

# City of Willoughby Hills

## Regular Meeting of Council Minutes of January 12, 2017

**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, January 12, 2017 at 7:00pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

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

### DISPOSITION OF THE JOURNAL

**President Fellows:** The next order of business is the Disposition of the Journal for the Regular Council Meeting of December 8, 2016.

Councilman Biro moved to adopt the Regular Council Meeting Minutes of December 8, 2016. Councilwoman Majka seconded.

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

### COMMUNICATIONS

**President Fellows:** I will not have the Clerk read Correspondence, Notifications and Minutes as they will be listed in the Journal.

### CORRESPONDENCE

Interoffice Memo of the Assistant Finance Director to Council re: New Hires (Emailed: December 14, 2016)

City Engineer's Report dated December 15, 2016 (Emailed: December 15, 2016)

City Engineer's Report dated January 5, 2017 (Emailed: January 5, 2017)

WH Community Rentals for December 2016 (Emailed: January 9, 2017)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the month of December, 2016 (Emailed: January 4, 2017)

Email of Thomas Lobe to Council Office, Building Commissioner, City Engineer, dated January 6, 2017 re: State Preemption on Cell Towers – Cell Towers in ROW even in Residential Zones without City Regulations (Emailed to the Members on January 6, 2017)

Email of Thomas Lobe to Council Office, Members of Council, Building Commissioner, City Engineer dated January 6, 2017 re: SB 331 Towers

Email of Thomas Marsh to Members of Council, dated January 9, 2017 (3:38pm) re: Counsel Meeting 1/12/16

Request for Town Hall Meeting

Email of Thomas Marsh to Members of Council, dated January 9, 2017 (3:48pm) re: Grange Open House and Plan for Council Meeting

Email of Thomas Marsh to Members of Council, Mayor's Assistant, dated January 9, 2017 (4:01pm) re: OH 317 Willoughby Hill/Clev-478

Information received from Thomas Marsh as provided to Members of Council and Council Office: (1) Colored Area Map of the Compound Area/Area of Direct Effects; Electronic Silent Spring/An Electronic Silent Spring – Facing the Dangers and Creating Safe Limits (2) Copy of Letter from CTL Engineering of Ohio, Inc., dated July 6, 2016 as received by Willoughby Hills Historical Society (Frank Cihula, Chair of WHHS) re: Construction of a Stealth Tree Type Tower and Equipment

Email from Thomas Marsh to Chris Galloway of Strategis, dated January 4, 2017 re: Grange OH 317

**NOTE:** On a monthly basis, the Finance Director provides a report of the City's financial activity to City Council. The purpose of this reporting practice is to make the City's finances as transparent as possible and to keep the Council informed as to the City's financial activity. Financial Reports for 2014, 2015 and 2016 are posted on the City's Website

## **NOTIFICATIONS**

Mayor's Retreat of December 14, 2016 (Emailed: December 7, 2016)

Planning & Zoning Commission and Architectural Board of Review Meeting of December 15, 2016 (Emailed: December 13, 2016)

**CANCELLATION** of the Regular Council Meeting of December 22, 2016 (Emailed: December 20, 2016)

Utilities Committee Meeting of December 28, 2016 (Emailed: December 19, 2016)

**CANCELLATION** of the Planning & Zoning Commission and Architectural Board of Review of January 5, 2017 (Emailed: January 4, 2016)

Recreation Commission Meeting of January 4, 2017 (Emailed: December 27, 2016)

Recreation Commission Subcommittee Meeting for the planning of the Willoughby Hills Eggstravaganza scheduled for January 9, 2017 (Emailed: December 27, 2016)

Rules and Legislation Committee of Council Meeting of January 9, 2017 (Emailed: December 28, 2016)

Recreation Commission Meeting to discuss marketing strategies scheduled for January 25, 2017 (Emailed: December 27, 2016)

Civil Service Commission Meeting of January 25, 2017 (Emailed: January 5, 2017)

Open House at The Grange scheduled for February 4, 2017 from 9:00am til Noon, sponsored by the neighbors of historic Maple Grove Grange.

## **ADMINISTRATION REPORTS & COMMUNICATIONS**

**MAYOR'S REPORT:** I received a letter from Cleveland Metroparks informing us that they will continue its deer management program to restore balance between the natural habitats within the Park District and the white-tailed deer population. This program is set to take place from January through med-March 2017 with all roads, trails and facilities clearly posted with signs and barricades for closure.

State auditors arrived on January 2<sup>nd</sup> to begin our 2015 and 2016 Audit. Thanks to our Finance Department for accommodating their visit on such short notice.

We have been notified that our attorney settled the wrongful termination lawsuit in the case of Laura Lenz and Douglas Dolan. The consensus was that it was financially more prudent to settle than go to court. \$25,000 was paid out to them, of which the City paid \$500 for the deductible.

Cell Tower at Maple Grove Grange: I and other City representatives have met with Tom Marsh, representing the Neighbors of the Grange Building (some of whom are here tonight) regarding their opposition to the Grange Cell Tower. I have referred them to the Planning Commission since that is where the legislation and planning

currently resides. We will continue to provide them with whatever information they need to resolve their concerns. A Grange Open House has been set up by this group and is set for Saturday, February 4<sup>th</sup> from 9 to noon.

There will be a new streetlight installed at the Maple Hill and Maple Grove intersection. I know this will provide better illumination and safety at that area.

AARP will be assisting taxpayers with Federal and State income tax beginning February 13<sup>th</sup> through April 10<sup>th</sup>. Please call my officer to make an appointment at the Community Center. RITA will be at City Hall to assist with city income tax on Thursday, March 30<sup>th</sup> and no appointment is necessary.

Another date to add to your calendar is Tuesday, February 21, 2017 from 7 to 8pm. This will be a meeting with the Health Department at the Community Center for all households with septic systems. There are new State regulations that all residents need to be advised of. More information will follow to applicable residents.

Last night, two nights ago, at the Shell gas station at Bishop Road and Route 90 there was an attempted smash and grab. This is where they steal two vans and they back in to the gas station with one and they take the ATM out with the other. This was not successful and they got away with the second stolen van that hasn't been recovered yet but they left the one at the station. They're still investigating that.

Today I attended the Airport Noise Abatement Council and there were only 18 complaints last quarter; of the eighteen many of them were because of the World Series two games that ended late and the clearance between planes were set for twenty miles and they just had to wait and they were stacked up for a long time. The other thing that came out was this year they are doing Phase 2 of the resurfacing. So, Phase 2 was awarded Burton Scott the contractor and they will be milling and filling the airport runway. This is hampered by Richmond Road they will be replacing a bridge and they will close Richmond Road northbound and so a lot of traffic will be on Bishop and White and this is where the State is going to put a temporary signal so that will be up then but there's plan to try to divert some traffic to Curtiss Wright Boulevard if they can.

My Mayor's Retreat was held on Wednesday, December 14<sup>th</sup> and it was very beneficial to the directors and it give a way for them to present their annual reports and their plans for 2017. I have a recap on our website. Also, J. Scott Scheel, who closed the purchase of the Shoppes of Willoughby Hills on September 30, 2016, was my guest and did the presentation of his plans for a great future there. I had discussions with Scott for several months and this finally came to fruition. I hope everybody will welcome Mr. Scott as he continues his work and his plans, working with Goodman Real Estate Development, to find the best tenants for the area.

For tonight's legislation, I support the purchase of two new police cars to continue our fleet replacement program, established in 2008. Also, I am in support of the contracts for the Police, Patrol and Despatchers, and the Tech Rescue contract for our Safety Forces. I also support ordinance 58-2016 to provide for the full 3% owed to our Police Chief's Secretary/Dispatcher and the Assistant Finance Director, who have been doing an outstanding job.

I'd like to give my best wishes to Reverend Robert Schuler of Trinity Church in Willoughby as he retires after 30 years of service. Reverend Schuler was an active member in the community and I wish him well.

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

**Councilman Fiebig:** Mayor, the letter that went out from Terry Robinson from the Cleveland Metroparks, he's the Director of Natural Resources there; he also stated that there'll be elevated sites for the calling of the deer, that they are going to use noise suppression on their rifles and the adjacent property owners are all going to be notified. The local foodbank will be the beneficiary of anything that comes of that and that there'll be a letter

going to be sent to adjacent property owners. Are you aware of the letter, are you sending the letter or are they sending the letter?

**Mayor:** They are sending it.

**Councilman Fiebig:** Are they going to just the adjacent or physically adjacent owners in that zone? Will you ask them to expend the zone to perhaps the next trier, the next level of neighbors?

**Mayor:** I can ask.

**Councilman Fiebig:** The other question is regarding Maple Hill and Maple Grove traffic signal. Can you expound on that, how did that come about? Who asked for that? Whose paying?

**Mayor:** It's a traffic light. We put traffic lights at all intersections of streets where they intersect the other street and it's just a light.

**Councilman Fiebig:** So, that was not in the original plan when they put the development in as I recall. And I see Pete shaking his head no it was not. So, what happened from the time the development was put to the time now. What transpired that called for you using a traffic signal there because usually there's a traffic study and so on.

**Mayor:** It's not a traffic signal, it's a traffic light. Just a street light.

**Councilman Fiebig:** Oh, a street lamp, not a traffic signal.

**Mayor:** No, no.

**Councilman Fiebig:** Perhaps I miss understood you. Thank you. All right I'm clear on that. Yes, there are street lights at every intersection, got it. Okay, so I misunderstood.

Mayor, I was just reviewing our minutes from last time which we just approved and you did say in the minutes that you did not sign the legislation for the cell tower however, an email came out afterwards from you or from your office that said that you did sign the legislation. I just wanted to clarify that.

**Mayor:** It was signed after Council approved it. It was signed. I was thinking of the other contract which was just recently signed.

