

City of Willoughby Hills

Regular Meeting of Council Minutes of January 26, 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 26, 2017 at 7:07pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

Vice President Plecnik moved to excuse Councilman Councilman Biro. Councilman Hallum seconded.

YEAS: Unanimous.

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

Absent: Mayor Robert Weger

DISPOSITION OF THE JOURNAL

President Fellows: The next order of business is the Disposition of the Journal for the Regular Council Meeting of January 12, 2017.

Vice President Plecnik moved to adopt the Regular Council Meeting Minutes of January 12, 2017. Councilwoman Majka seconded.

Roll call: **YEAS:** Plecnik, Biro, Fellows, Fiebig, Greer, Hallum, Majka
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: January 16, 2017)

City Engineer's Report dated January 18, 2017 (Emailed: January 18, 2017)

Email of Willoughby Hills Grove to Willoughby Hills Council, cc'd to Thomas G. Lobe (Law Director) dated January 20, 2017, re: Public Records Request

Email of Willoughby Hills Gove to Members of Council, Willoughby Hills Council (Council Office), Law Director, Building Commissioner dated January 20, 2017 re: Grange Cell Tower

Email of Mayor to Willoughby Hills Council (Council Office), Members of Council, Law Director, Donald Huth, Frank Brichacek, Ed McKenna dated January 24, 2017 re: McKenna NAC Resignation along with the

following attachment: Email of Ed McKenna to Mayor dated January 18, 2017

America's Founding Principles – Resident requested this to be shared with the Members of Council (Distributed to Members on January 23, 2017 via City Hall Mailboxes)

Mayor's Report of January 26, 2017 (Emailed: January 24, 2017)

Email of Bob Gockel, Lake County Tax Map Department to Council Office dated January 24, 2017 re: Public Records Request

Email of City Engineer to Members of Council, Law Director, Mayor's Assistant dated January 24, 2017 re: Ohio EPA 2015 Sewer and Water Rate Survey

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

CANCELLATION of the Planning & Zoning Commission and Architectural Board of Review of January 19, 2017 (Emailed: January 16, 2017)

Personnel Relations Committee Meeting of January 23, 2017 (Emailed: January 16, 2017)

Rules and Legislation Committee Meeting of January 23, 2017 (Emailed: January 16, 2017)

Safety Committee Meeting of January 23, 2017 (Emailed: January 15, 2017)

Finance Committee Meeting of January 26, 2017 (Emailed: January 16, 2017)

Recreation Commission Subcommittee Meeting scheduled for February 27, 2017. Purpose of the meeting is for the planning of the Willoughby Hills Eggstravaganza (Emailed: January 14, 2017)

ADMINISTRATION REPORTS & COMMUNICATIONS

President Fellows: The order of business is the Mayor's Report and he is not here this evening. So the next order of business is the Law Director's Report.

LAW DIRECTOR'S REPORT: No formal report, open to any questions.

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

Councilman Fiebig: I have one. Mr. Lobe did you authorize the Mayor, did you advise the Mayor to sign that cell tower contract?

Law Director: No, you did.

Councilman Fiebig: Prior to the Planning and Zoning Committee approval?

Law Director: No, you did. I'd gladly talk about this in great detail but there was a, in fact this Council did not take my advice. In fact, my advice was not to even pass an ordinance as you know and I gave you my written recommendations in that effect but if it was passed out to all of Council, I do not know. My recommendation was that you would have the reading, second reading and wait to see what Planning and Zoning did. Thereafter there was communications with other members on this dais that was against what I had recommended and it was passed at the second reading; waived the 3-Reading Rule. And so, that was an ordinance authorizing and directing and I can get into the details of that; it doesn't matter whether it was signed or not. Council gave up its right by passing that ordinance to making any decision and that is the issue. Whether he signed it now or then. In fact, as a matter of law, it would be contingent upon the P&Z to make its determination and we're going through that. In fact, in the Planning and Zoning Code, it references in there that one of the conditions is that you have to have a lease executed. So, it one of the conditions precedent, so whether you signed it, didn't sign it or anything else, it's the passage of the ordinance. That is what the tower

company wanted. They wanted this group to act first and it acted first over my direct objection. This body did not follow my advice. And now that you are getting some push-back from some members and everybody is pointing the fingers again. But I think that I made it clear in my email. So, I didn't direct them in fact if you read the ordinance you directed him in the ordinance in the heading and in the ordinance its self to execute. And whether he signed it then, now or later, it's still contingent on Planning and Zoning. The only problem is that this body does not get the benefit of knowing what Planning and Zoning is going to do, it gave up that right by passing this ordinance. And you know my opinion on the next topic, somebody is trying to repeal that ordinance.

President Fellows: Okay, Mr. Lobe. I'm going to stop you there because you've answered Mr. Fiebig's question.

Law Director: Not fully. Not fully.

Councilman Fiebig: I'm not quite sure that he completely answered it.

Law Director: Not fully.

President Fellows: Your out of order, that's the first time.

Councilman Fiebig: Madame President, can I just follow up.

Law Director: Can I answer then?

President Fellows: You answered Mr. Fiebig's question. Do you (Mr. Fiebig) have another question?

Councilman Fiebig: Just a follow up. Specifically, you had said, no you did not. So, did he consult with you prior to signing this?

Law Director: Direct consultant, no.

Councilman Fiebig: Okay.

Law Director: Can I answer more?

Councilman Fiebig: Thank you.

President Fellows: We're done.

Law Director: I don't like to be censored. That's what I put in my email. That's the problem.

President Fellows: Next order of business is the Finance Director's Report, Mr. Brichacek.

FINANCE DIRECTOR'S REPORT: I have nothing to report in addition to what we went over in the Finance tonight.

President Fellows: And John will report that then. Thank you. City Engineer's Report. Oh, are there any questions for the Finance Director?

Councilman Fiebig: Madame President. Frank, did you, looking at these numbers and it was also good news to see the Auditor has ranked us highly, so kudos to you and the department for that. We'll review these and

digest them. Do you foresee any strong changes that we should be aware of at this point with either the income side or the expense side, going forward?

Finance Director: No, at this point I expect 2017 to be similar to 2016.

Councilman Fiebig: The loss of some business, you know down at the west end is not going to be that much of an issue, you don't think?

Finance Director: No, I don't think so.

Councilman Fiebig: Okay. All right. Thank you.

President Fellows: Any other questions for the Finance Director? Seeing none, City Engineer's Report, Mr. Di Franco.

ENGINEER'S REPORT: No formal report t, but I'm open for questions.

President Fellows: Any questions for the Engineer this evening?

Councilwoman Majka: I have a question. First of all, thank you for providing the information on the comparables for the other cities. In our discussion, Monday night in our committee meetings, Chris Biro whose unfortunately not here tonight was very concerned in our discussion about the sewer ordinance that you be consulted and you were able to weigh-in on what you thought about the numbers, what you thought about the whole idea, what you thought about ordinance. I wonder if you would be prepared to give us a statement as to that.

