

City of Willoughby Hills

Regular Council Meeting Minutes of July 12, 2018

Policy No. 2: All Council meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Council minutes shall be written, and approved by Council.

The Regular Council Meeting was called to order on Thursday, July 12, 2018 at 7:01pm in Council Chambers. President Fellows presided.

Members Present: Councilwoman Laura Lenz, Councilwoman Janet R. Majka, Councilwoman Laura Pizmoht, Vice President John Plecnik, President Nancy E. Fellows

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

Absent: Mayor Robert M. Weger

MOTION TO EXCUSE

Vice President Plecnik moved to excuse Councilman Christopher Hallum and Councilman David Fiebig from the the Regular Council Meeting of July 12, 2018. Councilwoman Majka seconded.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to excuse Councilman Hallum and Councilman Fiebig from this evening's meeting. Is there any discussion on that motion?

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

President Fellows: Councilman Hallum and Councilman Fiebig have been excused from this evening's meeting.

PUBLIC HEARING

RE: ORDINANCE NO. 2018-34
AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR 2019 FOR THE CITY OF WILLOUGHBY HILLS.

President Fellows: First order of business this evening is a Public Hearing and this is mandated for our ordinance adopting a tax budget for the fiscal year of 2019 for the City of Willoughby Hills. So, I will open Public Portion at 7, or Public Hearing at 7:03pm and this hearing, if anyone comes forward, it's just specific to this topic on the tax budget.

No body? Okay, I will close the Hearing at 7:04pm.

DISPOSITION OF THE JOURNAL

President Fellows: The Disposition of the Journal. The Clerk has completed the minutes, the written minutes for June 14, 2018 but there wasn't enough time to bring it to Council to be adopted, so we will do that at the next meeting.

The next is the Finance Director's Report, Mr. Brichacek.

ADMINISTRATION REPORTS & COMMUNICATIONS

FINANCE DIRECTOR'S REPORT: No report in particular tonight other than to request that the tax budget should be enacted tonight on 2nd Reading because by law it has to be enacted by July 15th. This year, it's July 16th because the 15th falls on a Sunday.

President Fellows: That is good to know. Any questions for the Finance Director this evening? Thank you, Frank.

City Engineer's Report. Mr. Di Franco.

CITY ENGINEER'S REPORT: Thank you, Madam President. Just one item. We received bids for the Street Resurfacing Project today at noon. We received three bids. Our estimate in round numbers was about \$397,000. The apparent low bidder was at \$396,000 and the others were at \$436,000 and \$437,000. So, the apparent low bidder was right at our estimate. We haven't looked at the bids yet, so we'll do a thorough review and then make a recommendation and that concludes my report.

President Fellows: Thank you. Any questions for the City Engineer, this evening? Thanks, Pete.

Seeing none we'll move on to Committee Reports. I will provide my report for Rules and Legislation that met this week.

COUNCIL COMMITTEE REPORTS

RULES AND LEGISLATION MEETING – JULY 9, 2018

President Fellows: Rules and Legislation met Monday, July 9th at 6:30pm. The members of the Committee were myself, Vice President Plecnik and Councilwoman Pizmoht. Also, Mayor Weger joined us.

The order of business began with legislation for this evening's meeting. The first one is Ordinance No. 2018-34. This is an ordinance adopting a tax budget for the fiscal year 2019 for the City of Willoughby Hills. A Public Hearing will be conducted, as we just did, on the onset of the Council meeting for the purposes of this topic only. And we had at that time determined that this would be on 2nd Reading.

The next are resolutions. Resolution No. 2018-7, a resolution approving the Lake County Solid Waste Management District's Amended Plan/the 5-year update. Rules and Legislation recommended that this be on 1st Reading.

Resolution No. 2018-8, a resolution Michael Garret Fiebig on attaining the prestigious rank of Eagle Scout awarded by the National Boy Scouts of America. Rules and Legislation Committee recommends that the 3-Reading Rule be waived and the resolution be adopted.

The next one is **Resolution No. 2018-9**, a resolution congratulating Joseph David Fiebig, his brother on also attaining the prestigious rank of Eagle Scout awarded by the National Boy Scouts of America. Rules and Legislation Committee recommends that the 3-Reading Rule be waived and the resolution be adopted.

