd. Lamplight and connect O'Brian were 2 projects from last year which were addressed through the stormwater funds.

Chair Majka asked if stormwater funds could be applied for by individuals experiencing flooding problems, and Mr. Brichacek explained how stormwater funds are for public benefit, not necessarily for individual homeowners who may have a problem in their own backyard

Mayor Weger addressed Lamplight/Fowler pipes and streets water issues

Councilman Hallum asked whether ODOT might be a source of revenue to address persistent wet spots and flooding that have been present alongside I- 271 since the construction of that freeway, and impact city streets nearby which experience erosion from those issues. Mr. Lobe said it is very difficult to get ODOT to address funding small projects like that. He shared that once when he was researching records of the Interstate 271 construction he found that there was at one time an 8-acre lake which was drained to make way for highway construction. So knowing this fact one can understand why there are persistent water problems where that lake once existed.

Chair Majka asked Councilman Hallum about Lamplight road issues – potholes and poor road conditions reported by a resident, and he and Mayor Weger stated they are aware of the issue and are working to take care of it. Part of the problem is that the temporary patches do not last very long and then the holes keep reappearing.

President Fellows asked about the status of a letter written to Ray Somich from members of the Jewish community in neighboring Wickliffe. They were seeking permission from Willoughby Hills officials to allow some members of their community to access city-owned West Miller property for the purpose of a ceremonial prayer walk led by a community rabbi. It was discussed that for now, city council will refer informally to the 13-acre property abutting West Miller Dr. as the “West Miller” property. Mr. Lobe said he is looking into the legal issues concerning this request but it is a complicated matter.

Public portion opened at 8:23 pm.

Frank Cihula came forward and commented that since Willoughby Hills has a 100 ft. frontage requirement, there are less houses to share the burden of sewer fees that than other communities which may have many more houses per unit of area.

Public portion closed at 8:24 pm

The meeting was adjourned at 8:25pm

President Fellows: Any questions for Councilwoman Majak, seeing none, I'll report on Rules and Legislation.

The Committee met on February 22nd at 7:09 p.m.

Provided are the written minutes of the meeting as read for the record.

Committee Members: President Nancy E. Fellows, Chair, Vice President John Plecnik

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

Purpose: Pending Legislation

Ordinance 2016-3 An Ordinance accepting the 2016 Budget.

The Rules and Legislation Committee of Council recommends this legislation remains on 2nd Reading.

Ordinance 2016 – 5 An Ordinance to define and to determine what constitutes a “justifiable excuse” as well as establishing a procedure for reporting and excusing absences. **The Rules and Legislation Committee of Council recommends this Ordinance stay on 1st Reading.**

Note: Vice President Plecnik suggested that required be changed to read required to use best efforts; but okay with the way it is stated.

Ordinance 2016- 6 An Ordinance accepting the bid of Osborne Concrete and Stone for the purchase of limestone for the year 2016. This is a normal part of the City’s business annually. **The Rules and Legislation Committee of Council recommends the 3 Reading Rule be waived and the Ordinance be adopted.**

Ordinance 2016 -7 An Ordinance accepting the bid of Osborne Concrete and Stone for the purchase of asphalt for the year 2016. Again, this is a normal part of the City’s business annually. **The Rules and Legislation Committee of Council recommends the 3 Reading Rule be waived and the Ordinance be adopted.**

Ordinance 2016-8 – An Ordinance combining Fund 441 The Fire Department Capital Construction Fund and Fund 444 The Fire Department Capital Equipment Fund into one Fund called the Fire Department Property, Plant and Equipment Fund which will now be referred to as Fund 444. Fund 441 The Fire Department Capital Construction Fund was created in 2004 to finance the design and renovation/construction of the City’s Fire Station. This fund is financed by charges for emergency services and the City’s contract with Waite Hill for EMS services. Fund 444 also created in 2004 for purchasing Fire Department equipment such as ambulances, trucks, and safety vehicles. The only revenue source at this time is the proceeds from billing for motor vehicle accidents. **The Rules and Legislative Committee of Council recommends the 3 Reading Rule be waived and the Ordinance be adopted.**