City Engineer: I'm not familiar with the details of the City finances related to the sewers. So, I can't really give a lot of definitive answers, but I would, as you review the rates, they should include potential costs, potential projects that are anticipated in the future. I'm just hoping that's included in the rates. I think the rates cover typical maintenance, typical improvements, I'm not exactly sure of everything that is included in the rates but I just hope that it's looked at all together. Yeah, I just wanted to provide that survey because I was aware that it existed and I know that each city is a little different. You know, some cities have more of a population that can support the sewers so that might be a reason why some cities are lower rates. Another thing that crossed my mind was Willoughby Hills by its name has a lot of "hills" so it has a lot of pump stations which cost more to maintain. I think we have eleven pump stations where some cities might not have any. So, that's just another factor that you know could cause our rates to be a little higher than other rates. Those are just some thoughts that crossed my mind.

Councilwoman Majka: Okay, thank you.

Vice President Plecnik: Madame President.

President Fellows: Councilman Fiebig was next.

Councilman Fiebig: Thank you. It was a question for Pete about in safety. On Monday night, we were discussing some streets in the City where a parking band might be required because the distance in the street. So, I believe there's one right now, Stark that has all the time parking band on it, is that correct?

City Engineer: That's what I've been told, I haven't research it.

Councilman Fiebig: And then I guess there are a couple more that were brought up Timberline and...

City Engineer: Trailard, Glengate...

Councilman Fiebig: Trailard, yes, down there. So, I might want to just get with you and get your opinions if we were to move forward expanding that you know into actually legislation. To see what the engineering perspective is for those streets for emergency vehicles and things like that for access, okay.

City Engineer: Actually, I can respond because I did correspond with the Police on those. Three out of those four streets the width was only 16 feet wide and our code says that you can't park on a street if the remaining distance is less than 10 feet. So, on those streets it would definitely be less than 10 feet. So, the no parking, in my opinion, would be justified. The fourth street was at 19 feet wide. So, it's like kind of right at the border, borderline. But considering that some cars are larger than others, in my opinion, it would also make sense to make that no parking just because you know what kind of car would be parked on the street.

Councilman Fiebig: Where were the 16 foot, do you know that?

City Engineer: Yeah, it was all of the streets Trailard, Glengate and Mayfairs they are all on that subdivision.

Councilman Fiebig: Right.

City Engineer: And Timberline was the one at 19 feet.

Councilman Fiebig: Thanks Pete.

Vice President Plecnik: Just to follow along Pete, Mr. Di Franco, I should say. To follow along with Councilwoman Majka's question it sounds like what you're saying is you haven't formally reviewed the issue and then it's largely on finance. That we have to bear in mind that there are the costs of the sewer that have to be maintained but that's really a budgetary, financial issue. And we have had a discussion with the Finance Director. I know that the Finance Director and Councilwoman Majka, the Mayor have all met together with the Finance Director to look at that but it sounds like you saying it's not so much a technical issue or an engineering perspective as much as it is a budgeting one to make sure that there are the funds to take care of future liabilities and work.

City Engineer: I think that it's both. But me personally not being familiar with the system and all of the components and the maintenance that's required, I can't really speak in detail about it. Typically, I know in North Olmsted where I'm also involved when they look at the rates, they hire a specific consultant to look at the rates and do a study who's familiar, who specializes in sewers.

Vice President Plecnik: And was a study along those lines done, do you know in 2013 when the rates were increased?

City Engineer: In Willoughby Hills?

Vice President Plecnik: Yes, did we hire a consultant?

City Engineer: I don't know.

Vice President Plecnik: Does anyone else, Mr. Brichacek do you happen to know?

Finance Director: No, we developed that in-house. I'm sorry, with the Engineer's input.

President Fellows: But that Engineer was not Mr. Di Franco, it was Mr. Iafelice. Any other questions for the engineer this evening?

The next order of business is Committee Reports. Vice President Plecnik, did you want to do your mini one?

COMMITTEES OF COUNCIL

Finance Committee Meeting of January 26, 2017

Vice President Plecnik: Absolutely. Very quickly, with respect to Finance obviously, I haven't had time to draft formal minutes. I promise that they will be done. But just to give a brief synopsis to the few who weren't present our Finance Director shared the actual budgetary numbers for 2016 and gave a brief synopsis. His assertion was that it was relatively a good year, that revenue was a little bit higher than anticipated, that the budget came in a little better than anticipated and that there were a lot of one-time expenditures that year including the Route 91 Project but no one-time revenues so that **boded** well as a general matter. He also shared with us that the ordinance on our debt refinancing is time sensitive because the more time available allows for more time for the bond counselors and issuers to seek a better rate or to set better terms for the City, so he recommended waiving the 3-Reading Rule and adopting and also shared that the debt is being repaid according to our previously adopted debt repayment plan so there's no policy change in the ordinance in question. The last thing that the Finance Director shared with us was a survey on financial health in Lake County Cities provided by the State Auditor and in his judgement based on the rating system the City of Willoughby Hills it was the second healthiest city in the study which is obviously good news. I will say in brief, I addressed the concern that we need to look at individual needs in the budget going forward which we will receive in early February according to our Finance Director. I expressed concern about the City Newsletter and I think anticipating the Council Meeting starting in a moment, the other members of Council decided to refrain from further discussion. We had Public Portion, no one came up to speak and I certainly stand open to any questions or additions to the very abbreviated Finance Committee Meeting minutes.

President Fellows: Thank Vice President Plecnik. Are there any questions for him concerning the Finance Committee meeting this evening?

Vice President Plecnik: Well, hearing none, may I continue with Personnel Relations.

Personnel Relations Meeting of January 23, 2017

Vice President Plecnik: Once again, I'll be brief. My formal minutes will be submitted, have been submitted and will be available for review but to sum them up we had a Personnel Relations Committee on January 23rd at 6:40pm. All members were present for our Committee. We were essentially in place to review the Police Union Contracts which there are three; our Sergeants, our Patrol Officers and our Dispatchers. Our Committee Members asked who authored the contracts and it was shared that this was a negotiation process between the City being represented by Police Chief Collins, the Law Director, the Finance Director, and the Mayor. Whereas the respected unions obviously had their own representatives. We asked what level of raises were present in the contracts and we were told that both the Patrol and the Sergeants were receiving under the tentative agreements a 2% raise for each of the three years in the agreement whereas the Dispatchers were receiving a 2.50% raise. And I inquired if we knew the cost of those numbers and the Finance Director shared that he is still running them and he will try to get them to us as soon as possible. Our Committee Member Linda Fulton asked why we have union allowances as opposed to reimbursing our officers for the uniforms that they actually purchase and to substantiate, the Law Director shared that he had suggested this in the past because there are some tax benefits both at the State and Federal level but the unions had generally rejected them and our Police Chief added that the "quartermaster system" which is what reimbursement is usually referred to is pretty rare in cities these days it would be an outlier to have one. Our Law Director also shared in closing

because no one spoke in Public Portion, that the City and the Unions for the Police have signed extensions and so they are anticipating that it will take a few months for Council to review them and go through a full 3-Readings before they are ultimately passed and executed and he also shared that we should expect a union contract or I should say, a tentative agreement for a union contract with the Service Department very soon but that the negotiations were only beginning with the Fire Department and they had not even begun with the purposed newly forming secretary's union for the City. So, that's the status of Personnel Relations and I stand open to any questions.