Resolution No. 2018-10, a resolution declaring the month of September as National Prostate Cancer Awareness Month in the City of Willoughby Hills. Rules and Legislation Committee recommends that the 3-Reading Rule be waived and the Resolution be adopted and that Linda Hoetger, Zero PCAM Proclamation Team member of Canal Winchester, Ohio be notified of City's support.

The next was a resolution supporting Suicide Prevention – we received communication from Joe Frieders of the United City of Yorkville, Illinois requesting support and a resolution for September 2018 National Suicide Prevention Awareness Month. Rules and Legislation supports a Resolution be drafted.

The Rules and Legislation Committee recommends that an ordinance be drafted authorizing Greg Beck and Baker, Dublikar, Beck, Wiley & Matthews, to represent the City of Willoughby Hills and the Public Official named in the Complaint filed in *Weger v. City of Willoughby Hills City Council*, Lake County Common Pleas Court Case No. 18CV000964, on June 20, 2018.

We moved on to the topic of the Grange...at our last meeting, it was decided that a message / ad would be placed on the City Website, the Council section of the City website as well as Channel 1024/WHTV inviting those interested in serving on a Landmark Commission with representation from all 3 City Districts. To date, the message has been posted on both areas of the website. Additionally, there were thoughts to amend Ordinance No. 2017-63 to reflect additional groups meeting at the Grange besides Boy Scouts and Girl Scouts and to address the issue of and returning of the keys to the building.

Concerning Section 1(a) of Ordinance 2017-63 – add organizations to be able to be on site of the Grange are the Boy and Girl Scouts, various Council meetings, Committee Meetings of Council, Ad Hoc LMC Committee, and the Landmark Commission when and if established.

Also, Section 1 (d) Keys(s) to the Grange are to be signed-out at the Police/Dispatcher Office with ID, time, and date with a 24-hour limit for the key to be signed out at one time or procured via a lock-box system where a camera is capturing the signing-out or returning of a Grange key.

Councilwoman Pizmoht discussed “sanctioned groups” that would be voted on by Council for use of the Grange. The question then being how to determine a “sanctioned group”? A suggestion would be to review the City's Recreation Commission definition and how they manage this process.

It was mentioned that there is no ADA accessibility available at the Grange.

President Fellows posed the question how to secure the Scouts property at the Grange when others are using the facility?

Councilwoman Pizmoht reiterated that this building belongs to the public, and the priority is with the residents of the City.

Vice President Plecnik suggested that the summation at this time is that this is about as far as we can go in Rules and Legislation with this topic. At our next (Council) meeting a vote should be taken to create an Ad Hoc Committee of the Grange and Landmark Commission with Councilwoman Pizmoht being the Chair, if she agrees, and then she can choose her committee members. All members of the Rules Committee agreed.

Mayor Weger brought up the issue of the Grange keys since the Dispatch Center will be closed beginning August 1st. A lock-box will be available to procure keys, an individual is being filmed by the camera in the area

as well as the necessity to sign-in to retrieve the keys and then signature again when returning them. As this change is implemented, ways to improve will be identified.

The Mayor also shared that he will be bringing Mr. Joe Diemert forward to Council as his nominee for Law Director. Vetting has been completed. He has been offered \$4,000 per month which will go to his company, with \$150.00 an hour for special projects which will be billable hours approved by Council.

Public Portion began at 7:19pm. Frank Cihula inquired if the Law Director would be available to advise BZA. Mayor responded yes.

Linda Fulton shared concerns aligned with the Grange. Has the building been checked out for safety if meetings are to be held there? Electric? Plumbing? How can meetings be televised? Is there an AED machine available? What about the Boy and Girl Scouts' equipment, it is out of the way so others can meet? The Mayor responded that the Fire Department has completed a safety review and the building is safe for use. The Grange has smoke detectors, but no sprinklers.

Councilwoman Pizmoht stated that the insurance on the building lists it as a visitor's museum; concern as to Scouts having meetings there as it does not fit the insurance coverage definition.

John Krause asked if there has been any thoughts or discussion about him purchasing the Grange? He knows that the HVAC system will need to be replaced soon. While the septic system is fine now, more people using it will tax the system. Assures that if he is the owner, it will be open to the public and he will replace whatever is needed.