Ordinance 2016-9 – An Ordinance requiring that the City of Willoughby Hills adopt uniform requirements for discharge into the Willoughby-Eastlake Wastewater Collection and Treatment Systems. This is due to the agreement that we have with the City of Willoughby. When Willoughby changes a perimeter, we must be aligned with them. The change involves the lowering of Cadmium discharged into the sanitary sewer system from 5.0 to 3.0 ppm (a measurement of pollutants) as Cadmium is an extremely toxic metal commonly found in industrial workplaces. **The Rules and Legislation Committee of Council recommends the 3 Reading Rule be waived and the Ordinance be adopted.**

Additional Business: Reminder, there will be a Working Committee of Council, Thursday, February 25, 2016, to provide an opportunity for cell tower presentations. The Planning & Zoning Commission has been invited.

Public portion opened at 7:18 p.m.

Vice President Plecnik shared his thoughts concerning the cell tower proposal location: 1. Aesthetics and visual sense, 2. Receiving the most revenue for the City, and 3. Are residents within 500’ of the tower being notified of this project? The Mayor indicated that they would be notified.

Inadvertently, I had mentioned that the BZA had been invited to the cell tower presentation, of which I was in error.

Linda Fulton – came back around concerning a sewer cost, she questioned Assessment Area B financially supporting the sewers aligned with City Hall.

Dale Fellows – Commented on the value of the Audit Committee and recommended results; and suggests that Council review this report and look to implement recommendations. Councilman Hallum indicated that he had never reviewed this report and asked Vice President Plecnik for a copy, of which VP Plecnik indicated that he would have the Clerk email the document.

Public portion closed at 7:28 p.m.

Meeting adjourned at 7:29 p.m.

President Fellows: The Working Committee of Council did meet tonight. We had a presentation by TowerCo concerning the proposal for a cell tower on the grange property and the Planning and Zoning Commission joined us as well. I think that it was an excellent opportunity for all of us to ask questions. And there will be no decisions made by City Council concerning this proposal at this time; however, it is recommended that this project be placed in the Planning and Zoning Commission of the City so that they may review the proposal, review the location or locations, make sure that the objectives of the Master Plan have been reviewed or met, any zoning codes met, declare the property as surplus and provide for public hearings as well.

Just want to make mention that Personnel Relations is having a meeting on March 3rd at 6:00 pm; Recreation on March 7th at 6:00 pm; Finance on March 7th at 6:30 pm and Rules and Legislation on March 7th at 7:00 pm.

Are there any other Council Representative Reports this evening?

COUNCIL REPRESENTATIVE REPORTS

President Fellows: Councilwoman Majka, did you want to mention the Chagrin River Watershed?

Councilwoman Majka: Yes, Madame President, I do have a report on the Chagrin River Watershed Partners meeting which I did attend. I had my first meeting as the Trustee for the Chagrin River Partners group. We met a week ago Thursday, February 18th at the Willoughby Hills Community Center. Since this was my first meeting, I was just getting acclimated to what they do and who they are. They presented a Succession Plan. They have had their current President for about twenty years since the Chagrin River Partners was even established. So a large part of the meeting was their presenting through a power-point presentation their plans to start the process early to search out a new president for the association. If they do not find somebody from within then they are going to make sure that they're in a position, they care very deeply about their organization, they want to do right by it and we had a short presentation by the president so I didn't mention in attendance was Mayor Weger and the alternate Trustee Councilman Chris Biro and myself. It's very impressive to see the amount of communities that are represented by this Chagrin Rivers Partners Association. They cover a 4 county area, there is probably, I didn't count but probably 30+ different communities send their trustees to these meetings so it is very well represented and a lot of expert information is available as far as issues with water quality, projects, consulting, they do public education as to water quality especially in our area it's very applicable to Willoughby Hills since we do have the Chagrin River running through a substantial portion of our City. We met the members that compose the Chagrin Rivers Partners and they all introduced themselves and then made a little statement. Since it was the first meeting of their year, they were also explaining their calendar of events to us. They meet quarterly, so they meet basically four times a year and then they have a celebration in May which is a dinner that they make available to all the members and trustees as well. That is about it, it wasn't a very long meeting and like I said it was rather basic. Mayor Weger, I don't know if you had anything to add to that?