President Fellows: Any questions for Vice President Plecnik on Planning and Zoning Committee Meeting this week? Personnel Relations, I'm sorry.

Finance Director: It's not a secretary's union it's covering administrative employees. Almost none of the employees that are potentially covered are not secretaries.

Vice President Plecnik: So, do you know the formal name on the union, has it been set yet?

Finance Director: Not that I'm aware of.

Vice President Plecnik: Thank you.

Finance Director: I'm only aware that they're being represented by AFSCME....

Vice President Plecnik: Thank you.

President Fellows: Any other questions on Personnel Relations? Thank you. Mr. Fiebig.

Safety Meeting of January 23, 2017

Councilman Fiebig: Safety Committee of Council met on (January 24th, (January 23rd)) Monday at 5:32pm. Committee Members, myself, Councilwoman Majka and Councilwoman Greer. Jennifer Greer could not join us that evening. Also present were Council President Fellows, Vice President Plecnik, Chief Collins was also there, Councilman Biro arrived at 5:35pm, Mr. Lobe arrived at 6.

The order of business were three basic things. Discussion of the 2017-4, the overnight parking ordinance. The amendment was suggested that it would read: no person shall park between 2 and 5 am. Current language in the law was written in the 70's for a period that now reads between 10pm and 8am for five hours and that's very difficult to enforce. The Chief submitted copies of neighboring cities' ordinances that mirror this proposed new language. In testimony, our Chief asked for legislation via a memo to the Mayor/Safety Director since his supervisors asked for this since the days of marking tires has long passed. Common sense would rule that if a resident is having a driveway repaved, or something similar to that they won't write a ticket to a resident for that. There was a discussion about parking bans on other streets at all times, like Stark Avenue. We discussed snow emergency ban and it did seem like something that we should discuss further.

We reviewed the staffing levels. Proposal to increase two full time officers was reviewed. Had a discussion about the full time/part-time and how part-timers are hired and then we train them issue and then they go to another municipality because of the excessive and great training and we lose them, so it's kind of a revolving door. We also discussed the issue of a substation down at the west end of the City. And the Chief also discussed the benefit of having lateral transfers. We're one of the unique communities that offers a well-trained officer to come in and not necessarily loss his ranking and so on. The next was cell tower notification to residents. If there was a cell tower being placed, currently the notification is only 500 feet and it was proposed to expand that. We discussed a half mile distance, we also suggested perhaps that be reduced to a 1000 feet.

However, new technology that places minim towers in the right of way was also brought up. Some more research on this was to be continued so that was going to be something for more discussion. So, the Committee recommended that 2017-4 parking issue be left on 2nd Reading. The cell tower notification remains in Committee. Fire Department and Police Department staffing levels referred to Finance for budgetary review.

Public Portion opened at 6:28pm, Linda Fulton spoke and welcomed the snow ban for safety reasons in the City. Mr. Cihula discussed notification areas and its impact on the residents. The meeting adjourned at 6:38pm.

President Fellows: Thank you Councilman Fiebig. Are there any questions for the Councilman concerning the Safety Committee?

Mr. Hallum, Planning and Zoning cancelled both their meetings this month.

Councilman Hallum: I know that we cancelled the last one, yeah, I think both of them. We didn't have any new items.

President Fellows: Except the cell tower.

Councilman Hallum: Well, they haven't come back to use to they didn't ask for a time slot or anything.

Councilman Fiebig: Isn't that set for next Thursday?

Councilman Hallum: Yes, February 2nd is the next meeting, correct.

Councilman Fiebig: And the cell tower did come back and schedule that...

Councilman Hallum: They did, yes.

Law Director: I think that Mr. Di Franco just sent out a email today that might shed further light on whether or not they might proceed or not. I don't know if you guys got a copy of it.

City Engineer: No, but I just distributed my comments to the Building Commissioner so that he would officially set the agenda for next week.

Law Director: There's also many items put out there that are put on potential postponement just so you know.

President Fellows: It would really be appreciated if we could have that information.

Law Director: It just came out today at 1:30 that's why I'm bring it to your attention.

Councilman Fiebig: Could you briefly say what that is?

City Engineer: Well, um....

Councilman Fiebig: Or are we out of order with that? It was kind of in the committee report...

President Fellows: Why don't...can you either...

City Engineer: I can email it.

President Fellows: That would be appreciated so that we can see it.

Rules and Legislation Committee Meeting of January 23, 2017

President Fellows: Rules and Legislation met also on Monday at 7:30pm. All members of the Committee were present, myself, Vice President Plecnik and Councilwoman Majka. Also present were Councilman Biro and Councilman Fiebig and that was it because everybody left.

The order of business was for this evening's meeting.

Ordinance No. 2017-1 – this is an ordinance to execute the Collective Bargaining Agreement for the Sergeants. The lateral transfer information still needs to be corrected on this agreement that had not been corrected from the last time that we voted on this 3 years ago. And as Mr. Hallum has so graciously reminded us last time recommendations from committees are only that, recommendations. So, Rules and Legislation Committee recommends that this be on 2nd Reading.

Ordinance No. 2017-2 is an ordinance to execute the Collective Bargaining Agreement for the Patrol Officers. Rules and Legislation recommends 2nd Reading.

Ordinance No. 2017-3 is an ordinance to execute the Collective Bargaining Agreement for the Dispatchers. As well as the Sergeants, the lateral transfer information needs to be corrected on this agreement. Rules and Legislation recommends 2nd Reading.

Ordinance No. 2017-4 is the ordinance to amend Section 351.14 concerning overnight parking. This was brought forth for clarification and to aid our police officers in enforcing the law. What we have on the books today is quite outdated. This was discussed extensively in the Safety Committee meeting and Councilwoman Greer and Councilman Hallum, both of you have brought questions to the dais on this and I would encourage you if you don't feel that you've had those questions resolved, that you should contact the Police Chief because we've had a lot of discussion on this and unfortunately you were not able to join us on Monday.

Councilman Hallum: Madame Chair, I did speak to the Chief and I'm set. Thank you

President Fellows: However, Rules recommends that this be on 2nd Reading.

The next one is **Ordinance No. 2017-6** this is an ordinance abating 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 to 500 feet of water of the Willoughby Hills Operating Rate. Euclid will be increasing their portion of the bill this year so it is important to review this annually. This is a blended ordinance with Administration. Councilman Biro shared that we have not had a current analysis done on the sewer rate since the inception by the former City Engineer. This was just spoken to a little earlier and would be helpful for our current Engineer possibly for Mr. Di Franco to weigh in but he did comment on that. This is time sensitive and would need to be adopted for residents to see a reduction in their sewer rates for the first quarter billing of this year. And kudos to Councilwoman Majka and Vice President Plecnik for their due diligence on this project. This ordinance is currently on 2nd Reading and Rules and Legislation had recommended waiving the 3-Reading Rule and adopting the ordinance.