Vice President Plecnik mentioned that while it is admirable that Mr. Krause wants to purchase the Grange, there are many legal ramifications for a City to sell property to a resident. Also, what needs to be considered:

- What are or were the conditions from the Maple Grove Grange Association when they sold the building and property to the City?
- One can not just offer a dollar value to a City to purchase a property. The property has to be valued and then it must be bid out, probably sealed bids.
- A Public Hearing with the City residents and other interested parties most likely should be conducted.

John Krause shared that the City owns the TV, the pool table, the piano and the historic Grange items on the walls. He indicated that rest of the items belong to the Scouts, including the refrigerator, stove, tables and chairs.

Cheryl Ota thanked Councilwoman Pizmoht for her insight to have policies and regulations developed for use of the Grange.

Discussion ensued concerning sleepovers at the Grange. Heidi Lee-Cameron, Girl Scout Leader, mentioned that yes, this has been done in the past, as a camping experience for the girls, no different than being in a cabin at a Girl Scout camp; but this is no longer being done.

Did or does our insurance cover sleepovers?

Heidi shared that the items that belong to the Girl Scouts in the Grange include some awards. She takes her supplies back and forth and does not leave them in the Grange. The stove is not functional at this time. She agrees with a lock-box and sign-out and sign-back in sheet. Her group is willing to give back to the City in the form of volunteerism for use of the Grange.

Public portion closed at 7:49pm and the meeting was adjourned at 7:50pm. I'm open to any questions. Thank you for listening.

I just wanted to mention that there was a Recreation Commission meeting scheduled last night. Myself and other members of the community were waiting to get in. The doors of City Hall were closed. And then there was a message that was sent from the Clerk (of the Commission) about 7:30pm last night that the meeting had been cancelled because they did not have a quorum. So, I'll probably mention something to the Chairman of that Committee as if, I'm not sure when they determined that they didn't have a quorum or not but there should have last been something posted on the outside of the door because the City Hall was locked up.

All right, other Council Representative Reports? Vice President Plecnik, report?

OTHER COUNCIL REPRESENTATIVE REPORTS

Vice President Plecnik: Yes, Madam President. Earlier this morning, we had our July quarterly meeting of the Noise Abatement Council for the Cuyahoga County Airport which is our opportunity to express our concerns to the Cuyahoga County Airport as well as get an update of what's happening there. In terms of complaints, there were sixteen complaints this past quarter, fifteen of which were from Willoughby Hills and that's fairly typical, most of the complaints happen from Willoughby Hills in recent years. And those complaints were based off of 5,083 operations during that same quarter.

We had an update on the Joint Statement which is actually the agreement that the City of Willoughby Hills has with Cuyahoga County and surrounding cities, the airport and its tenants that creates the Noise Abatement Council as well as the Noise Abatement procedures, the quiet hours that give us some protection as residents. The Cuyahoga County Council wanted to update the Joint Statement. There was initially a push to exempt single engine planes from any of the Noise Abatement procedures. As your representative, hearing from you, I pushed back on that and fortunately, that proposal was canned, but there was a small change made in addition to an aesthetic change such as noting County Council versus County Commissioners which is to say that single engine planes are allowed to turn out early when safety requires it. I don't view this as a substantive change because federal law already requires safe operations of aircraft. You can't unsafely take off in a plane, so I don't think that this is a substantive change, but nonetheless, the new language in the agreement, word for word is, "Single Engine Aircraft to be allowed earlier turn out as required for safe operations and to afford minimum separation from higher performance aircraft." So, that small change there is in front of Willoughby Hills City Council for consideration for us to vote on whether or not to authorize the Mayor to sign this agreement which would allow us to continue to participate in the Noise Abatement Council and the Noise Abatement Agreement which we've had since 1977. Fun fact, it was initially passed by George Voinovich when he was County Commissioner, of all things.