Mayor Weger: Yes, they ah, at the end they had a poll and they used some technically that's very unique and they had a power point presentation and they asked questions and everybody could vote via a little clicker that they gave to everybody. And it was their first test at that and they got some feedback and they can work on the areas that really concern them. The meeting that is scheduled for May, it's not really a dinner it's a 20-year celebration so it's not every year that they do this but it's their 20th year. That's all I have.

Councilwoman Majka: Thank you for clarifying that I didn't have my notes with me I've got them in my other car. But that is true.... what Mayor Weger said was probably the most interactive part of the evening. It's kind of, I think that it is a teacher strategy where you can respond with an interactive program where you are showing your votes by pressing a button. Answering some survey questions that they were giving us, mostly surveying us to ask us what type of topics we would be interested in seeing presented to us in the future. And as we gave our information it's instantly put into a graph or a bar graph which showed the percentages of people

that was responding to each question, so it made it interesting and it was something that they were excited about doing. That's all I have, thank you.

President Fellows: Thank you Councilwoman Majka and Mayor, any questions for either one of them on that Committee Report?

Mr. Aburda: Yes, can I ask a question...

President Fellows: In Public Portion you may. Thank you. Anyone else? All right, so our next business is "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 opened Public Portion at 8:11 p.m.

August Babuder: 2275 River Road. I am a resident on River Road with property on Chagrin River. First time I hear about this partners. Does this involve any education of the residents that have property on Chagrin River or are they any reports that they issue and do we get a copy of that? The owners that are adjacent to the river that would be my question, I don't know.

President Fellows: Okay, give us a minute and we'll respond to you. Thank you. Anyone else?

Alana Mastrangelo: 2774 Loreto Drive. My comment is for Mayor Weger. On December 6th you sent me an offer to be appointed on to the Recreation Commission which I accepted the same day; I followed up with you via email but it was a couple of weeks ago and you told me that was no more room on the Recreation Commission for me to be appointed. Section 5.41 of the Willoughby Hills City Charter doesn't actually have a limitation as to how many people can be appointed to the Recreation Commission. So I am up here today just to let you know that I am still looking to volunteer and that I would be available after tonight's City Council Meeting to be sworn-in.

President Fellows: Thank you, Alana. Anyone else? Okay, I will close Public Portion at 8:14 p.m.

So Mayor, may be you could help me and since Jan's new, I do believe that the Chagrin River Watershed provides a report of all their meetings and possibly we could look for a way to provide that information to the resident. And I know that it is online but that might not be the best form of communication.

Mayor Weger: Well there's an Annual Report which was mailed out and we got copies at the meeting and the minutes are available via the internet or we can give them to you Mr. Babuder.

President Fellows: So we can provide you with that information and it is public information but it doesn't come to each resident so it comes to City Hall so we can ensure that through the Mayor's Office that we can make sure that you have that information after they have their meeting and their minutes are available.

Councilwoman Majka: Madame President, I would just like to add I think possibly what needs clarification is that the Chagrin River Watershed Partners are not a Willoughby Hills City organization, they are a separate organization that Willoughby Hills does pay an annual fee to belong to so if we do have watershed or water

quality issues or want to use any of their services they're available to assist us as sort of a consultant but and so, I am just the Trustee or Council Representative of who's going to attend these meetings and report back and just provide since we are a member community I'm going to be the representative to the Chagrin River Watershed Partners organization but it's not a Willoughby Hills entity, does that help?

Mr. Babuder: I understand.

Councilman Fiebig: Madame President. Mr. Babuder and or any resident who has any issues or any questions or any concerns about watershed issues on their property, you know for example the river that runs through your backyard or how to manage that this is the organization that will help you to manage that. One of the services that they provide to us as a City is to do site visitations so they will come to your property and discuss a specific issue and then write up a recommendation that you can follow. So you can just reach out to Jan or to anybody here on Council or the Mayor and we'll put that in motion for you if there are any specific issues about your land, okay.