The next one is **2017-7**, an ordinance authorizing the expenditure of funds requiring to perform the 2015-2016 audit. This is being requested because it exceeds the Mayor's spending limit. A couple questions came from the committee concerning the audit work being done and if we do yearly audits and those questions were sent to the Finance Director. Thank you, Mr., Brichacek for responding to those. Rules and Legislation recommends this be on 1st Reading.

The next one is **Ordinance No. 2017-8** this an ordinance authorizing the expenditure of \$26,925.17 for the annual support and service contract for the CODY system. It is an annual contract. Rules and Legislation recommends that this be on 1st Reading.

Ordinance No. 2017-9 is an ordinance for the issuance and sale of not to exceed \$550,000 in notes in the anticipation of the issuance of bonds for the purpose of paying back a portion of the renovating, improving and equipping the Dispatch Center, acquiring a fire truck, rebuilding and resurfacing various roads within the City including a portion of Gatsby Lane and Hanna Road, acquiring an ambulance chassis and acquiring vehicles for the Service Department. Mr. Brichacek spoke about this in the Finance Committee this evening as well. Rules and Legislation recommended that this be on 1st Reading.

Ordinance No. 2017-10 is an ordinance to amend Part Eleven of the Planning and Zoning Code, Chapter 1161 to expand the area in which property owners are provided notification of a purposed conditional use of a telecommunications tower or facility from 500 feet to 2,640 feet or a half mile radius. This was discussed extensively in the Safety Committee as well and will stay...Rules and Legislation Committee recommended that this stay in the Safety Committee to discuss it further.

The next one is **Ordinance No. 2017-11** – an ordinance establishing the terms and conditions required for the confirmation of a Mayoral appointment of Department Heads. This is intended to be used for Council as a checks-in-balance in confirming new appointments. This ordinance was not marked two weeks prior to this meeting and it was in Rules for the first time for discussion and so now has come to the table for 1st Reading.

The next one is also a discussion ordinance that came to the table this Rules meeting. This ordinance is to rescind **Ordinance No. 2016-29** to the execution of the Option and Ground Lease Agreement for property located at River Road that was not in compliance with the stipulations provide in sections 2, 3, and 4 of the ordinance as there was not authority to execute the lease until the conditions have been met. Mr. Lobe has sent out an email about this and asked who directed this information for this ordinance to be adopted, I did Mr. Lobe. Anyone on this Council table can have an ordinance drafted for discussion and that's purely what this is for. Unfortunately, we seem to be in this email quandary where we're being harassed because we're just asking questions because we're not sure of some of the stipulations that have moved forward. You had also asked why this is coming 6 months later. Because in December the only Council meeting we had, Councilwoman Greer asked the Mayor if the contract had been signed. Not only once, but twice and he sat at this table and told us no.

Law Director: Is that a question to me?

President Fellows: No, it's not a question, it's a statement and it's in the minutes. The other thing, in the June 9th meeting your minutes say that you want us to vote on the concept of this. You can have it, if you like.

Law Director: I've got copies of it.

President Fellows: You know, it's really unfortunate that individuals of Council come and ask about the business that we're doing in the City and when we ask these questions so many times we're treated as if we're doing something really terrible. All of us on City Council have responsibilities to the residents, to make sure that we're doing the very best we can for the. We have that part to do on Council table and Administration has that part to do in the administrative offices. I find it really disconcerting when we come with questions or concerns that we're treated as...I don't even know what word to use, it's just very upsetting. So, anyone at this dais can come to the Council Clerk and ask for an ordinance to be drafted so that we can bring it to a committee and have a discussion about it. There's nothing wrong with that. Just as the Mayor has the authority to bring to us an ordinance or a resolution of which he has and right at the Council table and has distributed it to us and asks us to vote on it the same night which is egregious because we have a responsibility to vet all that. So,

we're allowed to do this. And as your Council President, I have the authority to set the agenda. So, if there are questions about the agenda, then people need to come to me and not to everybody else and ask why I did what I did. You gave me the opportunity to be Council President and I'm doing the best I can and I learn at every meeting and if you have questions Mr. Lobe, don't call the Clerk, call me. I would appreciate that.

Law Director: For the record I have called you on other matters asking for special meetings and you've never called back about it. I have texted you and you don't text back.

President Fellows: I don't have any texts from you Mr. Lobe.

Law Director: Yes, you do, concerning litigation issues.

President Fellows: Okay, enough.

Law Director: Okay, but you're asking questions.

President Fellows: I'm not asking questions, I'm making statements.

Law Director: It's your meeting.

President Fellows: Yes, it is Sire, it most certainly is. Public Portion started at 8:24pm. Mr. Cihula brought up the following points: Councilman Biro mentioned that the City had the opportunity to get into the Cuyahoga County Interceptor but at that time the City Engineer didn't think it was a good idea because the rates would be higher than Euclid's so we went with Euclid. I don't know if that's true or not, I'm just relying what Mr. Cihula relayed in Public Portion. He also had a meeting with Mr. Marsh to discuss the cell tower at the Grange. The purpose of Ordinance No. 2016-29 was for TowerCo to use the cell tower if was built contingent on Planning and Zoning. Mr. Cihula also shared that he signed a document from CTL Engineering of Ohio indicating that he, Mr. Cihula, as the presiding officer of the Willoughby Hills Historical Society, encouraged the proposed construction of the cell tower as long as the tower is a stealth tree type and equipment building and site is adequately screened with evergreens from the parking lot and the cemetery. Councilman Fiebig asked for a copy of the letter. Mr. Cihula indicated that it was from a private contractor to him, however, he did copy the letter and distributed it to us. Public Portion closed at 8:35pm. The meeting adjourned at 8:35pm.

Councilman Hallum: Madame President, I didn't hear, what was the recommendation for the rescinding of the ordinance.

President Fellows: There is no recommendation; it's still in committee for discussion.

Councilman Hallum: Okay, I just didn't hear what...

President Fellows: It's in committee for discussion. It wasn't even numbered and it wasn't put on this agenda.

Councilman Hallum: Thank you.

Law Director: Madame Chairman. All I ask it that in my January 24, 2017 email be on correspondence so that everybody will be clear as to what my recommendation is. I just noticed that it's not on correspondence, I assume that it's an oversight but I don't want to get into who said, she said. I put it in writing and I'd just like that to be made part of correspondence. That's all I ask.

President Fellows: Thank you.

Law Director: And I think that it was addressed to all.

Council Clerk: What's the date?