**Councilman Fiebig:** All right, thank you. I just wanted to clarify that.

**President Fellows:** Any other questions for the Mayor this evening? I would just like to remind the audience that when you are all having your side-bar decisions, it sometimes is, it interrupts our discussion up here so I appreciate if you don't have that.

Our next order of business is the Law Director's report, Mr. Lobe.

**LAW DIRECTOR'S REPORT:** There are two points on the Director's report for tonight. Sadly, one is more litigation. On January 5, 2017, Case titled Theresa Lilley, et. al. vs. The City of Willoughby Hills. It's Lake County Case 17CV000018 (Personal Injury, assigned to Judge Lucci. It's a matter involving the Police Department on a very unusual circumstance involving an accident where a woman came close to the vehicles and she turned around and walked, she turned around and one of our other police cars next to the other police car where she was also between, she got her foot ran over. I think that I had already reported this to Council

generically, or generally before and she filed suit and the matter is now before, been referred to Insurance Counsel. I have, will assist as usual to keep us informed and to protect any reservation rights that will occur. It is still in infancy stages and I don't think that we've been served with it but it's hot off the presses and I thought that I would tell you.

Number 2 is and I know that there are some people out here tonight also for the cell tower and I have advised Council that there is a new twist here and I have already provided to a Mr. Steve Roth who I don't know if he is here tonight, is an attorney who I know is part of the group tonight. I've been meeting, I've had telephone conversations with him and Mr. Marsh in the past, I've had a face-to-face with Mr. Marsh. I also have a meeting with Mr. Roth, I believe next Thursday, 5 or 6 o'clock to get him up to speed. The new wrinkle is that I've advised Council via email earlier that there is a Senate Bill 331 that was passed by the Ohio Senate legislator and it talks about pet food, pets, things of that nature, about 40 pages long and then about on page 16 it talks about cell towers. I don't know how the General Assembly puts pets and cell towers together which this was just passed and Governor Kasich just filed it and I sent it out to Council on about January 6<sup>th</sup>; I followed up with a second email and I know that Vicki dutiful forwarded to all of you and I also gave you a chart from the Ohio Municipal League. The interesting thing is that cities have been fighting these cell towers and we've been relaying on our old regulations which were adopted in 1998 as a result of the Telecommunication Act of 1996. A lot of cell tower people were frustrated that they couldn't get things up. So, the Governor just passed a law with the General Assembly that they're allowed to put, they've been declared a utility and they are allowed to put these "mini" cell towers, they've limited it to 50 feet but they can go anywhere and everywhere in the City's right of way, just like cell...like telephone poles, etc. There's going to be a push to fight this. I anticipate that the Lawyer's Association of the Municipal League is going to probably want to fight it in a similar fashion that they fought the wells, gas wells, etc. The track record for the Supreme Court is not good. They have not been upholding local self-government rights. The last time we lost, they said that this was a matter of Statewide concern and the General Assembly and they can do it. So, I'll be forwarding that to Mr. Marsh and the other representatives and I've already given it to Mr. Roth and if anybody has any questions on it I can forward it to whoever they want. I can't tell you how this is going to impact everybody, but it's hot off the legal presses again and I tried to get it to our Council at the earliest possible time. In fact, I was a little surprised, they thought that it was going to be pushed earlier next year, it's one of those "lame duck" things that they pushed at the end of the year with pets. So, I forward this to Council, I believe January 6<sup>th</sup> via two emails and I'm open to any questions concerning questions of law.

**President Fellows:** Thank you Mr. Lobe. Are there any questions for the Law Director this evening?

**Councilman Fiebig:** Have there been any discussion with the cell tower people that want to put up that tower with regard to that legislation?

**Law Director:** No, not yet. I didn't get a chance to digest it. I simply got it and I just quickly forward it to you just so you could have it. I gave you a copy of the entire 30 plus, 40 pages of the Senate Bill. I gave you some things that some Municipal Lawyers put out to try to give like a spreadsheet as to what they can do, who could do what, etc. The scary thing though is that they can put them in right of ways and they're not limited to any priority or anything and they can just go into any right-of-way and they can go higher, but I don't know how high those telephone poles are.

**City Engineer:** About 30 to 40 feet.

**Law Director:** So, if you gage telephone poles, there was talk initially that they are going to go higher than 120 and the pared back to a compromise and I think it's limited to 50 feet now and 50 feet is pretty high within a right-a-way. So, again, this just happened. It's passed, it's effective and people are buzzing about it. So, it's just coincidental that some people are here tonight on a very similar issue.

**Councilman Fiebig:** Is there any update on the development of that project?

**Law Director:** Which project?

**Councilman Fiebig:** The cell tower.

**Law Director:** No, it's my understanding and Mr. Wyss (Building Commissioner) is here tonight that the plans have not been submitted to even get the first step of the two-step process. I understand, and Fred (Building Commissioner) is here and he would be better equipped to talk about this, but we anticipate, maybe and again a big caveat on the maybe, that the plans for the first meeting of the conceptual will be something in February, middle to late February and that there'll be a hearing thereafter. It's my understanding that nothing of any substance would be happening in January of this year, if that gives you some update. And Fred can correct me when I'm wrong, please.

**Councilman Fiebig:** He's shaking his head, no.

**Building Commissioner:** He's not wrong.

**President Fellows:** Any other questions for the Law Director this evening?

**FINANCE DIRECTOR'S REPORT:** I have nothing additional to report than what was already reported tonight.

**President Fellows:** Any question for the Finance Director this evening? I do have one, when may we anticipate the budget for 2017?

**Finance Director:** We'll have it in February.

**President Fellows:** Thank you.

**Councilman Hallum:** I have a question. Mr. Brichacek, we were discussing on Monday at Rules and Regulations the reduction of the sewer bills and the conversation was reducing the minimum cubic feet from a 1,000 to 500 as well as bringing our rates back to 2015 and my concern about that is the, my understanding is that past Councils, Mr. Fiebig and Mrs. Fellows also were on these committees and it was determined that we needed to have at least a million dollars in that account and my understanding is that we would be spending an additional out of that account about \$150,000 per quarter if I'm not mistaken, I could be mistaken, but that's the number I believe I calculated somewhere in there, maybe it's was a half. But so, I'm concerned that after a year or a year and a half, we'll be actually be at least below a million and depending on what else happens in the meantime, that we could be worse off. So, I just wonder if you could shed some light on the numbers. Unfortunately, you weren't able to be here that night so I'm curious.

**Finance Director:** The current proposal, there's two changes. One is to reduce the minimum. Currently the minimum charge for services is 1 mcf which is currently about \$87.00. What that means is that sewer fees are based upon water consumption. So, an individual who uses 1,000 cubic feet of water or less they'd be paying \$87.00. The proposal is to reduce the minimum to 500 cubic feet so basically to have it, and I estimated that would result in annual loss of revenue of about roughly \$50,000 a year. About 400 households, typically it varies from quarter to quarter, but between 4 to 5 hundred households use less than 1,000 cubic feet of water and pay...have been paying minimum bills. Of that number, 200 of them, actually use less than 5. So, about 200 households will receive full benefit from the change. And the other 200 hundred or so use between 5 and 10 and so they would see some benefit of the change, but less than the full benefit. For example, if you are using 800 cubic feet you would pay less than the current minimum but more than...it's more than just cutting,

it's a percentage. The proposal to reduce the rates by \$7.00 from the amount that is currently being charged, the City portion would result...the current balance of the sewer fund is about 1.5 or million dollars and I don't have the projection with me but if the rates aren't changed, depending on the five years and if we spend the way, the way that I'm projecting the sewer fund balance would be about 8 to 9 hundred thousand dollars after 5 years.

**Councilman Hallum:** After 5 years?

**Finance Director:** Basically, the proposed rate and the change in the minimum would not generate enough revenue to meet the projected operating expenses of each year so each year the fund balance would be drawn down.

**Councilman Hallum:** So, would I be correct in assuming...my understanding is that the current sewer system is about between...around, maybe more at this point so if we had a catastrophic issue it's possible that if we pass this the way it currently stands that we possibly could not have enough money to cover whatever catastrophic repairs, whatever to repay based on previous Council's homework.

**Finance Director:** That's a possibility, that it depends on the size of the catastrophe. It's a little more complicated, the draw down would be projected smaller because if you look at this as cash flow actually the first revenue that the City receives this year is actually from the 4<sup>th</sup> quarter of 2016. So, there's still one quarter at the higher rate, three quarters at the lower rate. But again, the amount of the sewer issue is looking at the debt market after 5 years. Would it...depending upon the year,

**Councilman Biro:** I think that we're looking at some major purchases for next year. Right?

**Finance Director:** Yes and I projected those in. I projected...the biggest was the sewer truck, \$380,000.

**Councilman Biro:** A good chunk of that money will have to go towards that truck as part of that drawn down.

**Councilman Hallum:** So, that's beyond. So, that \$800,000 is that taking that into account?

**Finance Director:** Yes, as well as some other smaller capital. There's no extraordinary projects in the next 5 years to be projected.

**Councilwoman Greer:** How long can we go at this rate reduction and sustain that fund? Will we run out of money eventually and when will that be? When will we have to increase those rates?

**Finance Director:** Again, it's a judgement call. In terms of that is when the original, when the original schedule was projected it was projected with the idea that one of the goals was to try to generate at less a million dollars in care of the fund balance in case of emergency. I originally projected that if we stayed with this rate and we draw down the fund balance by several hundred dollars and if nothing was done, it would probably be, the fund balance would dry up, I guessed in probably 7 or 8 years some place in there. It probably would depend if there's no repairs that exceed the amount that I put in there, it probably would be 8 or 9 years. Basically, on the rate that's being proposed it does drawn down the fund balance.

**Councilwoman Greer:** Does that take into...does 7 to 8 years take into consideration the increase that Euclid...

**Finance Director:** Yes, it does. The way that the sewer rate is set up whatever the rate the City of Euclid would be charging us that rate by ordinance is automatically passed through to the rates, I have that built in to

Euclid's rate increases. Actually, that's a bit of a wash because if Euclid goes up a dollar, you know basically, our rate would go up a dollar. So, basically it just covers that increase. It's just the cost to process the waste.