We also got a construction update on the airport. Phase 3 which was putting in the soft concrete, the EMAS, the engineered construction material on the Richmond Heights side is finished. This is essentially equivalent of a runway truck ramp for if a plane goes too far, it has this extra runway. It's not hard enough to actually use it as a runway, but if the plane doesn't stop, it has more of a place to go instead of a house. So, the extra safety runway was completed on the Richmond Heights side. The important thing there for residents is that the FAA is planning on performing flight tests where they're going to be comparing the beacons of the different signals for the runway. They fly over it several times. I am told that they use fairly high performance, double propeller planes called Air Kings that will fly over and over and over again. So, you will probably hear those planes, but I'm told you'll also be able to read, apparently on the bottom of the planes, it says "flight check" on the wings, so that you'll be able to see that this is a one-day thing. It will be one day during the week of July 23rd. It's kind of like when the cable guy visits, you don't know what time of the day he'll be there, but we know that sometime during the week of the 23rd they're going to probably take five or six hours to go over and over and over the airport with noisy router planes. So, hopefully we can survive that one day and then they can confirm that the runway is safe. Phase 4 which is the final phase of the airport construction is putting that

exact same soft concrete, the safety runway on the Willoughby Hills side and that's already begun, still scheduled to be completed this September.

We have a new Airport Manager at the airport which is good news because that will mean that we'll have more responsiveness for the residents. It's a little difficult when one employee has to respond to every complaint, every concern. Now, we actually have an Airport Manager, we haven't had one since April of last year when the last manager resigned. So, the update is that the former South Euclid Councilman Robert P. Hartigan has just been hired as the Airport Manager and his predecessor, you might have seen in the News Herald, Monica Drake who stepped down last year, was just hired as the Economic Development Manager for Wickliffe, Kirtland and Willowick, working under the Lake County Port Authority. So, we're certainly excited to have a new manager at the airport and we wish both Ms. Drake and Mr. Hartigan well.

Probably the most surprising thing at the meeting which was shared out of the blue was that the local Cleveland FAA publishes different flight plans for both takeoff and landing and apparently the takeoff has the acronym of SID which stands for Standard Instrument Departure, you know departure as in takeoff. I think that takeoff would have been easier to understand, but they call them SIDs and unfortunately, the SID that was just submitted to the Cuyahoga County Airport says that it is permissible for planes to take off from Cuyahoga County at 14,000 feet above sea level. And it sounds pretty high until you realize that the runway of the airport is 879 feet above sea level and so, this SID would tell planes and pilots effectively that once you're 521 feet above the ground you can start turning out over the City. It's technically legal under federal law, but it's a 500-foot lower standard than the 1900 foot minimum that we have in our Joint Statement with the Cuyahoga County Airport. And the Control Tower Operator assured the entire Noise Abatement Council that he opposed the proposed flight plan, that he was going to be expressing his concerns to the local FAA and that he was hopeful this was an oversight, they've forgotten about their agreement, with the Cuyahoga County Airport and the Joint Statement and that it would be fixed shortly. But, if it's not, I did make a motion and it was passed unanimously by the Noise Abatement Council that if Mr. Huth, if the Control Tower Operator's concerns were ignored, we will be sending a letter to the FAA telling them that the entire Noise Abatement Council disagrees and I personally intend to be in contact with our congressperson. We hope that this is not necessary and we hope that this flight plan does not get published. But, as of now, apparently, it's slated to be published on July 23rd with an effective date this September. So, we're trying to head that off as quickly as we can.

The last part of my update is simply that these Noise Abatement Council meetings are quarterly and the next one is scheduled for October 11th at 10am at the Cuyahoga County Airport and the first meeting of next year is also scheduled for January 10th. They're always 10am, they're always at the airport and they're always open to the public with a public portion so you have the opportunity to express your thoughts and concerns. And I really encourage residents to come out because I can tell you, every quarter there's something significant to the operations of the airport. I certainly stand open to questions.

I should also note that Councilwoman Majka did take the time to join us and spoke in public portion. So, you should too!

President Fellows: Any questions for Vice President Plecnik on the airport? Thank you, John. Before I move on to Public Portion, is there anything about any committees?

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: So, next order of business is Public Portion. This is an opportunity for individuals to come forth and share their thoughts and opinions. We ask that you keep your comments to three minutes and that you state your name and address for the record and I will **open Public Portion at 7:22pm.**

Tony Miller – 2857 Hayes Drive. Before most of you there's this letter that I received again, or that I received from the Police Department and at my last opportunity to speak before this Committee or this Council it was suggested by Mr. Fiebig that I ask the Police Chief about the paragraph that stated on all of your papers. And it reads: "Additionally, it's been brought to our attention you have made comments on social media that could potentially be perceived as threatening or harassing. I would caution you that such comments could possibly lead to a restraining order or further legal action." I did take an opportunity to speak with the Chief and now I'm back here. I would like to know from the Council what I have written on social media that is perceived as threatening or harassing? I can't fix things that I don't know about. Thank you.