Law Director: It's the one dated January 24, 2017 that references what Ms. Council President talked about the Ordinance No. 2017-Repealing of the Cell Tower so that everybody understands what my opinion was. Last time you guys all didn't get it, so this time I'm being clear and I'd just like it to be part of the record. That's all.

President Fellows: I do have a question for you Mr. Lobe. In your email, you had indicated that you sat in a Utilities meeting. We did not have a Utilities meeting on Monday so maybe you went to Solon after that and you were invited to come to Rules and you did not stay.

Law Director: I did make one mistake in there. It was Mr. Fiebig's Safety, I miss-named it and I stand corrected but I'll stand by everything else in there, how's that. Okay and I wasn't in Solon because I was here for Mr. Fiebig's and I came late as he had indicated, and for Mr. Plecnik's. So, I was here and you know that.

President Fellows: But you didn't stay for Rules.

Law Director: No, I did not because I did not know that this was on the agenda. Absolutely not. If somebody had contacted me that this was coming up...

President Fellows: It was just for discussion anywhere.

Law Director: I understand it was for discussion but it puts us in a bad legal position. I wish somebody would contact me before putting something in writing of this nature especially when it's one of a controversial nature. I think that it is absolutely wrong, it puts us in a bad legal light that we're even talking about it and I even talked with the Clerk because she does pick up the phone because I'm with her...

President Fellows: Okay.

Law Director: And I asked her...I'm getting censored.

President Fellows: Well, you just going on and on.

Law Director: No, I'm telling you, you asked me...

President Fellows: Never mind.

Law Director: I'm allow to say whatever my point was.

President Fellows: You've made your point.

Law Director: I did not make my point. You cut me off again.

President Fellows: Thank you very much Mr. Lobe.

Law Director: Censorship.

COUNCIL REPRESENTATIVE REPORTS

President Fellows: Any other Council Representative Reports for this evening? There were none.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies

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

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

President Fellows: The next item of business is Public Portion. This is an opportunity for the public to come forth and share thoughts and opinions. Sometimes we cannot answer them because we have to do some investigation on them and research, whether for Council or Administration. The policy of Council is for three minutes. I will ask that you come up and state your name and address for the Clerk.

I will open Public Portion at 7:45pm.

Tom Marsh – 36520 Maple Grove Road. I'm a retired CPA, at least I was until OH317 Willoughby-Waite Hill came up. I have worked on fact gathering and due diligence regarding the proposed cell tower at the historic Maple Grove Grange. In January, a group of neighbors got together and agreed to sponsor an Open House at the Grange, February 4th. We understand that the newsletter that's support to go out in the mail tomorrow contains information about the grange and the status of the grange project and information about the open house and we're very glad at last 3500 residents will know about it. The neighbors want the Maple Grove Grange open space and historic cemetery to remain part of the landscape of the community as it has since 1951. This was the vision of the members of the Grange when they sold the building to the City according to an article written Chris Worrell which he updated on September 26, 2011. I wish to thank Council for the 9 minutes that I was given on January 12th. I may come back to those curious issues at a later time after PC/ABR is resolved. At this meeting, I want to take a moment to compliment the City for the great people that serve the community every day. I want to let the community to know that I found the records to be very well maintained and easy to access. The information on the tower proceedings from February 20, 2016 to date was there, it just takes time to work through the great volume of business that goes through the City every day. I am now working on proceedings before the Planning Commission/Architectural Review Board; we call it PC/ABR. It's a quasi-judicial independent board that must if the tower is going to be built or not. It is a very complex case for the community or at least for those who are opposed to this cell tower to prepare for. I am representing myself before PC/ABR. The first public hearing was held on October 20, 2016. I did not attend the meeting because I did not get the notice, although records that I obtained indicated that I was on the mailing list. I have an audio of the meeting and the written minutes so that I can catch up. Today I put in a request with PC/AB, Architectural Review Board to continue the recess from the October 20th meeting so that site visits could be arranged for as in the minutes and I would request that the request, the request be added to these minutes that has been passed out. Today I understand the Engineer requested more information for the review and made a recommendation to postpone until it is provided. So, I guess we're on the same page on that. The next PC/ABR meeting is February 16th and then the community then must be prepared to the 1st and 3rd Thursday of every month until this thing is resolved. The best way for the community to proceed is to send PC/ABR written statements to the attention of Fred Wyss and request that it be marked for the record for the Board's consideration. You must give your name and address, you must also...you can also attend meetings and speak 3 minutes to supplement your review. Thanks to the Law Director for informing the citizens of their rights. If I may just add, if we've got the Open House Plan, I've got parking arranged at Garfield School. I hope that you can work out among you to car pool or whatever and I hope that you can work out that various forms of you will be there through the entire day. It's all "spit shined" inside and in good shape, working hard, we've been working on cleaning on the outside. Looking forward to a really good community event. I did hire...I am going to hire Police to come in and help with the traffic, thank you for the extra time today.

President Fellows: You're welcome, Mr. Marsh. Anyone else for Public Portion? All right, I will close Public Portion at 7:50pm.

City Engineer: Madame Chair. Can I make one clarification just so there's no confusion on my recommendations on the cell towers? The Planning Commission has a two-part process. There's a preliminary approval and then a final approval. So, if...typically if the applicant gets through preliminary approval they can proceed with their final engineering. So, that's the purpose of the preliminary approval. So, in my recommendation, I fully anticipate having a Planning Commission meeting next week for both tower sites. I recommended preliminary approval for the West Miller site; however, I recommended action be postponed on the Grange site because there's additional information needed and it gives the applicant a definite timeline to provide that information so that this doesn't drag on any further. So, I think he has until early March to provide the information otherwise, it's an automatic denial. That's all.

UNFINISHED BUSINESS

President Fellows: Thank you. All right, any Unfinished Business?