**Councilman Biro:** If we do draw down that fund to zero say, at that point where do the monies come from to support the sewer. I mean, if it gets to that point.

**Finance Brichacek:** This Council would have to address that in terms of the rate because the sewer system doesn't serve the entire City. So, therefore, you can't use the General Fund, you can't use General Fund dollars. Basically, the sewer fund serves 12 to 1300 residents of the City. It doesn't serve the whole City, it doesn't serve anywhere near the whole City because a part of the City is through the Northeast Ohio Regional Sewer District, a portion of the City is served by Willoughby, a portion of the City is served by the County and a portion of the City has septic tanks. So, it raises the point if the fund reaches zero...

**Councilman Biro:** We'd have to go out for loans? Find some other source.

**Finance Brichacek:** Borrowing...you know in the debt market, borrowing it's very difficult to borrow to operate. Its rate looked upon. Because basically when someone is lending you money, it's money that you are looking to repay and if you're not generating enough money to pay your current bills someone is going to be reluctant to lend you money. Because if you can't pay your current bills...you have to pay your current bills plus your debt service.

**Councilman Biro:** And with the cost reduction what does that mean to a resident, a homeowner in savings over a year?

**Finance Director:** I don't have that figure.

**Councilman Hallum:** It's per mcf.

**Finance Director:** It's \$7.00 per mcf.

**Councilwoman Greer:** So, if we pass this, this drastic cut, it's with us knowing full well that it's likely within the next five years we're going to take it back up.

**Finance Brichacek:** In the discussion about the rates, one of the caveats was that Council could review their rates every year.

**Councilwoman Greer:** This drastic of a cut seems short-sighted to me but I guess we'll discuss this in legislation.

**Vice President Plecnik:** Two questions, first isn't the case that with this cut we still have the highest sewer fee rates in the County and second, a lot of the capital items that we've discussed with our Street Superintendent including the sewer truck, don't they have useful lives beyond 5 years? So, while we're projecting a rather big hit assuming that we're going to buy a lot of capital equipment, this is not something that we're going to occur every five years and so the numbers are actually a little bit artificially inflated on the expense side, aren't they?

**Finance Director:** No. Obviously capital equipment lasts longer than a year. Mark could address better how long the sewer truck would last, but there's not a lot of capital equipment in there. It's the sewer truck, it's 50% of a pickup truck and a couple of other smaller pieces of equipment. In terms of our rate in the County, I'm not sure exactly where we rank, I've never done that analysis. It's also very difficult to do because communities do fund their water systems differently.



**President Fellows:** Anyone else? Next order of business is our City Engineer's Report, Mr. Di Franco.

**ENGINEER'S REPORT:** No formal report tonight, but I'm open for questions.

**President Fellows:** Any questions for the Engineer this evening?

**Councilman Hallum:** Have you had an opportunity to look at this million dollars that originally passed by our last consultant. Has anyone looked at that at all to see if that's right, is it low, is it right? Is it high by any chance?

**City Engineer:** No, I haven't.

**Councilwoman Greer:** What million dollars are you referring to?

**Councilman Hallum:** Well, when this...when the past Council, five years ago, well not five years ago, but close, passed this ordinance that created this step-up in rates...

**Councilwoman Greer:** Are you talking about sewer fees?

**Councilman Hallum:** Sewer fees, correct, yes.

**Councilwoman Greer:** You didn't say what you were talking about.

**Councilman Hallum:** The sewer fees, yes.

**President Fellows:** Any questions for the City Engineer?

Next order of business is Committee Reports.

## COMMITTEES OF COUNCIL

---

### Utilities Committee Meeting of December 28, 2016

---

**Councilwoman Majka:** The Utilities Committee met on December 28<sup>th</sup>. Present were all members of the Committee, myself as the Chair, Vice President John Plecnik and Councilman Biro. We also had our Mayor and Chris Hallum, right? The reason that I'm not quite sure is that this is my rough draft and I haven't finessed it yet so I'm not going to read verbatim. I'm just going to hit some high points on this which are relevant to our previous discussion.

So, our purpose was working together to review the Ordinance No. 2013-41 and this is the five-year schedule if sewer rate increase. Council had voted to review it in our early December meeting and I believe that it was an unanimous vote to review, so that's what we did. We were reviewing and we had a good discussion. We had comments from both administration and individual Council people who had gotten numerous requests from residents to look into our sewer fees, that they were high, that they were burdensome. So, we were doing this and we have been doing this for a while. Our Utilities had met in February to begin review, we met again in October to strongly review and suggest cuts so this was a continuation at the end of the year to get something solid going.

The Willoughby Hills portion, our operating rate had gone from \$40.26 in 2014 through the 5-year rate increase had it continued, would wind up at \$61.26 by 2018, an over 50% increase.

We looked at reducing back to 2015 rate and the reason that we chose that was because Euclid's rate is going to be going up at the same time and if we hadn't gone this deep, it's not really drastic, but you had referred to it as drastic, so to go back to a cut of \$47.26 was the only way after everything was figured that we could see an actual reduction in the rate. If we had not gone that deep in a rate cut, we would have seen the same or an increase because Euclid for the first time will be increasing their rates at a faster pace than we have; they've been a little below us all this time. There was also proposed, as a service to a small number of residents, I believe mainly elderly residents and low income, that we make a change in the minimum. So, the minimum reduction that was going to benefit smaller households possibly that don't have many members in the household and therefore don't use as much water; it was the desire of the Utilities to look at a solution that would provide more relief to a higher number of residents. So, the legislation that came out of this that we'll be looking at later tonight is a blend of both a sewer rate cut back to \$47 and then a reduction in the minimum consumption from 10 units down to 5 units.

It's kind of exhaustive to understand and if you're not up on all these things, even a lot of us when we get our water bills there's charges in there that are difficult to understand, we do have information on the City website that is designed to help us understand what our water bills are all about. I have a better understanding now after spending about a year looking and consulting with County people in other cities on this issue.

The previous minutes, I've only been on Council for a year, so I looked back at some previous Utilities minutes, they had looked at changes before. They had looked at changes to adjust the minimum consumption back in 2014, decided not to at that time. It was indicated that City wanted the fund to be built up to a certain point so it would support desired purchases as well as ongoing projects work-associated with the sewer system. It's fairly new for some sections of the City, a little older for some sections of the City.

The Mayor stated that his plan was to freeze the rate. It would have frozen the rate at the current, just finished 2016 rate which was higher \$54.00 and also add in the change in the minimum. Freezing the rates, what was discussed, freezing the rates would still leave us with the highest rates in the County as Councilman Plecnik has just said. And with that money if you can't get your projects done then perhaps something is wrong with how we do it.

If we go back to this 2015 rate, we're in a position now where we finally have a developer in the City, he's going to be trying to recruit businesses into the City, a lower sewer rate would definitely make us more attractive, we hope to new business and industries coming into the City. So, that's a big selling too for this.

As the Finance Director had stated we have a current balance of a million and half in the Enterprise Fund, our sewer fund. We might have some major outlays early on hopefully this will settle down as was discussed.

We met, informally outside of Utilities...or I met with the Finance Director and the Mayor to see if we could blend our ideas into a new ordinance and our Council Clerk has been working very hard on that. We're still **finessing** and still gaining information. We're trying to do due diligence so that we are not passing something quickly that is not correct and could come back on Council as an error, so we're being very careful with this.

As I had said these are by basic notes. I am going to do a full formal minute's report which will be submitted to the Council Clerk and filed at a later date. I'm open to any questions.

President Fellows: Are there any questions for Councilwoman Majka? Seeing none, the next committee report is Rules and Legislation.

---

## Rules and Legislation Meeting of January 9, 2017

---

**President Fellows:** Rules and Legislation met on January 9<sup>th</sup>. Our meeting started at 6:30pm. All members of the committee were present; myself, Vice President John Plecnik and Councilwoman Jan Majka. Also present were Councilwoman Greer, Councilman Hallum and our Mayor and City Engineer was also in the audience.

The order of business was legislation for our upcoming meeting this evening. The first one is Ordinance No. 2016-58. This is an ordinance amending compensation (salary table) 157.01 of the Codified Ordinances. At the last Council Meeting a motion to table this Ordinance failed. Therefore, recommendation by Councilman Hallum the ordinance stayed on 3<sup>rd</sup> Reading. There was considerable discussion still on this ordinance where the Mayor indicated that the passing of this ordinance would “codify the table or rather place the table in one place” as well as committee members’ concerns that the table is “outdated” as well as concerns that the Mayor along with the Law Director’s approval increased wages without legislation. Rules and Legislation Committee of Council recommended that this ordinance be table.

The next one is Ordinance No. 2016-62. An ordinance to enter into an agreement with Heights-Hillcrest Technical Rescue Team. Previously Councilman Fiebig requested more information. Information was sent by the Clerk to all of Council on December 20<sup>th</sup> as well as January 11<sup>th</sup>. This would be 2<sup>nd</sup> Reading this evening, however, this ordinance is time sensitive because it involves many communities. Rules and Legislation recommended waiving the 3-Reading Rule and Adopt. Another recommendation from rules: ensure that Patti Heller is signing this document as the Acting Fire Chief and not as the Chief even though she sports attire that states she is the Chief and signed the last grant as the Chief...as Council has not confirmed the Mayor’s appointment.

Ordinance No. 2017-1 is an ordinance to execute the Collective Bargaining Agreement for the Sergeants, Ordinance No. 2017-2 is an ordinance to execute the Collective Bargaining Agreement for the Patrol Officers and Ordinance No. 2017-3 is an ordinance for the Dispatchers. The recommendation from the Rules and Legislation as well as recommended by the Mayor that these ordinances would stay on 1<sup>st</sup> Reading.