President Fellows: Thank you. Anyone else this evening for Public Portion? **I will close Public Portion at 7:24pm.**

UNFINISHED BUSINESS

President Fellow: Any Unfinished Business? Okay, moving forward, Legislation.

LEGISLATION

ORDINANCE NO. 2018-34 – 2nd READING

1st Reading: June 28, 2018

AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR 2019 FOR THE CITY OF WILLOUGHBY HILLS.

President Fellows: So, originally, Rules and Legislation had indicated that this would be 2nd Reading because we were to believe that we would have enough time to do 3 Readings on this and then pass it at the next Council meeting. And Mr. Brichacek, you're saying that's not possible.

Finance Director: That's correct.

President Fellows: So, the next meeting is the 26th and when is this due?

Finance Director: The 16th.

President Fellows: Really.

Finance Director: Yes, it's due July 15th every year.

President Fellows: I'm just curious why we didn't get it in enough time to review it in 3 Readings?

Finance Director: Well, it was first presented to you on June 22nd and that was the earliest we could get it done, given our staffing.

President Fellows: Well, the meeting was the 21st, not the 14th, so we got it in between meetings and the first time, so this would have been the 2nd Reading.

Finance Director: But, it was presented to you on June 22nd...

President Fellows: And it was due to the County on the 16th.

Finance Director: And when it was given to you on the June 22nd, the cover memo stated that it would need to be passed on the 2nd meeting.

President Fellows: I think we just assumed that we had until the end of July.

Finance Director: Yeah, you know, I apologize.

President Fellows: I need a motion to waive and adopt. To waive the 3-Reading Rule.

Councilwoman Majka: Madam President. I'm sorry to bust in on that, but do you think it would be helpful for the public that's here if Mr. Brichacek could give a quick recap of what this budget is and why we need to pass it. It's well known that we just did pass a general budget, so in order to make it more clear, what is going on, I don't know if your average resident would realize what this paperwork is.

Finance Director: Okay, well it was pretty well explained at the last meeting, but basically the tax budget is how this demonstrates to the County Budget Commission the need for its property taxes. And the tax budget basically assumes that the City's property tax rate will remain the same at 7.3 mills and that's pretty much all the tax budget does.

Councilwoman Majka: And this document also gives the breakdown of different places that our property taxes go to, such as, Police Pension, Debt Service...

Finance Director: As noted in the last meeting, is the tax budget, the only funds that are presented are the funds that actually receive property tax revenue. And that's the General, the Debt Service, the Fire Levy Fund, and the Road Levy Fund.

Councilwoman Majka: I think that it's good, I mean to hear these things because I know our property taxes are due this month, I believe, so this is real pertinent to what's going on. Everybody is getting ready to pay, if they pay twice a year. So, I just think it's nice to hear it once again, even though we may have discussed it again, somebody who may not have been here or somebody watching at home might just understand a little bit more of what it is...

Finance Director: This is something that is done every year, by basically, every entity in Ohio that levies property taxes.

President Fellows: And in addition, this document shows what the reduction will be to the City from property taxes but it also shows what will be spend through that money and at the end of this document, we are negative.

Finance Director: That's correct. It's based on, it's based on this year's budget. And in terms of the tax budget, you must, you're always prepared to show, generally a deficit because that's the best way for the Budget Commission to be satisfied of the need.

Councilwoman Pizmoht: Madam President.

Finance Director: Basically, this is a document that's prepared and once it's filed, it's pretty much put in the drawer after this.

Councilwoman Pizmoht: Madam President. A couple of things. One, this is not an appropriations ordinance...

Finance Director: No, it's not.

Councilwoman Pizmoht: This is not the Council voting to appropriate funds or to budget for the year. This is just telling the County what we expect to receive in property taxes and other taxes. One thing, though, it says, in the memo, on the expenditure side in the ledger, the tax budget reflects a no increase in the cost of City operations over the amount budgeted for 2018. And I can say for the General Fund what you would have budgeted here for the tax budget is an increase over what is budgeted in our budget ordinance, 2018-13 of which would match the projected revenue of \$6,686,700. So, the expenditures are increased over what's budgeted. The expenditures on this attachment, the exhibit here, Exhibit 1, under the General Fund, under total expenditures and there's a typo, it should say 2018 current year estimate, it says \$6,874,460. So, I'm just curious where that number comes from. And that to me, looks like an increase in expenditures over what was budgeted in 2018-13, the City's budget ordinance.