Vice President Plecnik: Madame President. If I could just add, following off of your point, that concerns me as a Member of Council as we try to ask questions I myself have experienced a lot of difficulty in getting answers. When I make public records requests to the City myself, I've found that weeks have passed in some cases with no response and I'll give one quick example I asked for all the records with respect to the hiring of the Fire Chief, now the ex-Fire Chief and ultimately all I got back was the 18 applicants. So, I find it astounding that a note or email discussion took place with respect the ex-Fire Chief's hiring. I find it absolutely astounding that either it's true and no due diligence was done at all which may well be true or my public records request wasn't honestly fulfilled and I can tell you yesterday morning, I made a public records request for the City newsletter that our resident mentioned during public portion and apparently as heard has already gone to the printer. If that's the case, there's an electronic file, I know how electronic files work. There's an electronic file that could have been emailed to me almost instantaneously and we keep hearing that we're supposed to comply with public records request but yet the City itself has been at least with respect to Council people who try to do their due diligence, very resistant to handover very critical documents on big issues. And I'm frankly shocked that the document that clearly exists, that's going to print, has not been turned over at this point. Furthermore, the email that you had referenced from our Law Director, speaking as a Law Professor who trains students on a number of parameters on professionalism, I don't think I've ever seen an attorney send an email to their client with that tone and tenor. I don't think that I've ever seen that in my legal career and I would never condone a student not once in a million years sending their client such a disrespectful email that was clearly antagonistic. A lawyer, client relationship is one of mutual respect and working together and it's not possible if there's founding confrontational conflicts even if their simply personal, you can't represent someone who you absolutely hate and disdain and those are the two things that I saw in that email. And it saddened me greatly to see that from someone who's supposed to be representing us. And I'll add to that and say, I always, myself, personally, fully, absolutely comply with the public records and the sunshine laws and insinuations to the contrary repeatedly have been made even when my public requests have largely been ignored. And I want to say that on the record, I find that very troubling. And the last point that I'd like to make is the cell tower issue is very important to me, I want to share my impression of what happened and I'm only speaking for myself, Council is a body of seven and I'm not a member of the Planning and Zoning Commission, but speaking for myself, the impression that I was given by Administration and as I go back to the minutes that impression is reinforced is that...there was a belief that there was a need to act even through the normal course of action is to let a full planning and zoning review happen first, and even in that though I wanted to make absolutely certain that any ordinance that was passed by Council make it clear that we did not waive planning and zoning review which is something that Council can do with respect to City property. I thought that this issue was too important to waive a planning and zoning review. I wanted to see an ordinance that specifically spelled out that the substantive review that planning and zoning always does would take place. And it troubles me that my attempt to make sure to protections weren't waived is misconstrued as some great support for some cell tower politically after the fact. At the end of the day, I wasn't ready to vote on the substantive of whether or not a cell tower was right for the City and in a very real sense, I never could because the planning and zoning commission

with respect to any structure whether it's a cell tower, a shed or a skyscraper is ultimately tasked with that responsibility. And I don't want any resident to misinterpret my position based on what they may or may not have been told by a City employee. My position is that this should have gone through and should go through a full review and I'm very troubled that even through the ordinance even said execution of the cell tower lease was contingent upon a full Planning and Zoning review and vote to approve and even though the Mayor told us twice, on the record at a Council meeting in respect to our questions, that he had not executed the agreement, we found out by email the very next day that yes, he had. And I think that if anything puts our City at risk, it's a Mayor signing an agreement before an ordinance authorizes him to because what happens now if the Planning and Zoning does what I think it should do based on what our City Engineer has said and if nothing further is provided, rejects this, rejects this proposal. They may well come back and sue us saying Mr. Mayor you signed the agreement we want our contract enforced and your Law Director just you never consulted with him, so based on no legal advice, you signed against the wording of an ordinance that's how you put a City at risk. And I am very troubled that my concern on this issue is being misinterpreted or misconstrued. I wanted full due diligence, I want full due diligence and I think at this point, the whole process should start from square one and likely be scraped entirely because of the way it's been mishandled.

Law Director: Ms. Fellows, let me assure you that the statements made by Mr. Plecnik, as a matter of law, are absolutely foolish and wrong.

President Fellows: Mr. Lobe, I'm not...you're out order. We're not going to seat here at this Council table and start to bash people.

Law Director: I just have to state the law.

President Fellows: He didn't make a law statement...

Law Director: Yes, he did.

President Fellows: He said that he made a personal opinion...

Law Director: He said that he made a legal position....

President Fellows: You're out of order, you're out of order. This is the second time I've asked. We're not going to seat here and go back and forth on this. This is not what the purpose is of this meeting.

Law Director: Ms. Fellows...

President Fellows: I'm asking you to leave the Council table.

Law Director: I'm getting off the dais. I'm being censored, I'll leave the dais voluntarily. I have no problem, I'd rather do that.

Councilman Fiebig: Calling a Councilmember foolish, how egregious.

President Fellows: You know Mr. Lobe, Council confirms your appointment in the City. Council approves the money you get paid and you are to represent us and you harass us.

The next order of business is legislation.

LEGISLATION

Ordinance No. 2017-1

1st Reading: January 12, 2017

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 2nd Reading and we need to have the agreement corrected for the lateral transfers. I'm not sure where we go with that or who we need to speak to but that needs to be done.

Ordinance No. 2017-2

1st Reading: January 12, 2017

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 stay on 2nd Reading.

Ordinance No. 2017-3

1st Reading: January 12, 2017

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: This will be on 2nd Reading and again, this particular contract needs to be corrected as it was not done three years ago when Council passed it.

Ordinance No. 2017-4

1st Reading: January 12, 2017

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.

President Fellows: This will be on 2nd Reading.

Ordinance No. 2017-6

1st Reading: January 12, 2017

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.

Councilwoman Majka moved to suspend. Councilman Fiebig seconded.

Vice President Plecnik: Madame President. As you had mentioned from the Rules minutes, if a resident is to see this reduction before their next bill, it's necessary for the 3-Reading Rule to be waived and the ordinance adopted at this meeting. And I think that after years of suffering some of the ultimately highest sewer fees in Lake County, our residents have waited long enough for relief and so I think that this is one of those moments where it's most appropriate to waive the 3-Reading Rule and put our residents first.

Councilwoman Greer: I do not feel that we should waive the 3-Reading Rule tonight. I think that we as a body need to be more careful of waiving the 3-Reading Rule as evidenced in the cell tower situation. I urged Council to leave that on 3-Readings. In these types of situations, it's not an emergency. Leave it on 3-Readings, let the public hear, let people have a chance to come forth even though it does provide lower fees

there is an argument to be made that perhaps these fees are being lowered too much because they're just going to have to be raised later on some years down the line and that time period has yet to be determined.

Councilwoman Majka: It's unfortunate that Councilwoman Greer and Councilman Hallum were not present at this past Monday's committee meetings because we really did due diligence in exploring and answering a lot of questions that have persistently come up about this ordinance. I would just like to point out that the Mayor supports this ordinance. That the Finance Director has gone over numbers and we went over numbers again. Numbers which show that after one year's review time which won't even be a full year it will be this October we will still have a good amount of money. We'll have over a million still in the Enterprise Fund so this will not provide as you termed it a drastic cut. This is not a drastic cut, it's not going to drain our Enterprise Fund down to zero. We have a duty I think when we are asked repeatedly by residents to look into a matter and I have been asked repeatedly to look into this. Mr. Plecnik has been asked repeatedly to look into this. The Mayor's secretary has been asked repeatedly to look into this to this happening. It's not a new matter, it's been going on for years, before either you or I were on this Council. We've done our research. I've talked to the City of Euclid people to get notes to make sure we were doing this correctly. I've talked to the person out in Lake County Department of Utilities about the water bills. I've sought to understand a very difficult concept here how to break it down and have it make sense. I'm not in favor, this is time sensitive, of letting it go so that there's not action taken on this for 3 more months. They're going to get their current bills and they're going to reflect an increase because that's what is going to happen. So, with a review promised every October we can monitor this situation. We can be very accurately looking at the effects of it. And we can take appropriate action if it is not working. We just got a report tonight that our finances were in good shape and we got more money than Mr. Brichacek was expecting. We spent less than what was expected. Perhaps this would happen in this situation too where it would just be a win-win situation. So, I urge you my fellow Council people, to just go with this, do it for the residents, do it for the senior citizens, waive and adopt this ordinance tonight, please. Thank you.