Ordinance No. 2017-4 – an ordinance presented by our Police Chief concerning overnight parking. It has been brought forth for immediate clarification and enforcement of the law. Rules and Legislation recommended waiving the 3-Reading Rule and adopting to better aid our Police Officers in enforcing the law. However, Councilwoman Greer thought that this might be too strict and Councilman Hallum inquired of “situational concern”. This verbiage is what Wickliffe uses. It is meant to simplify the section and make it enforceable as well as address any safety concerns. The last time this ordinance or section of this ordinance was Section A of 351.14 was back in 1978. So, it’s just sort of cleaning things up. So, Rules and Legislation recommends, we discussed one way or the other but with the questions that we had, we could probably leave it on 1<sup>st</sup> Reading but I’ll let Council determine what they want to do with it this evening.

Ordinance No. 2017-5 – an ordinance to purchase and equip two police vehicles being funded through the line item Capital New Vehicle from Fund #234 Safety Forces. Asked if budgeted for 2017, Mayor responded yes. Councilman Hallum inquired of the Mayor if Classic had been considered for purchasing these vehicles, as apparently, they (Classic) offers a state cooperating agreement. Mayor to follow-up. Rules and Legislation recommended waiving the 3-Reading Rule and Adopt.

Ordinance No. 2017-6 – an ordinance abating the sewer rates to halt the 2017 increase and roll back the sewer rates to 2015. Additionally, in an effort to lower sewer rates, the ordinance proposal would reduce the minimum consumption of 1,000 cubic feet of water to 500 cubic feet of water. As you can see, this evening we have had a lot of discussion on it through the Finance Director’s Report and also Chairman Majka’s Utilities Report and although this is time sensitive if we were to adopt this we would need to do this at our next Council Meeting so that the County would need to know how to bill for the 1<sup>st</sup> quarter of this year. So, the recommendation was to leave it on 1<sup>st</sup> Reading.

Resolution 2017-1 is a resolution for the acceptance of reimbursement funding from the Lake County Stormwater Management Department in the estimated amount of \$15,750 for the Fowler Drive Drainage Maintenance and Improvements Project. Inquiry as to which fund for the appropriation of monies? The Mayor had indicated it will be the Street Fund. We have not received a memorandum from the County Commissioners, however, received a verbal approval of the project.

Under “New Business” we had an introduction of a drafted ordinance establishing the terms and conditions required for the confirmation of a Mayoral appointment of Department Heads.

Public portion opened at 7:44pm. Frank Cihula inquired about Ordinance No. 2016-44 concerning a program for identifying and registering foreclosed properties and a fee incurred if not done so requiring the responsible property owner(s) to pay the costs of property maintenance. This ordinance failed to be adopted at the last Council Meeting. Chery Ota stated, “how would resident know what is allowed or not concerning night parking?”

The meeting adjourned at 7:49pm and I’m open to questions.

**Councilman Hallum:** I just want to make sure that our residents understand that while the Rules and Regulations Committee does make recommendations, that it is really only two members of this Council that are a majority of that, so just because it was recommended by committee to do whatever they recommend on these particular ordinances, understand that it’s not the majority of Council making the recommendations; it’s simply a majority of that committee which is only two people.

**President Fellows:** Councilman Hallum, I understand that there are only two people.

**Councilman Hallum:** Well, there’s only three people on the committee. So, for a majority to make a recommendation, you only need two people.

**President Fellows:** That’s correct.

**Councilman Hallum:** I just want to make sure that people understand that just because a recommendation was made, doesn’t necessarily mean that the majority Council...

**President Fellows:** Absolutely and that stands for any committee that comes to a recommendation of Council to address any issues or ordinances, not just Rules and Legislation. It’s all committees and committee members that are a majority of those committees.

The next order of business would be Council Representative Reports. Vice President Plecnik, do you have additional information to add from the Airport Meeting held this morning?

### **COUNCIL REPRESENTATIVE REPORTS**

**Vice President Plecnik:** Yes, as the Mayor noted there was a Cuyahoga County Airport Noise Abatement Council held this morning. We looked at the last quarter of complaints; there were 18, 7 of which were from Willoughby Hills, the majority of which happened during sporting events, not just the World Series but also the Brown’s game when they had the F-16s fly through. It was worth noting that while the numbers didn’t quite balance on the yearend totals and the secretary for the Council said that he would recalculate, then there were only about 200 operations difference and regardless it looked to be about 23,631 aircraft operations for the year which is pretty remarkably low given that’s probably due to the reconstruction but nonetheless, it’s roughly half the operations that occurred in 2010, so it’s at least the lowest number of operations since 2008.

During the meeting, it was our organizational meeting, Cathy Murphy who also serves as Council President of the Council of Highland Heights was unanimously re-elected to be Chair. There was a motion to nominate Scott Huth the Airport Control Operator as Chair but it failed for lack of a second. So, she was unanimously re-elected and Jim Miller of Nextant AeroSpace was elected as Co-Chair for 2017.

The new Airport Manager, Monica Drake introduced herself and as the Mayor briefly noted gave a report on the reconstruction. Phase 2 will begin this year, sometime between April and June and apparently, the Airport wants to get started now but the tenants would prefer a later date. Nonetheless, they are going to put out Phases 3 and 4 to bid this year and they are hoping to do them both next year in 2018 which is a little bit of a step-up in their schedule given that they had initially thought that they would do Phase 3 in 2018, Phase 4 in 2019 and for the residents essentially Phases 3 and 4 are putting EMAS which is essentially a softer concrete on both sides of the runway as kind of like a safety feature so if a plane goes too far it can still nonetheless stop without crashing. So, we may see an entire reconstruction done by 2018.

I'd say that the most significant thing at the meeting, which the Mayor didn't mention, was that we received a new draft of the Joint Statement between Cuyahoga County, Willoughby Hills, the other surrounding cities as well as the airport users and the Joint Statement is actually what creates the Noise Abatement Council and gives some protections to the cities in terms of noise abatement and it's roughly 40 years old and it was last amended in 2010. The major change in the Joint Statement is an exemption for single engine planes would essentially allow them to fly outside of the standard noise abatement flight path. It's something that the City of Willoughby Hills Council has opposed. We had passed a resolution unanimously in 2015, Resolution 2015-5 opposing an exemption for single engine planes and it's now been brought back from the Cuyahoga County legal department to the Noise Abatement Council for final comments and recommendations. I attend to share our resolution yet again with the Chairperson so that it can be forward on to Cuyahoga County Council along with whatever recommendations are ultimately made but I certainly welcome input from everyone on Council. You can see me or contact me in any way to let me know your thoughts because they are anticipating on having the recommendation vote up or down on whether or not the Noise Abatement Council recommends to the County Council that it be adopted at the next Noise Abatement Council Meeting on Thursday, April 13<sup>th</sup>. So, it's rather time sensitive if you have any thoughts or concerns, but I think our resolution stands nonetheless and you've changed your mind and you now think that an exempt for single engine planes is a good idea please do let me know otherwise I'll work with the operation that the statement Council made together stands and I'll share that on behalf of all of you in that discussion.

The final two meetings for the year are July 13<sup>th</sup> and October 12<sup>th</sup>. I'll note that they are always 10am on Thursdays at the Cuyahoga County Airport. They're public meetings and you are most certainly welcome to attend if you have any comments or concerns. Thank you.

**President Fellows:** Our next order of business is Public Portion. This is where residents have an opportunity to come forth and share concerns or ask questions. Sometimes we can't always answer the questions you may ask depending if we have to do some research on it either through Council or the Administration. Our policy is for 3 minutes and I will open Public Portion at 7:54pm.

## **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.**

**Tom Marsh – 36520 Maple Grove Road.** I'm a retired CPA with 46 years in public accounting which gave me some skills that enabled me to take a big look at the transaction to install a cell tower on the Maple Grove

Grange property. I thought that I had cleared up in a...some confusion yesterday. Our group is called...you know the neighbors...we formed a...yeah, our group is the neighbors that was formed to oppose the building of the 140-foot cell tower at the historic Maple Grove Grange. The confusion yesterday is that we're somehow represented by an attorney. I have every indication that this historic Maple Grove...that our group will be treated fairly through two votes at PC/ABR to be taken. I have plans for the neighbors no matter which way the vote goes and see no way that we would get involved with litigation. Citizens, we slept from February of 2016 up to about October 2016 while the process went forward for the contract to build this cell tower. By the time the public notice was sent out in October, there was already a contract that was signed and it is all subject; Council put the entire matter subject to the Planning Council/ABR, that's the Architectural Board of Review. You know, we think this has caused enormous issues. There's many things that are curious. To understand where we're at, we have to quickly understand the players involved. The players involved are Verizon, we all know them. Towerco which business is to build cell towers. There's a company called Strategis and there's a company called and their business, Strategis business is Chris Galloway and their business is just to shepherd this through and then there's a company called CTL Engineering that helps shepherd this through. We have no issues with Towerco, they're a great company, they build cell towers. What is, somethings that are curious is that Verizon, the same company involved was down in Waite Hill and down in Waite Hill the Mayor decided to send out a public notice at the time of the site plan was assigned and as a result that there was some residents that mobilized and some had some money to invest in it and they did somethings that they told us, it got ugly and they ended up defeating it. So, then and that was exactly the same cell tower site that ended up on top of the hill. So, and the focus of the cell coverage problem is clearly some people down in the valley and those issues would have been cleared up if that cell tower stayed there. Now it's curious also that this cell tower site that's sitting, I don't know if any of you have been down there, but it's going to set at the each of massive expanse out over the valley and then it sits so all the way to the west is the whole community. And it just seems that a very valuable position for you know, this tower. And the curious thing is how...there were two benefits to the community that were evaluated and there're both valid benefits; one was revenue to the City and I was going to go through all of what exactly that is but we're going to shorten all of this and the second one is cell coverage. Everybody wants cell coverage. Now, it's curious how a transaction, a fully signed transaction that was so good for the community could...would go undetected. We've talked to real estate people, developers and you know, somebody like Bryan Osborne with that group and nobody...I was saying that nobody knew of it but there's was one resident, she didn't come tonight because her mother's ill and I'm not going to repeat her name but it's in the March 17, 2016 and she expressed and to save time, I'm not going to repeat that but she expressed all the concerns that we have today and she was told that they will do another presentation in front of PC/ABR and we will notify the community. Now my definition of community is you know, all of us. The definition of community in this community and all the other small communities is that they have this public notice and this public notice is determined to be 500 feet around the property. So, in our case over by Maple Grove, 500 feet, I happen to be 6-inches short of 500 feet and so I didn't get a notice. There were, I don't know, 8 or 9 notices within that. That, under the federal, under the process for our historic structures the affected area that the federal government looks at or at least for this particular application was a half-mile. And this half-mile is an area of potential effects and an area of visual effects. So, this is what the federal government thinks is a reasonable area. So, certainly, a recommendation to this body for the future would be the first community in the State of Ohio that would change its ordinance and notify people within 500 feet of a cell phone tower. Now what is so curious also, is that whenever you examine all of the Council records around June there was a lot of shortcutting that happened. Instead of doing the full three readings, it was reduced to two. And it seems like there was a feeling like there was a really good deal here and that they need to take advantage of it. And they went real fast that way. Well, by putting the whole process off to this Planning Council they mixed a whole lot of things together. They mixed all of the tangible issues that have to be dealt with; safety, design, engineering and all of that and then they mixed it up with the intangible thing, well this is good for the people in the valley but what about the people...