Finance Director: The amount that's in there is equal to, what was budgeted this year, plus the elimination of the deficit in the Safety Forces Fund of \$300,000.

Councilwoman Pizmoht: Plus, the elimina...how is that...

Finance Director: The 2018 budget includes a deficit budget in the Safety Forces Fund of \$300,000 and this budget, in order to demonstrate needs to the County, I increased the and used the General Fund appropriation.

Councilwoman Pizmoht: Do you do that every year because I noticed that...

Finance Director: Yeah. If you look back at the...

Councilwoman Pizmoht: Last years also has a deficit too, even though the budget that was passed by the Council, Council's budget that they passed, was a balanced budget, the tax budget shows a deficit.

Finance Director: Right. If you look back, virtually every tax budget shows a deficit in the General Fund.

Councilwoman Pizmoht: Right. So, it's just and I also don't understand why we would need to show a deficit to get out, to get the tax money that's due the City. That seems a little odd that we would need to manufacture a deficit to show that we should get the money that's owed to us under the law.

Finance Director: Well, it's levying, you know, the property tax rates and that's the simplest way of showing need to the County Budget Commission.

Councilwoman Pizmoht: So, they only pay us the property taxes owed to us is if we need it?

Finance Director: They only levy what we need. They would only levy at a rate that we need.

Councilwoman Pizmoht: So, if...

Finance Director: In other words...

Councilwoman Pizmoht: So, we have...so, are they going to pay us more because we have a deficit than if we had a balanced budget?

Finance Director: No, the millage, we can only levy 7.3 mills in total and this will ensure that they levy the full 7.3 mills and they don't reduce it. If we don't levy our full, this includes the inside millage and if we don't levy full as well as the chartered millage and voter millage and if we don't levy the full inside millage we would risk losing it to one of the overlapping taxing districts. An overlapping taxing district is defined as the governments that have the ability to generate, to levy property taxes on a piece of property. So, overlapping taxing districts would include the City, the County, the School District and some of the special entities. In the

State of Ohio, a total of 10 mills could be levied on a piece of property without the vote of the people, it's called the inside millage, inside the 10-mill limitation. And historically, those allocations don't change; however, if one entity does not levy all of their inside millage another entity then could levy that millage and once they levy it, it becomes theirs permanently until they choose to give it up.

Councilwoman Pizmoht: So, I just think it's important for the people to understand that this is essentially a formality for the County, so that the County knows what to pay the City in property taxes. And that this is not the City's budget which what was passed in Ordinance No. 2018-13 which is a balanced budget. So, as it was last year, there was a balanced budget passed by Council in the spring of last year and then the tax budget is essentially the same thing showing, using the police, the safety forces, what was the fund that you're using...

Finance Director: The Safety Forces, Fund 234.

Councilwoman Pizmoht: Fund 234, right. So, you're adding that deficit into the General Fund here.

Finance Director: That's correct.

Councilwoman Pizmoht: To create this deficit that appears on the tax budget.

Finance Director: That's correct.

Councilwoman Pizmoht: This is not a deficit budget in terms of the budget for the City, the appropriations budget that we passed in the spring.

Finance Director: It has no impact on the 2018 budget.

Councilwoman Pizmoht: Exactly. So, I just wanted to...

Finance Director: Actually, other than the levying of property tax rates which will become the next step in this process, is that the County will then certify the property tax rates back to the City for adoption in November, December and that determines the amount of mills, it determines the property tax revenue that would be generated. That's what would be incorporated into the 2019 Operating Budget.

Councilwoman Pizmoht: Okay, so then the next question that I had is that we're projecting a \$300,000 deficit next year in spending over, almost \$7,200,000 out of the General Fund. I don't, why would we project that?

Finance Director: It's just an estimate. You can change this number to whatever number you want to change it to.

Councilwoman Pizmoht: I think it's fair to say that this Council anyway wouldn't want to pass a \$300,000 deficit budget and if we're using this...

Finance Director: This isn't the budget...

Councilwoman Pizmoht: As a guide for our budget next year. I'm just concerned that we don't want to use a guide that gives a \$300,000 deficit for next year.