Councilman Hallum: I just want to say, speaking for myself, and found what I've actually heard from Councilwoman Greer, I don't think anyone is doubting your work or the due diligence, simply that we do have a 3-Reading Rule for the reason to let the residents really hear it, make sure they understand and to give them ample opportunity to ask questions and get those questions responded to. So, please don't mistake what I'm saying at least is to say that you've not done your work because I think that you've done a lot of really good work, I actually like it. But I'm concerned that we have always said that we should let the residents hear these things more than just a couple times that's why we have a 3-Reading and so that's all I think that it's about just making sure the opportunity that they desire, that we promised to hear these things and I don't view it as a major event. I would love a reduction in my too but I also think that it's important to make sure that we give everybody equal time, that's it. Thank you.

Councilwoman Greer: My statements were going to reflect the same sentiment. I'm not arguing a decrease. This motion was just against the 3-Reading Rule and I don't think that we should waive it in this case.

Councilwoman Majka: Madame President. Just to reiterate, not waiving the 3-Reading Rule and it's unfortunate the timing to put it to a deadline like this but it is what it is at this point but it's really pretty fateful timing that the water bills and sewer bills were just received this week by probably most residents, I would say. It would be really interesting to see if any resident would really object to a sewer rate reduction. That's all I really have to say.

Councilman Fiebig: Madame President. The 3-Reading Rule is put in place for definitely having people given the chance to Council plenty of opportunity to have committee meetings which we had numerous ones on. I complement our freshman legislator here, Councilwoman Majka to have done such a stellar job on putting this together but on our Council many times we do waive things for good and just reasons and this one is time sensitive so when there is a time sensitive issue and for the welfare of our residents we should just go for 2-

Readings on this because it is time sensitive and so for that reason, I'm in favor of waving the 3-Reading in two weeks because that will put us behind 3 more months so I urge you to vote yes on this.

Councilwoman Greer: If I may one more time, there are a set of circumstances that are not revealed sometimes and there are residents that are not notified sometimes because of the 3-Reading Rule, it seems to me that many Council people on this table and would like to go back and have the set of circumstances for the cell tower, they would like to go back and have that 3rd Reading because of circumstances that perhaps we didn't know about. We didn't know about them because we didn't give it that extra time. So, when we can give it the extra time we should.

Vice President Plecnik: If I could just share, although I wasn't on Council at the time, going back to September of 2013 I was sitting in the chairs where the public is now and I was at the meeting when the sewer fee rate hikes that were proposed and authored by the Mayor's Administration were voted in and I remember very clearly that only one member of Council objected to those rate hikes being waived and the 3-Reading Rule being passed immediately and that member was Council member Dave Fiebig. And I think that he was prescience in what he said, it was wrong because residents did need the chance for input and now over, not just weeks, or months or a few meetings, over three, four years residents have given their input and they have said that paying the highest sewer fees in Lake County isn't acceptable and I understand that there are eventualities we can't necessarily foresee, that's true for anything I mean we've heard tonight that it's a good idea to waive the 3-Reading Rule for our debt refinancing but may be if we waited longer suddenly interest rates will plummet because of something the Trump Administration does, who knows. We can't foresee eventualities we have to do what we think is rationally right and given that this ordinance, this legislation was given to us really without any resident input and the reason that it's come back is because of resident input and years of meetings and discussions, I think it would be wrong to say that residents haven't been heard, I think the only reason that we're talking about sewer fees is that they have been because let's be honest, how often do politicians talk about actually cutting taxes and fees and actually mean it. How often does that stump speech turn into an ordinance after years of work and research that Councilwoman Majka has put into this, very seldom, very seldom and the reason it hasn't is because residents have come forth and frankly the reason that Councilwoman Majka was elected is because residents wanted a champion to say that these sewer fees are too high. So, I believe that the residents have spoken and my vote will be in favor of waiving but if it's not waived tonight best believe that I'll be voting in favor of it on the 3rd Reading of it at the next meeting. And I dare people to not listen to their residents on that vote because at the end of the day our residents desire better and if, by the way, by the way, it turns out that we still can't balance the sewer fund budget I would point more to our costs than our revenues. Because if we can't balance the sewer fund with the highest fees in Lake County and make no mistake even with these cuts the fees will still be the highest in Lake County then we're doing something wrong. And frankly even the estimates which Councilwoman Majka shared with us show an assumption that we've approved every single purchase, every capital expenditure that the Service Department has proposed that's effectively a worst-case scenario, a worst-case scenario projection in all likelihood not all of those purchases will be approved. In all likelihood, some cost savings will be achieved. So, even in that worst case scenario this proposal will still leave us with a million after the first year, over a million but I personally don't see the worst case happening because it's time for us to roll up our sleeves and reduce expenses, that's how we can afford to give cuts to our residents by doing the hard work of line-by-line budgeting and making sure that we balance those budgets as opposed to the easy default answer that every Politician since the dawn of time has come up with raise taxes and fees. Well, I'm here to say no to that and yes to cutting sewer fees.

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

Motion passed.

Councilman Fiebig moved for passage. Councilwoman Majka seconded.

Councilman Hallum: I do want to say that I'm still a little concerned about the amount that we're reducing this by so I'm definitely going to hold the Utilities Committee responsible for reviewing this every October because as it stands by my numbers, within 3 to 4 years we will be down to at least down to the million dollars that we had originally set by the previous Councils saying that was kind of the number that we needed to keep in there and that's assuming that we don't have any major issues between now and then. So, I'm still a little concerned that in 3 or 4 years here if we don't watch it and adjust it as may be necessary that we are suddenly going to increase rates even higher than they are now and I'm sure that the residents equally do not want that as much as they may be would like a reduction. Thank you.

Councilwoman Greer: I share similar thoughts on that. This is, I agree, that we can do a decrease right now but it seems very steep and as we all sit here and lower this we are doing this knowing that we will raise this. I just hope people, residents know that. This is short-term. We will have to raise this or we will deplete the funds.

Vice President Plecnik: If I could just say, I understand that inflation is the ordinary course and that is the dollar becomes worth less and things do have to go up but I think that there's room to cut more and one thing that I'll hold Utilities to and I know Councilwoman Majka will meet this, meet this challenge is to continue to look at how we can reduce costs in the sewer fund so that we can always keep them as low as we responsibly can. I think that we all can agree that the sewers need to be well maintained and the Service Department's job needs to be funded. But at the end of the day it needs to be done at the lowest cost for our residents with the lowest and least depressive sewer rates so I look forward to those reviews continuing and I hope that we'll be able to find additional savings for our residents.

Councilwoman Greer: With that Madame President, has anyone looked at that or have we just talked about that. Has anyone actually talked to the Service Department about decreasing the spend on maintenance?