**President Fellows:** Mr. Marsh, with all due respect, I've given you 9 minutes. Thank you.

Thomas Marsh: So, we're going to take our video and we're going to take everyone that wants to be with us and we're going to continue our presentation to the citizens outside of Chambers.

**President Fellows:** Thank you. Anyone else for Public Portion this evening?

**Sandra Beyerle – 36600 Maple Grove Road.** I live at the property that is adjacent to the Maple Grove Grange and the cemetery, I've been there for about 4 years and I came to a Council Meeting, I've been to a couple recently; hi everybody, good to see you again, kind of. You know we started with just a couple of people knowing about the cellphone tower just by happenstance and I came up and saw Fred and asked questions and then a few more neighbors knew and a few more neighbors knew and eventually we've taken it upon ourselves now to let more people in the community know. We would love it if the City would go ahead, even at this point and help us send out a notice. We would love to have further dialogue with other members of the community. The Grange property is a very tiny piece of land and the adjacent cemetery, the two of them together might be an acre. The purposed footprint of the cellphone tower and its fence would cut out all the land that the kids, the boy scouts and the brownies have to play there. They play out in the yard around the grange and they come down over the hill through the woods which is part of my property and the field there. This would block the entire thing. I don't know how they would have their campfires, they couldn't use their picnic table. I mean it would be an eyesore. I don't know about the health ramifications, I don't know about any of that. It's such a quaint little section of our town, just this little corner that probably all of us drive by at some point of the week and to have this huge cellphone tower and cables and God knows what there, I just, I can't believe that we need this to improve cellphone reception for our community. Isn't this more about freeway or something else? I really urge that we rethink this. See if we can back out of it. I don't know if it needs to get all legal, I would hate to see that happen. But, it's...I'm just incredibly disappointed and I would hate to see that happen for the way we use the Grange now.

**Maureen Ordman-Fike – 36651 Maple Grove Road.** Part of my property faces the Grange. I don't think that we're talking about "if", I think we're talking about "when". The tower is to be located right behind the cemetery and I raise the issue of respect. Many cemeteries have an American Flag someplace on their grounds. Somehow, I think that showing respect is not to build a cell tower. With all of the miles of property that Willoughby Hills has I have to think that there is someplace that we can put a cell tower that will show respect to the people and the entrepreneurs because that is what the cell towers are and I understand that. And then I echo what has been said before and that is I do encourage everybody on Council to give adequate notice to people because I think again, that's showing respect. We have elected you because we respect your credentials. And I think that there's a difference between the word of the law and the spirit of the law. I don't think that we were not given respect...not give notice because you said, oh we can't tell them but with all the other things on your agenda, I don't think that you thought about it, so I encourage you to really get the community involved and try to give more notice with things like this.

**President Fellows:** Just to let you know, I think also that there's a Civil War Veteran in that cemetery. It's not Council's responsibility to notify the residents, it's Administration's. Anyone else for Public Portion?

**Linda Fulton – 2990 Marcum Boulevard.** This is not about the cell tower.

**President Fellows:** Thank you.

**Linda Fulton:** This is in regards to and I don't know if this goes to maybe the Planning Committee of Council or Administration, I'm not sure. But there's a new house being built at the corner of Rockefeller and White Road and for the life of me, I do not know how that was approved. I don't know if it's a one-acre lot but it's like they took the house, this monster of a house and tried to fit it on this property and if I was a neighbor I would be very upset. They fit it so it kind of **catty-corner** and it's right up there, I believe maybe the 15 feet that it needs to be between other neighboring properties. But I would like to know in Planning when they

approve plans do they also think about how it's going to fit on that piece of property? Because this house is so out of place. It's a beautiful house but on that piece of property it does not belong. So, I would like to know what the City's position is on that. Thank you.

**President Fellows:** Thank you, Linda. Anyone else for Public Portion? I will close Public Portion at 8:11pm. In terms of Linda's question, who's going to be able to get back to her? Fred (Building Commissioner) will you and Linda find an opportunity to discuss that property so she can have her inquiries answered?

**Fred Wyss (Building Commissioner):** I'm in my office every day.

**President Fellows:** Thank you. Just to let you know, for those of you in the audience, the rest of the meeting is legislation; you're welcome to stay but if you don't we certainly won't be offended if you would like to leave.

**Councilman Biro:** Can I follow up with Linda about that property?

**President Fellows:** Sure.

**Councilman Biro:** I live across the street. So, I understand her concerns. That was a difficult property. One we had trouble in having someone cut the grass consistently because it was the Fairencheck property and it was...and it is one acre. I'm just happy to see that people are utilizing their land to build houses. So, that people want to come to our City and want to build houses. So, to me, it's the best that they could have done with that property. I think that it was kind of neat how they did it and it's the only way that they could really have done it. So, I'm not as opposed to it.

**President Fellows:** Thank you. Let's move on to any "Unfinished Business".

## UNFINISHED BUSINESS

**Vice President Plecnik:** I just want to raise the issue yet again; we've had a short conversation in the past about the incident where the Chair of the Civil Service Commission contacted the Euclid Fire Department, specifically the Union Rep for their Fire Department asking, we were told by one of our residents during Public Portion, Dave Rowel that he be somehow punished for making a statement in Public Portion where he expressed his concern that staffing levels in the Fire Department weren't high enough, his concern that the Mayor had not done an adequate job in selecting the now expired Chief and the initial response the Mayor gave is to what he would do with respect to this situation was nothing. And my response was that nothing was not acceptable. I view this as very serious and while I held my tongue with respect to the case that Laura Lenz brought against the Mayor and the City because I did not want as a fiduciary of the City to put it at risk. I've certainly have known all the parties involved Laura was a big supporter of my campaign, her allegation, her belief and it's one after the fact that the case is settled, is that my belief too is that she was retaliated against for being supported of me because the Mayor did not appreciate her political activity and her involvement in local politics for candidates that the Mayor did not and never has supported and I fear that we're seeing a pattern of retaliation here that could result in more lawsuits, I really fear that and that's why I want to hear what this City is going to do to ensure that our Officers like Tom Majeski are not going to go calling the employers of residents who speak in Public Portion when they say something critical, whether it be about the Mayor or a member of Council, a member of a Commission. I don't view retaliation as acceptable and I think that something has to be done in this case. So, I would just ask the Mayor in Unfinished Business is anything going, has anything been done with respect to this very terrible incident? Thank you.

**Mayor:** Yes, we met with Mr. Rowel for an hour and a half. We discussed the issue and we asked him, the Law Director and me, asked him to have his, the person that got this phone call to call us, we wanted to talk to



him. He has since not called us. So, there's no way to substantiate any of his words because there are just hear-say.

**Law Director:** Again, there are some factual misstatements, Mr. Plecnik. Number one, that I've learned about because I did sit down with the individual that came forward. Mr. Majeski did not contact the employer, he contacted the Union, not the employer. So, when people start saying well this is bad, he contacted his City employer, that's not correct. And Mr. Majeski did, as I understand it, talked about a union issue, on a union thing. That's what the call was and we had a great meeting and conversation with Mr. Rowel for about an hour and a half. And I think that he left here pretty satisfied and I hope that he was and we asked if he was still dissatisfied that we should still hear from that Union employee and we have not heard back from him, so we left it in his corner, it's still open. I left it wide open for him and we're still wide open. When certain people take facts, and spout them and they're not true facts that's where I have a little difficulty because I got the facts, thank you.

**Vice President Plecnik:** I would just add that while I won't speak for Mr. Rowel, he should speak for himself. He did call me to complain and he was wholly unsatisfied with the meeting that he had with the Law Director and Mayor, I'll leave it at that. I'll let him explain why for himself but a resident doesn't call to complain to their Councilman because their happy about what happened and I think that we need to take very seriously the allegations particularly given that this is not the first time we've had this type of problem. Thank you.

**Law Director:** I'll call Mr. Rowel too, I promise.

**President Fellows:** Thank you.

## LEGISLATION

### **Ordinance No. 2016-58 – 3<sup>rd</sup> READING**

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

Councilman Biro moved for passage. Councilman Hallum seconded.

**Councilman Hallum:** I just want to make sure that I understood that if we do not pass this ordinance, there are two individuals who the Mayor, as it's my understanding, deemed desiring of a full 3% raise that will not be receiving that full 3% raise that was provided to all the remaining non-union or non-potential union administrative people, is that accurate?