President Fellows: Mayor, did you want to address, will you address further? Okay, thank you. The next order of business is "Unfinished Business". Any unfinished business?

UNFINISHED BUSINESS

Councilman Fiebig: Madame President, we could talk about it on the legislation but to clarify the question that came up that Mr. Fellows brought up, the Capital Improvement Fund 444 does provide for the construction of a new fire station, doesn't it in plant, it says in property and plant isn't that part of that legislation?

President Fellows: It is, so it combined both of the funds and it covers the building or plant and capital...

Councilman Fiebig: And capital equipment.

President Fellows: And capital equipment, yes.

Councilman Fiebig: Okay, just wanted to clear that up.... right, I thought that it did, just wanted to clear it up, right Frank?

Finance Director Brichacek: Everything that the two funds previously, separately authorized are now authorized in fund 441.

Councilman Fiebig: We just set up of 441 for the specific task and to manage debt repayment.

Finance Director Brichacek: Right.

Councilman Fiebig: And since repayment is being done, Fund 441 can effectively go away or zero out...

Finance Director Brichacek: That's right.

Councilman Fiebig: And I think that the only other discussion to have is should we eliminate it or just simply make it one of the... what are there about a hundred funds that have zero balances in it?

Finance Director Brichacek: It doesn't matter eliminate it or just let it go dormant then and keep it in the back pocket in the event of a...

Councilman Fiebig: Okay, but we can still use it for funding a new fire station in addition to a fire station anything like that.... right?

Finance Director Brichacek: Typically capital project funds are typically set up for the life of the project and once the project is completed they die either by having no assets or liabilities you know or being formally closed.

Councilman Fiebig: Okay, good but again there's no urgency to pass that this evening for anytime deadline or anything like that so we could still at least look at it for two more weeks to make sure that we have...

Finance Director Brichacek: Actually, I would recommend that we at least pass it in conjunction with adopting you know the annual appropriations short ordinance because some of the provisions that we have incorporated in the short are assuming that the legislation will be passed.

Councilman Fiebig: Okay, thanks.

President Fellows: Mr. Fiebig, one of the reasons or the reason that Rules and Legislation had made a recommendation to waive the 3-reading rule and adopt because it is linked with the budget and to have all those numbers in the right places at the right time. You know, we will pass the budget at the next Council meeting and of course it depends on what Council wants to do this evening but that is why the recommendation was to waive and to adopt.

Councilman Fiebig: Can you clarify...so there is a specific reason that you needed 441 to be zeroed out prior to...

President Fellows: It's just cleaning up the numbers basically, right Frank, I mean it's just putting everything in order...

Finance Director Brichacek: Yes, actually...technically 441 will continue having money in it up until almost the end of the year because the second that debt service payment on the Fire House Construction bond is due I believe on December the 19th so basically the way the budget is structured it will receive enough money into it to pay the collection fees for the non-resident ambulance fees that we collect during the year plus the transfer to the debt service for the final two debt service payments that are due this year. You know when that's done you know the fund will have a zero balance. So basically the change that is in front of us is that would happen immediately if everything goes to horal we'll receive approximately over \$1,000 of non-resident ambulance fees into fund 441 this year. I had originally estimated that would be about \$90,000, the other \$89,000 will be receipted into fund 444 actually without, right now the ordinances require that all non-resident ambulance fees be receipted into fund 441 but for the purposes of making the debt service, meeting the debt service requirements of the Fire House Construction Fund.

President Fellows: Plus Mr. Brichacek had sent out some pretty thorough memos, two different memos that answered some of my questions that we had sent to everybody.

Councilman Fiebig: Yeah, I read those.

Finance Director Brichacek: And the net result of this is that it will give Council control you know over deciding how the capital dollars are going to be used. Without the change we're locked into putting the non-residential ambulance fees into a Fire House Construction Fund and nobody that I'm aware of has any plans in the foreseeable future of building or expanding another fire house so the money would be going...accumulating into this fund really without purpose. The Equipment Fund, the funding source is dedicated to that are the emergency response fees from accident responses that revenue source is very small it's almost dried up and that's what's funding, that's what is dedicated to general fire equipment so basically we would have an excess of assets in the Fire House Construction Fund

Councilman Fiebig: Right, no, it makes sense Frank and if I may can we dedicate funds within 444 for something like, say you know in five years we're going to need a fire truck, let's say, can we portion some of that within that or should we set up a separate fund for that purpose? Project out how many years because that's a relatively big purchase.