Finance Director: As I said, this isn't the budget, typically, you know, virtually any City you talk to, this is, you adopt a tax budget and it's the last time it's every seen.

Councilwoman Pizmoht: I'm just making sure. So, thanks. I think that helps clarify this for me as well as everyone else. So, I appreciate that.

Finance Director: Yeah, just so you know, the notice of the Public Hearing, you know, was advertised and the budget has been available since June 22nd and the law requires that two copies be available for public inspection. And this year, like virtually every year in my career, no one has stopped in to look at it.

Councilwoman Pizmoht: I think, I would venture to say, it's semi-incomprehensible to the average person looking at it, it's a little hard to disserve unless you really know what's all about it here, so...

Finance Director: Actually, not to be flippant, in the industry, this is kind of referred to as a liar's budget.

Councilwoman Pizmoht: Okay.

President Fellows: Any other questions for Frank on this?

Finance Director: I apologize. I just meant the complexity of, you know, Ohio Property Tax Law. Ohio Property Tax Law is very old and antiquated and the Budget Commission, actually the next step in this process would be the Budget Commission would have hearings on property tax rates where every community would come in for its hearing, virtually the Commission allocates about three minutes to each community when they do these hearings. It's pretty much just a formal step to comply with laws that they should probably consider revising. Actually, this format of the tax budget is much simpler than what was done ten years ago.

Councilwoman Pizmoht: Yeah and I think if the State wants public input, it should be made in a more digestible manner for the public so the public understands.

Finance Director: Actually, if you want my opinion, I think that the tax budget should just be done away with.

Councilwoman Pizmoht: Probably. Because as I had said, it doesn't make any sense that we have to go begging for our property tax that we're already...

Finance Director: You know, it's not a matter of begging. It enables the Budget Commission to do their statutory responsibilities because the Budget Commission, one of the things that they're charged with is to review the requested property tax rates and certify that in fact the government, you know, is requesting that those taxes be levied and that they actually need those taxes. And the tax budget is the vehicle that, you know, that they came up with to do that.

Councilwoman Pizmoht: Sure. Thanks.

Councilwoman Majka: Thank you.

President Fellows: Thanks, Frank.

Councilwoman Pizmoht: Madam President. I move to waive the 3-Reading Rule on Ordinance 2018-34.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Majka to waive the 3-Reading Rule on Ordinance No. 2018-34. Is there any discussion on the motion?

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

President Fellows: The 3-Reading Rule has been waived for Ordinance No. 2018-34.

Councilwoman Majka: Madam President. Move to adopt Ordinance No. 2018-34.

Councilwoman Lenz: Second.

President Fellows: I have a motion from Councilwoman Majka and a second from Councilwoman Lenz to adopt Ordinance No. 2018-34. Is there any discussion on the motion?

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

President Fellows: Ordinance No. 2018-34 has been adopted.

ORDINANCE NO. 2018-35

AN ORDINANCE CONFIRMING THE APPOINTMENT OF JOSEPH W. DIEMERT, JR. AS DIRECTOR OF LAW, ALONG WITH HIS ASSISTANTS, DEFINING THE DUTIES AND RESPONSIBILITIES, AND FIXING THE SALARY AND COMPENSATION FOR SAID POSITION; REPEALING CONFLICTING LEGISLATION, AND DECLARING AN EMERGENCY.

President Fellows: This Ordinance will be on First Reading.

RESOLUTION NO. 2018-7

A RESOLUTION APPROVING THE LAKE COUNTY SOLID WASTE MANAGEMENT DISTRICT'S AMENDED PLAN/5 YEAR UPDATE (APRIL, 2018) OF THE LAKE COUNTY SOLID WASTE MANAGEMENT DISTRICT; AND DECLARING AN EMERGENCY.

President Fellows: This Resolution will be on First Reading.

RESOLUTION NO. 2018-8

A RESOLUTION CONGRATULATING MICHAEL GARRETT FIEBIG ON ATTAINING THE PRESTIGIOUS RANK OF EAGLE SCOUT AWARDED BY THE NATIONAL BOY SCOUTS OF AMERICA.

Councilwoman Pizmoht: Madam President. Move to waive the 3-Reading Rule on Resolution No. 2018-8.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Vice President Plecnik to waive the 3-Reading Rule for Resolution No. 2018-8. Is there any discussion on the motion?