**President Fellows:** They're nodding yes. (Referring to the Law Director)

**Councilwoman Greer:** Why do we need to pass the whole table for these people to get a raise? Could we just put them individually? Cause, I don't have a problem codifying the salary ranges, but there seems like there's tables everywhere and I would really like to see what they currently are. So, couldn't we just make it these two individuals? Could we...

**Councilman Fiebig:** Madame President....

**President Fellows:** The discussion is on the ordinance, but yes, there can be individual salary ordinances for different jobs and job descriptions. We have some for others.

**Councilman Hallum:** Madame President. If I may, my understanding was that these two individuals, they're pay scales need to be increased in order to give them the full 3% and while they were at it, my understanding was that there was no one place where the table was in our ordinances. Like one place where there's a chart of the salary caps or the salary ranges were and so this was just an opportunity to do both. List...here are the salary ranges for all the employees of the City and make that, those two individuals salary ranges accordingly so that they could get the rest of their 3% raise. I'm I mistaken? Or is there a different...

**President Fellows:** Councilman Fiebig wanted the floor.

**Councilman Fiebig:** Oh, I was just going to weigh in that I'd hear the recommendation of Rules and looking at this and hearing the dialog back and forth, this particular piece of legislation is not right and that's why I thought, I'd hoped that we would table it and redo something to make sure that our employees are taken care of. And I don't like the idea of tables and I don't like idea of the Mayor being able to give raises without the consent and advise of Council.

**President Fellows:** Mr. Brichacek, you have something?

**Finance Director:** Just to clarify, the chart is the pay plan of non-union positions and in this ordinance, what this ordinance is doing it's revising the pay-range of two positions, the rest of the chart remains unchanged. The chart is in the codified ordinances but it's actually not in the codified ordinances because if you read the section of the codified ordinances it refers to the chart and that was part of ordinance, I think that was part of 2014-74 and for some reason when the codifier codified the ordinance, he codified the ordinance and the codification rates makes reference, it makes reference to the chart and for some reason the chart wasn't included in the codified ordinances. It's just one spot where all the non-union positions are listed, the current non-union positions are listed. Because some of the positions that are included on the pay plan potentially will become part of, there's a proposed administrative union, so the only thing that happening, the only thing that this ordinance does is revise the pay range of the position of the Assistant Finance Director and the Chief's Administrative Assistant who's also the Supervisor of Dispatch. It's a little bit hard to explain but basically if you read the codified ordinances it reads just as this ordinance reads it says as outlined in the chart. But in the codified ordinances, the codifier didn't include the chart. So, when the last time the pay plan was adopted in 2014 the chart was part of the ordinance that was adopted just as it is now. So, what's happening now is the only change is to change the pay range of those two positions to allow them to get the increase of the full 3%.

**Councilwoman Greer:** Mr. Brichacek, you may not be the one to answer this but have we looked, I would like to see everyone get a raise but I also want to make sure that we're not raising our salary ranges above what's typical for a position like those. Have we looked at that?

**Finance Director:** I haven't looked at that, no. But I can tell you from my experience in working with other communities, I think that if you do a salary survey on these positions we're not going to be on the high end of any survey.

**Councilwoman Greer:** Has Personnel Relations looked at that?

**Vice President Plecnik:** To answer your question, no. This was once again kind of the order of how things happened. Personnel Relations wanted to look at each position individually because we had concern that we should do a survey and we really should see the compensation. We began the process and that's when the Mayor gave a 3% raise to every employee who was not at the top of their pay scale and a partial raise to the few that he's referring to that weren't. And so we ended up trying to direct our attention to the employees who had gotten no raise at all at that point which were the part-time police and firefighters and that debate took months and so we're still at this point now trying to get back to the point of looking at positions individually; most of which we can't now because the new union has formed and our Law Director has advised us that those

positions are off the table. But the few positions that we're referring to now are actually what we should be looking at, at this point but this table is kind of the last vestige of that debate and I want to second what Councilman Fiebig said which is I strenuously disagree whether it's legal or not and I question its legality, I strenuously disagree with the practice of having the Mayor give across the board raises administratively without Council's input and it kind of drove the whole process from that point. So, to answer your question, there's not been a survey done by Personnel Relations on any of those positions. We'd started to, we had done compensation surveys for the part-time police and fire, we'd done some for positions that ultimately end up in the union and couldn't use at that point because once they had unionized it's no longer appropriate for us to do that review until the union contract comes back. But, I'm certainly not opposed with the help of the administration to try to pull those numbers and review whether or not these positions are reasonable at their pay scale or whether their pay scale should be raised. But, I share your concern and this is something that Personnel Relations has discussed, not with these positions individually but generally that raising a pay scale is a substantive decision. Because in theory, a pay scale is supposed to represent what an employee makes from the beginning to the end of their career. If they're successful and they make it to retirement they've reached the top, but not beyond it. So, when you change the top of a pay scale you have to say something changed and now this position and the market place goes at a higher rate and it's appropriate to raise the top. It's not something to reflectively say every year you get 1, 2, 3, 4%. It's really a substantive decision in that you've reached the top of what the market will bear and unless the market will bear something different that shouldn't be changed. We what we may have in anecdotal evident people may have a sense of one way or the other, we've already heard that neither Personnel Relations nor Finance Director have done such a survey so I think that it's time to look at those positions individually and that's what I would suggest.

**Councilman Hallum:** I have a few questions, one is that Councilman Fiebig says it's wrong and I would just like him to clarify what he means by that. Two is, I'm was curious when the last meeting of the Personnel Committee meeting was because this ordinance has been in front of us for quite some time and wondering why this ordinance hasn't been discussed, maybe there's a pretty good reason, or maybe I didn't know that there was a meeting because I'm just wondering, I think that there's been ample time to discuss this ordinance and find out and get that survey and find out in fact that this is within purview and makes sense for these two employees. Thank you.

**President Fellows:** Just to interject, this went into Council Committee of the Whole on November 10<sup>th</sup>.

**Councilman Hallum:** but it's also the Personnel Committee's responsibility to review ordinances that are...

**President Fellows:** John just gave a diatribe of why, the history of what we've done with all of this.

**Councilman Hallum:** I understand but this ordinance has been up and I would have expected that if this has, if there are some concerns that this one because it's in front of us now would have been discussed directly by the Personnel Committee. That's my point, thank you.

**Vice President Plecnik:** Just to directly share, it was discussed by Personnel Relations before it went to the Council Committee of the Whole at the request, I believe Councilman Biro and I believe it was seconded by Councilman Hallum, himself, that they wanted it to go into the Council Committee of the Whole but the recommendation that the Personnel Relations gave on all three of the Mayor's pieces of legislation including the table was to not proceed with it because we viewed it as problematic for the reasons that we've already stated. I don't want to keep saying, unilateral raises and not examining tops of pay scales but that was essentially the topic of discussion and at that point it was taken from Personnel Relations to the Committee of the Whole which reached the same conclusion that this should ultimately be tabled and then it went to Rules and Legislation which reached the same conclusion and that it should be tabled. The Personnel Relations did make that recommendation early on along with the other two pieces of the Mayor's legislation.

**Councilman Hallum:** But I thought that you had just said that you didn't do a survey so how could you make a recommendation without actually looking to see if these pay scales actually make sense or not.

**Vice President Plecnik:** Because Councilman Hallum, this is more than just two positions. This reflects a whole history as we've discussed of the Mayor giving unilateral raises and in a very real sense this table is a ratification of what he did. Something that Personnel Relations, myself included were not prepared to do. I am still concerned with that action, I don't approve of that action and a majority of Personnel Relations didn't either. You may not share that conclusion but we viewed this not just as two positions but as we should as a whole and as a whole we didn't view this ordinance as worthy of going forward. And to this point, no one has asked Personnel Relations to look at any individual positions and the positions that we were tasked with looking at, at that point were the part-time police and firefighters and Police Chief which we did perform compensation studies for and shared with all of you so Personnel Relations has worked very hard on these issues and has done everything that Council has asked of it. And just for the record once again I do want to thank the Personnel Relations volunteers including Linda Fulton who is here with us today. They've done an incredible job in pulling those schedules and doing that work and have given very sound recommendations most of which Council has ultimately adopted. Thank you.

**Councilwoman Majka:** We on Council have a very unique opportunity and privilege to be weighing in on legislation like this and I'm no expert but the little bit work that I've done with the sewer fees ordinance has shown me that a lot of times you can make these documents much more user friendly than they are. And we've already raised a number of concerns about this particular ordinance being hard to understand, being outmoded, not being quite sure. If we're not sure about it, we shouldn't be considering it nor should we be passing it. It can be redrafted. Yes, it's a little more work, yes, we may have to have more meetings but what's the choice. Do you want to pass something that's not quite right and can come back to bit us later or do we want to do it right and be satisfied with the results and have it be clear so not only we can understand it but the general public can understand it? Thank you.

**Councilman Biro:** These positions are the last positions that are to be considered. They were budgeted in the budget last year. We voted the budget and they were budgeted for these two positions. I think that it would be good to just get these done and then we in the future, we can look at these other issues. But these individuals are part of what we passed last year so I just support having this on and get it over with and we can move on.

**Councilman Hallum:** Madame President, one last question please. I'd like to ask the Law Director because I feel like there's a lot read into this ordinance that I don't personally read it, maybe it's there and I just don't understand if it's there because I don't read this as ratifying anything that the Mayor did with regard to these across the board raises and I certainly agree with Councilwoman Majka about making sure that we have clear ordinances for passing but I also feel like maybe this ordinance is being made to look muddy and I don't know that it is.

**Law Director:** Quickly the answer is that the Mayor has the authority if there's ranges to give pay increases within the ranges. I know that other people may have different opinions but...