Finance Director Brichacek: Well, it's really an internal thing and you really do that through the budgeting process.

Councilman Fiebig: Okay.

Finance Director Brichacek: For example, in a year would you fully appropriate Fund 444 in other words what Council can appropriate is the available fund balance carried over from previous years plus the anticipated revenue from this year. So if we decided that five years down the road you want to have \$500,000 for a fire truck, when we are preparing the budget for each year that thought you would keep in mind to make sure that the fund balance builds up to the \$500,000.

Councilman Fiebig: It has to be written somewhere though in the budget memo or the message. We would just have to have that planning process in place. We're not going to put it into a specific fund thought, is what we're saying here, 444.

Finance Director Brichacek: As a matter of fact, general account principles discourages the creation of those kinds of fund.

Councilman Plecnik: If I could just ask Mr. Brichacek do you still recommend for purposes of getting this issue set so that we know what the budget needs to look like when we presumably either pass it at the next meeting or the following meeting thereafter do you still recommend that we adopt the combination of the funds tonight?

Finance Director Brichacek: You know as I said earlier, I think that this is a pretty straight forward ordinance that certainly makes my life easier if we adopt it tonight. On the other hand, I certainly.... if you want to take more time to consider it doesn't create over the next couple of weeks a practical problem for me, it's been this way for 20+ years two more weeks or four more weeks aren't going to make that much of a difference.

Councilman Plecnik: Madame President, given the ordering that this is really almost a precursor to the budget and what the Finance Director shared with us although it's not absolutely necessary I think that it makes commonsense to pass it tonight so that when we're drafting the finale budget we know exactly how much goes into each fund and we won't have to make last minute changes if for some reason Council decides not to adopt it, it's probably best for it to go up or down, one way or the other now so that the budget can be appropriately drafted.

President Fellows: Thank you.

Councilwoman Greer: I agree with that.

President Fellows: We're having a discussion by the way now, as you know...

Councilman Fiebig: I said you know that we could probably wait but that's alright.

Councilwoman Greer: I agree with Councilman Plecnik; those are my exact thoughts. If we don't pass it now then we won't have the opportunity...we are expecting to pass the budget next week, if we don't pass this now then we won't have this final piece in the budget.

President Fellows: Okay, moving to legislation.

LEGISLATION

Ordinance No. 2016-3 – SECOND READING

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 will stay on 2nd Reading.

Ordinance No. 2016-5

An ordinance amending Part One – Administrative Code – Title Three – Legislative, Subsection 121 – Council, Section 121.01 – Rules of Council of the Codified Ordinances of the City of Willoughby Hills and repealing conflicting legislation.

President Fellows: Rules and Legislation recommended that this stay on 1st Reading.

Ordinance No. 2016-6

An ordinance accepting the bid of Osborne Concrete & Stone for the purchase of limestone for the year 2016 and declaring an emergency.

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

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

Passed.

Councilman Hallum moved for passage. Councilman Plecnik seconded.

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

Motion passed.

Ordinance No. 2016-7

An ordinance accepting the bid of Osborne concrete & stone for the purchase of asphalt for the year 2016 and declaring an emergency.

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

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

Passed.

Councilman Hallum moved for passage. Councilman Plecnik seconded.

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

Motion passed.

Ordinance No. 2016-8

An ordinance amending Part One – Administrative Code, Title Five – Administrative, Chapter 135 – Department of Finance of the Codified Ordinances of the City of Willoughby Hills by the amendment of Section 135.17 – Fire Department Capital Construction Fund; Section 135.26 – Fire Department Capital Equipment Fund and Chapter 141 – Fire Department, Section 141.05 – Emergency Call Fees, Sub-Section (g); repealing conflicting legislation and declaring an emergency.