Councilwoman Majka: Madame President. I think what we're referring to is not only maintenance but equipment purchases. The Service Department laid out quite a wish list for us not too long ago, it was almost a million dollars, as I recall and that's not written in stone either. So, those are certain things that we, that are well within our control, those types of expenditures.

President Fellows: There are also salaries and wages that come out of that fund as well.

Councilwoman Greer: that are used on the sewers though.

Councilman Hallum: Right.

Councilwoman Greer: Because the nature of our City, some being septic, some being sewer, you're not allowed to co-mingle those funds so you have to take the wages and put those in the sewer fund.

President Fellows: I just made a statement that is what the fund is also used for besides equipment.

Vice President Plecnik: If I could just follow in that thought, I certainly agree that when a sewer worker or when a sewer department worker is acting as a sewer worker that is certainly appropriately taken out of the sewer enterprise fund but it is debatable how much administrative salary should be allocated to the enterprise fund and I will say that I absolutely value the hard work of our Finance Director I do question whether 20% of his time and his assistant's time is spent on the sewers as opposed to general budgetary issues and that's something that reasonable people can debate and I think that a lot of residents feel that administrative salaries may be are taken to a greater degree than necessary out of that fund, that's just one issue that's come up, that's where I think the salary issue has been mentioned so I wanted to inject that for clarification. But, reasonable people can disagree on what percentage of time is spent by administrative employees although it's certainly the

case that when someone is directly working on the sewer that legally should come from the fund. But allocations are tricky things sometimes estimates and allocations are way off.

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

Ordinance No. 2017-7

An ordinance authorizing the expenditure of funds required to perform the City's 2015-2016 audit and declaring an emergency.

President Fellows: This will be on 1st Reading.

Ordinance No. 2017-8

An ordinance authorizing the expenditure of \$26,925.17 required for the annual support/service contract for the Cody CAD/RMS system and declaring an emergency.

President Fellows: This will also be on 1st Reading.

Ordinance No. 2017-9

An ordinance providing for the issuance and sale of not to exceed \$550,000 notes, in anticipation of the issuance of bonds, for the purpose of paying a portion of the costs of (1) renovating, improving and equipping the City's existing Fire and Police Communications Center, (11) acquiring a fire truck, and all related expenses thereto, (III) rebuilding and resurfacing various roads within the City, including a portion of Gatsby Lane and Hanna Road, and all necessary appurtenances thereto, (IV) acquiring an ambulance chassis and related equipment, and (V) acquiring vehicles and related equipment for the Service Department, and all related expenses thereto, and declaring an emergency.

Councilman Fiebig moved to suspend. Councilwoman Majka seconded.

Councilman Fiebig: So, Madame President in hearing from our Finance Director who we trust is handling the City finances to the best of his ability and is getting awards, left and right to tell us that, we would like to give him the flexibility to take this recurring debt back out again to find the best rate possible. This doesn't mean that this will be done in six weeks it just means that he can find the best possible time to find that it gives him the flexibility that he would need in working with the other experts that he would to refinance this debt that has been occurred over numerous years. So, I would urge passage to give him that flexibility

President Fellows: Thank you, Councilman Fiebig and this was discussed in the Finance Committee this night, so if you weren't here you then would not have heard what Mr. Brichacek had to say about that.

Councilman Hallum: Madame President. I would just like to say that I am in favor of waiving the 3-Reading Rule. I think the residents would like us to refinance our debt at the lowest rate possible based on the comments from our Finance Director, I think that's the most prudent, economical thing to do.

President Fellows: Councilwoman Greer would you like to speak about the 3-Reading Rule on this one?

Councilwoman Greer: I'd be happy to, on this. I'm all in favor of this. This allows...this is not something that has to happen tomorrow but it allows the flexibility for it to happen tomorrow or six weeks from now when we would pass this in 3-Readings. So, it allows for a range of flexibility. So, in this situation it makes perfect sense.

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

Councilman Fiebig moved for passage. Councilwoman Majka seconded.

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

Ordinance No. 2017-11

An ordinance establishing the terms and conditions required for the confirmation of Mayor appointments of the heads of all the departments of the municipality.

President Fellows: This will stay on 1st Reading and I encourage all Council members to please read this and come back with thoughts and questions that you may have.

Councilman Hallum: Are we planning on regrouping as a Committee of the Whole on that?

President Fellows: It's still in Rules. I would entertain a Council Committee of the Whole.

Councilman Hallum: Just a thought to actually have session just on that.

President Fellows: Greater probability of everybody being there or more.

NEW BUSINESS

Vice President Plecnik made a Motion of Council to enable the Fire Department to apply for the FEMA SAFER Grant for FY 2016 Staffing for Adequate Fire and Emergency Response (SAFER) Program. Councilman Fiebig seconded.

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

FOR THE GOOD OF THE ORDER

There were no items brought forth for the Good of the Order.

FOR THE GOOD OF THE COMMUNITY

Councilwoman Greer: I said the same thing last meeting but I would like to say it again, the Willoughby Hills Boys League is having a Tailgate Party and it's Saturday, February 4th at La Vera. The food is delicious. The money goes towards the kid's recreational events that the boys league sponsors and on behalf of some of the members of the boys' league, thank you for the Council members who have already committed to going and who have already donated towards it and residents, I hope that you can make it, it's a very nice time.

Vice President Plecnik: If I could just share that the St. Mary's Church in Collinwood along with the Slovenian American Cultural Association are going to be having an event in honor of Preseren, Slovenian's most famous poet on Sunday, February 12th at 11:30am at the St. Mary's Church Hall and it should be a wonderful, cultural event with good food and presentations. As a member of the Slovenian American Cultural Association Board, I just wanted to share that announcement with everyone. Actually, I'll note that one of the primary organizers is one of our residents Breda Loncar who was recently honored with the naming of the Breda Loncar School of Success in Willoughby continuing her Bridge to Success program for youths with various issues and I will say that I was invited to attend that event and it was a wonderful thing to witness. Breda Loncar does so much for the community in terms of helping to publish the Slovenian American Times as

a member of its Board and an editor and for our Willoughby-Eastlake Schools to also honor her as a former teacher, assistant principle and principle by naming the school for her at the Northern Career Institute in Willoughby which is a lovely thing to see and she continues to serve us.

Councilman Hallum: Two items. My lovely wife is now the wedding planner for Slovenskia Pristava, so if there are any brides out there looking for a great venue to have their wedding, she's an awesome wedding planner so be encouraged to check that out. Since my partner in crime is not here I will say, if you can donate blood, please go out and donate blood. Wickliffe is having one at their community center on Monday, January 30th from Noon to 4:30pm and at the Wickliffe Public Library on February 6th from 3 to 7pm.

ADJOURNMENT

Motion was made by Councilman Fiebig to adjourn. Councilwoman Greer seconded.

YEAS: Unanimous.

The Regular Council Meeting of January 26, 2017 was adjourned at 8:27pm.

APPROVED: February 9, 2017
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

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