**Councilman Hallum:** Simply, my question is, does this ordinance somehow ratifying what he did?

**Law Director:** No, he has already done it.

**Councilman Hallum:** Thank you.

**Law Director:** To those individuals that he could give it to. But he couldn't give it to all individuals to the full amount because some were at the high end of the pay scale and they got than 3%.

**Councilman Hallum:** I just wanted to make sure that this...I was missing something, that this was saying was saying we're in agreement with what he did. I view it as we're just ratifying the existing table with the exception of two pay scales that are being increased.

**Councilwoman Greer:** Madame President. Were you going to respond to that?

**President Fellows:** No, I'd actually like to have Chief Collins come up.

**Police Chief Collins:** I appreciate the opportunity to address Council on this and I'd just like to share some of my history since I've been here. Number one, this whole pay-range thing was not in place when I was employed here. All of us who were non-union employees had a set pay rate and as the unions got their adjustments ours would be adjusted equally with that as it went forward in the years. You know when I got hired as a Chief, 17 years ago, I was hired at this rate. So, that is a different aspect of what is happened as you as members of Council during my tenure here in the City with non-union employees. I'm not saying it's right or wrong but when that was put into place it did create this cap between non-union and union employees. Prior history of this has always been that we were treated equally to the unions as they progressed and negotiated their contract and it was done on an annual basis. You know, they had a 3-year contract and our raises came up every year as they did, so January 1<sup>st</sup> when they got a raise, we got a raise and it usually matched the compensation that they got. So, this idea that we're seeing that positions capped that's a different change that's occurred over the different administrations. I'm not saying it's right or wrong but it's created a different aspect of how nonunion employees are treated as compared to our union counterparts. We don't have anyone, we don't have that negotiated right to talk other than amongst the administration and ourselves. So, that's one of the things that's happened with our unions. And different when I was in the federal government. You may be a GS employee in step 14 but you had 10 steps within that range and then when you got to that there were still cost of living adjustment even if you were a GS employee step 10. You know as the government gave a cost of living adjustment that was even applied even if you were at the top rate. So, really what we've seen over the years with nonunion employees is basically that cost of living adjustment. You know, we were never hired and put in this is your salary range as a Police Chief and you were going to come in at this rate and this was going to be your cap. That was never presented to us, that's a different element with what we're dealing with.

And particularly on my administrative assistant, I'd like to address that. I would ask the Council, as Councilman Biro said, I don't think that these two people should be the punching bag for what's already occurred. You know they're already going without the compensation that the rest of us have achieved at this point. Most of us, not everybody in the City has gotten it. With particular to Debbie Semik her job has changed significantly over the years. So, when you're talking about an Administrative Assistant to the Chief, that's not even her role. She now supervises eight full time dispatchers which was legitimately given to a Sergeant when I was first hired here making almost the same salary that I was with overtime and prior to that was a Sergeant. So, to take an Administrative Assistant who has now been assigned those additional duties she is nowhere near the compensation of what a Sergeant or a Lieutenant was making who supervised at that point five dispatchers. So, she's now up to eight full time dispatchers and all the other administrative duties that my work and the detective bureau. So, I think that we have to as we've talked about, elevate positions and where we are. If you're going to have these caps, I think we have to do that study and legitimately go out and say what are the duties of these people if we're going to continue to have these ranges, you know, different than what we've had in the past when I was first employed here. So, I just wanted to at least share that history of how this has changed and how it's made it more difficult for you and in the past, you know when we didn't have those ranges that problem of the ranges being administered by the administration was not the part so, this is all different from when I first started. So, I just wanted to share that history.

**President Fellows:** So, are we ready to vote?

**Councilman Hallum:** I just want to say....

**President Fellows:** You've had the last question, about four questions back...

**Councilman Hallum:** Because I'm in support of the Police, I will be in favor of this ordinance.

**Councilwoman Greer:** Hearing the Chief, it makes me think that we really do need to take look at these, a further look at these. If Debbie Semik is doing all that, may be the range needs to be even higher than it is here. If no one has looked at this, these are somewhat arbitrary, it's not fair. We should look at these. But it's difficult in this climate to look at these because every time we bring this up, I have to hear, I don't want to call anyone out, but I have to hear about Gloria's salary and she's overpaid and it becomes political and it's not fair to do to the hardworking people in the City. So, I would like to come up with some way to evaluate these ranges in a neutral way. Maybe \$55,000 isn't enough for Debbie if she is doing the work of what two people use to do.

**Councilwoman Majka:** I don't remember who was present in some of the Personnel Relations Meeting where they were discussing ranges but it just made an impression on me what Mr. du Laney had to say about ranges and he was very experienced businessman and had much knowledge in this area and he did not believe and thought that it was a bad idea to have ranges period. So, as Councilwoman Greer said maybe this is something that should be revisited, streamlined, changed, maybe it wouldn't be a bad thing to go back to situation that the Chief mention where you knew very clearly what you were going to be dealing with rather than have these tables and things that are kind of difficult to understand and have ranges that lock you into a place that maybe you don't want to be.

**Councilwoman Greer:** Madame President. One last thing, is it possible to amend this ordinance so that the two people who are deserving of raises can get these raises while we look at these salary ranges?

**President Fellows:** Make the motion to amend it and you'll need a second.

**Vice President Plecnik:** But how would it be amended? There would have to be some verbage...

**President Fellows:** Hold your thought (referring to Vice President Plecnik). Councilman Fiebig.

**Councilman Fiebig:** I hear you on that, I agree with you on that Councilwoman Greer that these need to be looked at but I think that the issue is the tables and setting that specific salary is what the Chief was talking about. And that's what I think we need to get back to. So, we can retroactively grant a raise. So, she wouldn't lose any compensation at all, but I would move that this piece of legislation is not ready to go forward and that we immediately get, whether it's Personnel Relations, or Council Committee of the Whole or whatever the Chair feels is appropriate and let's get moving on this. And put it together in a way that makes sense, that addresses all of our concerns because they're valid concerns that there should be clarity in what we're paying and those rates that we as taxpayers pay our employees who granted are hardworking but they should be consistent with what the free market bears for that similar type of work.

**President Fellows:** Thank you.

**Councilman Biro:** I agree with the Police Chief. Let's not hold these people hostage. Let's give them what they deserve and then we can go on, move on and look at these other ranges, the issue of ranges. The only thing with ranges, you know, if you hire somebody, you have an extremely talented person here and they leave, if you hire them in, if there's no range and it's a set number and you're not getting the experience is that part of the equation?

**President Fellows:** We hired a Fire Chief at a set number.

**Councilman Biro:** but I'm saying, if you, but my point is that if you have somebody who is not as experienced would you hire them in at a hirer range? I think that's what the range affords you to look at that employee and come in at an early range and if they work hard enough and they do a great job then you continually progress. But if you hire, if you change your range to \$60,000 and you have somebody who's not as qualified, you know, I'm just saying the range affords you some flexibility at least regardless of what the Mayor gives that increase or not, I think a range gives some flexibility. But, so, let's not hold these people hostage. Let's give them what we promised them and let's move on.

**Councilwoman Greer:** Madame President. May I make a motion to amend this ordinance to null all salary tables except for the Police Executive Assistant and the Finance, let me look at the proper title, could someone help me. What is her title? Assistant Finance Director. Would you like me to restate it?

**President Fellows:** No. Councilwoman Greer has made a motion to annul all salary tables except for the Assistant Finance Director and the Assistant to the Police Chief.

**Councilwoman Greer:** Only as they pertain to this particular ordinance.

**President Fellows:** We have a motion on the table.

**Councilman Biro:** Could we hear what Mr. Brichacek has to say before we vote on something, I mean...

**President Fellows:** You have to have a second before you can have a discussion on the motion. There's no second.

We have a motion on the table from Councilman Biro and a second from Councilman Hallum to adopt Ordinance No. 2016-58.

Roll call: YEAS: Biro, Greer, Hallum  
NAYS: Majka, Plecnik, Fellows, Fiebig

**Motion fails.**

**Vice President Plecnik:** Point of Order, that no Police Officer's compensation would have been changed, lowered, raised by the last ordinance that was voted down. Just for the record.

**Councilman Hallum:** Actually, Deb Semik is part of the Police...

**Councilman Fiebig:** Let's move on.

**Councilman Hallum:** Who's running this, you or the President?

**President Fellows:** Well, you haven't asked Councilman either. Many times...

**Councilman Hallum:** Well you can handle that, I don't think that Dave needs to.

#### **Ordinance No. 2016-62 – 2<sup>nd</sup> READING**

An ordinance authorizing and directing the Mayor to enter into an agreement with the Heights-Hillcrest Technical Rescue Team for special rescue services; repealing conflicting legislation and declaring an emergency.

Councilman Fiebig moved to suspend. Councilwoman Greer seconded.

**Councilman Fiebig:** I thank the Fire Assistant, Fire Chief or the Acting Fire Chief and the Administration for granting us the opportunity to review this agreement with the Heights-Hillcrest Technical Rescue Team and hopefully move with that with all due diligence to make sure that we are protecting our residents and the safety of our community.

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

**Councilman Fiebig moved for passage. Councilwoman Greer seconded.**

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

**Ordinance No. 2017-1**

Ordinance authorizing and directing the Mayor to execute an agreement between the City of Willoughby Hills and the Ohio Patrolmen's Benevolent Association on behalf of the Sergeants and declaring an emergency.

**President Fellows:** This will stay on 1<sup>st</sup> Reading.

**Ordinance No. 2017-2**

Ordinance authorizing and directing the Mayor to execute an agreement between the City of Willoughby Hills and the Ohio Patrolmen's Benevolent Association on behalf of the Patrol Officers and declaring an emergency.

**President Fellows:** This will also stay on 1<sup>st</sup> Reading.

**Ordinance No. 2017-3**

Ordinance authorizing and directing the Mayor to execute an agreement between the City of Willoughby Hills and the Ohio Patrolmen's Benevolent Association on behalf of the Dispatchers and declaring an emergency.