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

Councilman Plecnik: Madame President, if I could just thank Finance Director Brichacek for his hard work in preparing this ordinance, hopefully passing it tonight will us put the finale touches on the budget for our coming meeting so thank you again and I support the motion.

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

Councilman Hallum moved for passage. Councilman Plecnik seconded.

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

Ordinance No. 2016-9

An ordinance amending Part Nine – Streets, Utilities and Public Services Code, Title Three – Utilities, Chapter 925 – Sewerage System Regulations, Section 925.05 – Discharge Prohibitions and Limitations, Subsection (B) – Limitation of Wastewater Strength, Sub-Section (5) – Supplementary Limitations of the Codified Ordinances of the City of Willoughby Hills, Ohio and repealing any and all conflicting legislation.

Councilman Plecnik: Madame President, was this the ordinance dealing with the update to the contract, I believe it was with the City of Willoughby with our sewers; contractually obligated to update whenever Willoughby does. I believe that Rules and Legislation recommended that we waive the 3-Reading Rule and adopt to be in compliance with our contractual obligations.

President Fellows: Correct.

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

Councilwoman Greer: Is this required to happen in a certain amount of time? Is that why we are waiving the 3-Reading Rule?

President Fellows: We are on somewhat of a time table with Willoughby; we discussed that in committee and the Mayor concurs.

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

Councilman Hallum moved for passage. Councilman Plecnik seconded.

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

NEW BUSINESS

There was no new business.

FOR THE GOOD OF THE ORDER

Councilman Plecnik: Madame President, If I could just repeat from the discussion of the Finance Committee, I agree with the suggestion that you and other Members of Council have made that it would be beneficial to have a retreat at some time in the near future so hopefully working together we can find a mutually available time when all of Council and it's Committees can get together preferably taking advantage of the School of Innovation's very generous offer to allows us their facility to use for free. So hopefully Council will consider that going forward. Thank you.

Councilwoman Greer: Madame President. I have two actually this evening. My first relates to a comment that you just made a minute ago that it's been a very long evening and it arose from a resident's suggestion that our meetings have become too long and it's discouraging people from watching and attending and actually listening and understanding and that the reason is that the committee meetings minutes are too long and are being read and I tend to agree with that and perhaps a solution to that is televising the committee meetings; I know that Councilman Plecnik has decided to do that but perhaps we do that instead of reading the actual verbatim minutes into the Council record.

Resident Frank Cihula: Amen.

Councilwoman Greer: And my second relates to Ordinance No. 2016-5 and I'm not sure if this is the proper time to do that but Section 121.01(a)(1)

President Fellows: I don't have that....

Councilwoman Greer: I can read it to you....

President Fellows: We're going to have it again in Rules...

Councilwoman Greer: Okay...

President Fellows: We're going to have it for the next Rules Meeting because it was only on 1st Reading this evening.

Councilman Greer: Okay. My only comment was that we had talked about including "travel for work" and it's not in this version. And then there was another part where that you want someone to contact by 5:00pm the day of the meeting and I would like to add "when feasible" just in case of emergency.

Councilman Fiebig: Madame Chair. Are we in New Business?

President Fellows: We're pass New Business...

Councilman Fiebig: I was just wondering, if I may, I was just reading it as well and I agree with you about the 5pm thing so we should talk about that and maybe we can fine tune this a little bit.

President Fellows: Let's have that discussion in Committee then, thank you. For the Good of the Community...

FOR THE GOOD OF THE COMMUNITY

Councilwoman Greer: I know that we had someone come up in Public Portion looking for volunteer opportunities and as the Rec Committee Chair I do have a couple of opportunities coming up. We have three pancake breakfasts and we are looking for volunteers to serve and clean up there are many opportunities those three Sundays. And we also have an Easter Party coming up and it's a little different format than it has been in the past and we're looking for volunteers there as well.

President Fellows: Great, thank you. Anybody else for the Good of the Community?

ADJOURNMENT


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

YEAS: Unanimous.

The Regular Council Meeting of February 25, 2016 was adjourned at 8:38pm.

APPROVED: March 10, 2016
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

ATTEST: 
Victoria Ann Savage, CMC
Clerk of Council