**President Fellows:** And this one will also stay on 1<sup>st</sup> Reading.

**Ordinance No. 2017-4**

Ordinance repealing Ordinance No. 1978-33, and enacting in lieu thereof a new ordinance amending Part Three – Traffic Code, Title Seven – Parking, chapter 351 – Parking Generally, Section 351.14 – Overnight Parking of the Codified Ordinances of the City of Willoughby Hills and declaring an emergency.

Councilman Fiebig moved to suspend. Councilman Biro seconded.

**Councilman Fiebig:** This was language that the Chief has proposed simply nothing more than cleaning up the language that's already existing in legislation and making it easier for our officers to enforce the existing ordinance that we have that prohibits overnight parking. The previous language was a little bit vague as to, it stated the number of hours but somebody could park whereas this reflects what other communities the way that their ordinances read that specifically prohibits parking overnight from 2am to 5am. A very short window actually lowers the window of time that somebody may park overnight. The Chief's indicated that in a personal phone call that we had earlier today, that it's really no more than cleaning up the language. It gives them very specific guidelines and this is nothing that they're immediately go out and start ticketing everybody because this doesn't happen all that often. And Mayor as I understand, a resident can always call the City if there's some issue that they wanted to park overnight; car broke down, they have extended house guests over and so, this is simply to clean up language, so I would urge that Council sees this favorably and let's just move forward with it. Now, Council if you do not wish to do that I'd be glad to hold a meeting is Safety to discuss it further but I



don't know that we really need to go that deep into it because it's simply language; it's cleaning up things, okay.

**Councilwoman Greer:** Madame President. I would like to go along with the suggestion of Rules and to leave this on 1<sup>st</sup> Reading. I personally feel that it's too strict. And even through they've said at the table that we can have the Police Department can give you permission to park overnight, it does not say that in the ordinance. It says that the Police Chief has to give you permission. I'd like it to just say in there that by permission of the Police Department. There's not going to be a way that people are going to be able to get a hold of the Chief at midnight if they decide they're having a party and they have people who have drank too much and can't drive and can't fit in the driveway. They should be able to pick up the phone and call the Police Department and I want to see that language in there and I don't see any reason why we can't leave this on 1<sup>st</sup> Reading and have further discussion of it.

**President Fellows:** Thank you Councilwoman Greer, so right now we have an ordinance...a motion from Councilman Fiebig and Councilman Biro to waive. We can either vote on that or we can...

**Councilman Fiebig:** We have to vote on it....

**President Fellows:** You could withdraw.

**Councilman Fiebig:** Can I just address the concern because I'm not sure what you mean about the Chief. The language in here is just that no vehicle shall park in any street as designated by the Chief. That language is already existing in our legislation.

**Councilwoman Greer:** Can you give it to me?

**Councilman Fiebig:** Well, if you read in Section (a) it already says that.

**Councilwoman Greer:** What does it say?

**Councilman Fiebig:** No vehicle shall park, stop or stand on any such street as designated by the Chief. And that's in regards....

**Councilwoman Greer:** That's what I just said.

**Councilman Fiebig:** But that's in regard to streets that they saying...

**Councilwoman Greer:** Can you read it to me where it says that you can call and get an exemption?

**Councilman Fiebig:** I don't believe that it's in the legislation.

**President Fellows:** That verbiage is not actually in there.

**Councilwoman Greer:** That's what I'm saying. If it's not in there maybe we need to have it in there. Don't you think that there should be some...

**Councilman Fiebig:** No, I don't think that there should be that language there. I think that this is an enforcement tool that an officer has to basically keep our City streets safe. You know if they see a car, they run the plates, they don't recognize it as somebody who lives at the home then...

**Councilwoman Greer:** There's not an exemption for someone who lives at the home.

**President Fellows:** There could be.

**Councilwoman Greer:** But there's not in here. He's saying that if they don't live at the home then they get ticketed. Anyone gets ticketed it doesn't matter if you live there or not.

President Fellows: We have a motion on the table, to waive the 3-Reading Rule.

Roll call: YEAS: Biro, Fiebig  
NAYS: Majka, Plecnik, Fellows, Greer, Hallum

**Motion fails.**

**President Fellows:** So the 3-Reading Rules has not been waived; let's leave it on 1<sup>st</sup> Reading.

**Councilman Fiebig:** Madame President, as I had said I would be glad to put that in committee and have some further discussion on that.

**Ordinance No. 2017-5**

Ordinance directing the Mayor to sign any and all necessary documents to secure the purchase of police vehicles for budget year 2017 through the State of Ohio Cooperative Purchasing Agreement Contract with said purchase being exempt from competitive bidding pursuant to Section 125.04(B) of the Ohio Revised Code; approval of funding in the amount of \$27,018 to properly equip said vehicles; and declaring an emergency.

Councilman Biro moved to suspend. Councilwoman Majka seconded.

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

Councilman Biro moved for passage. Councilwoman Majka seconded.

**Councilwoman Greer:** The only open piece after the Rules meeting was whether or not Classic could provide us a vehicle at the same price or less. Any word on that?

**Councilman Hallum:** So, I did speak to the Chief and the issue at this point is that, that process could, would take quite a bit of time to do and in the meantime, that causes a delay in the Police force getting the vehicles that they need right now. So, our discussion was let's have that for the next set cars. Let's think ahead and price that out and make sure that makes sense and not impact the Police in getting their vehicles on time.

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

**Ordinance No. 2017-6**

Ordinance repealing Ordinance No. 2013-41 and enacting in lieu thereof a new ordinance amending Part Nine – Streets, Utilities, and Public Services Code, title Three – Utilities, Chapter 923 – Sewer Rates, Section 923.01 – Sewer Rate Charges Established, Subsections (c) and (d) of the Codified Ordinances of the City of Willoughby Hills and declaring an emergency.

**President Fellows:** And this will stay on 1<sup>st</sup> Reading.

**Resolution No. 2017-1**

Resolution for the acceptance of reimbursement funding from the Lake County Stormwater Management Department in the estimated amount of \$15,750 for the Fowler Drive Drainage Maintenance and Improvements Project and declaring an emergency.

Councilman Biro moved to suspend. Councilwoman Majka seconded.

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

Councilwoman Majka moved for passage. Councilman Fiebig seconded.

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

**NEW BUSINESS**

**Councilman Biro:** Motion of Council to authorize the Mayor to secure bids for the City's Asphalt and Limestone requirements for 2017. Vice President Plecnik seconded.

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

**Councilman Fiebig:** Madame President, I did have a "New Business" item. I wanted to dovetail on what a resident had brought up earlier about cellphone towers and notifications of any proposed site of cellphone towers in the future to be a half-mile in proximity to that cellphone tower. If we could produce, create legislation that would make that happen, I think that it would be an important piece that could go forward.

**President Fellows:** This could be put in Safety as well.

**Councilman Fiebig:** Could be.

**Vice President Plecnik:** Madame President. If I could just say that I agree with Councilman Fiebig. I'd love to see a Safety meeting to discuss a half-mile radius. It seems reasonable particularly given that it does appear to be the impact area that other government entities use and it would allow residents to know what at the beginning of the process what's happening so if they have concerns they can express them early on and feel as though they're involved, know that they're involved from the get-go. So, I certainly support that sentiment.

**Councilman Fiebig:** Was that a motion? Did I make a motion to do that or do I need...

**President Fellows:** It can go into Safety. I believe that you can just put it in Safety.

**FOR THE GOOD OF THE ORDER**

**Councilman Biro:** We are currently in a terrible mess with this blood, we're in a blood emergency right now. And I'm asking my colleagues and this community to donate blood. It's really bad, we're seeing some issues in the hospital now. The point is, please give blood. You know, pick up the slack, I'm getting weak, they're at my consistently...So please give blood, it does save lives. It's your chance to save lives here without being a doctor or a nurse. Please get to it.

**Councilman Fiebig:** Chris, do you know where the next one is?

**Councilman Biro:** There's one at UH coming up. There's one right over here...

**Councilman Hallum:** St. Noel's is getting ready to have one.

**Councilman Biro:** You can just go on the Red Cross website to get the full list. You can actually make an appointment online. So, that would be great.

**Councilman Fiebig:** So, that's redcross.org.

**Councilman Biro:** Yes, correct.

**Councilman Hallum:** I'd also like to mention that they have a new thing for when you give blood. You know you have to go in and fill out all that paperwork, you can actually do that, say your appointment is in the afternoon, you can go in the morning and fill out all that paperwork on line and skip that whole part of the process. So, that you can get and out a little faster.

### FOR THE GOOD OF THE COMMUNITY

**Councilwoman Greer:** Hoping that all of us and the community will attend the 4<sup>th</sup> Annual Tailgate Party to benefit the Boys League. The Boys League for all of you who don't know in the community, supports youth's sports in Willoughby Hills, and it's at La Vera on February 4<sup>th</sup>. The event starts at 6, dinner is at 7. It's fairly inexpensive, it's a lot of fun and the food at La Vera is always great. So, I hope that a lot of people can join us this year.

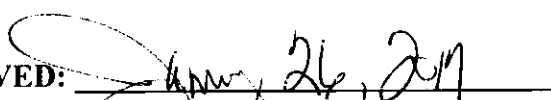
**Vice President Plecnik:** I'd also like to add that Slovenska Pristava which is an organization that many of us are familiar with here and our members is having their annual fundraiser on Saturday, January 28<sup>th</sup> at 6:00pm. Slovenian National Home in Cleveland. There will a lot of Willoughby Hills people there and it is really a wonderful event.

### ADJOURNMENT

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

**YEAS: Unanimous.**

**The Regular Council Meeting of January 12, 2017 was adjourned at 9:03pm.**

APPROVED:   
Date

  
Nancy E. Fellows  
President of Council

ATTEST:   
Victoria Ann Savage, CMC  
Clerk of Council