Councilwoman Pizmoht: Madam President. Mr. Michael Fiebig who is Councilman Fiebig's son earned his Eagle Scout ranking a couple of years ago and he has been long overdue to receive his resolution. And we also appreciate the achievements of our Eagle Scouts here in Willoughby Hills. So, I think that it's about time that we adopt this resolution for Michael Fiebig.

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

President Fellows: The 3-Reading Rule on Resolution No. 2018-8 has been waived.

Councilwoman Pizmoht: Madam President. Move to adopt Resolution 2018-8.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Vice President Plecnik to adopt Resolution No. 2018-8. Is there any discussion on the motion?

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

President Fellows: Resolution No. 2018-8 has been adopted.

RESOLUTION NO. 2018-9

A RESOLUTION CONGRATULATING JOSEPH DAVID FIEBIG ON ATTAINING THE PRESTIGIOUS RANK OF EAGLE SCOUT AWARDED BY THE NATIONAL BOY SCOUTS OF AMERICA.

Councilwoman Pizmoht: Move to waive the 3-Reading Rule on Resolution No. 2018-9.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Majka to waive the 3-Reading Rule on Resolution No. 2018-9. Is there any discussion on the motion?

Councilwoman Pizmoht: Madam President. Mr. Joseph Fiebig, also the son of Councilman David Fiebig and he just graduated from High School and had a birthday and also did his service project to attain his Eagle Scout ranking for our Lake Metro Farm Park and I think he, again, deserves to have this Resolution passed as soon as possible to honor his achievement as an Eagle Scout.

Vice President Plecnik: Madam President. If I could add, I had the pleasure of writing a letter of recommendation for both Mike and Joe for their Eagle Scout awards and it's wonderful to see them realize this in our City after doing service in our community. And I think that it's appropriate that both bothers are awarded our resolutions tonight.

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

President Fellows: The 3-Reading Rule on Resolution No. 2018-9 has been waived.

Councilwoman Pizmoht: Madam President. Motion to adopt Resolution No. 2018-9.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Majka to adopt Resolution No. 2018-9. Is there any discussion on the motion?

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

President Fellows: Resolution No. 2018-9 has been adopted.

RESOLUTION NO. 2018-10

A RESOLUTION DECLARING THE MONTH OF SEPTEMBER AS NATIONAL PROSTATE CANCER AWARENESS MONTH IN THE CITY OF WILLOUGHBY HILLS.

Vice President Plecnik: Madam President. Motion to waive the 3-Reading Rule on Resolution No. 2018-10.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to waive the 3-Reading Rule on Resolution No. 2018-10. Is there any discussion on the motion?

Vice President Plecnik: Madam President. Generally, when it comes to resolutions honoring people or highlighting causes we waive the 3-Reading Rule, particularly given that we want to have them passed, and in effect well in advanced of the time that we intend to honor them.

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

President Fellows: The 3-Reading Rule on Resolution No. 2018-10 has been waived.

Vice President Plecnik: Madam President. Motion to adopt Resolution No. 2018-10.

Councilwoman Lenz: Second.

President Fellows: I have a motion from Vice President Plecnik and second from Councilwoman Lenz to adopt Resolution No. 2018-10. Is there any discussion on the motion?

President Fellows: I would just say that once this is adopted then the Clerk will contact the appropriate individual to her know that our City has supported this.

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

President Fellows: Resolution No. 2018-10 has been adopted.

NEW BUSINESS

Vice President Plecnik: Per our discussion in Rules and your reiteration of that discussion, we reached a consensus in the Committee of Rules and Legislation that we should have an Ad-hoc Committee of Council for the Landmark Commission that Councilwoman Laura Pizmoht has proposed so that we can further explore the concept and hopefully finalize it; the idea being that Councilwoman Pizmoht would be the Chair of this Ad-hoc Committee. So, I would make a motion as recommended by Rules and Legislation to create an Ad-hoc Committee of Council for the Landmark Commission, naming Councilwoman Laura Pizmoht as Chair and giving her the authority, as we typically do with ad-hoc and temporary committees, to choose her membership.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to create a Ad-hoc Committee of Council for the Landmark Commission with Councilwoman Pizmoht being the Chair and she is selecting her members as any Chair would for her committee. Is there any discussion on the motion?

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

President Fellows: So moved. Any other New Business?

Councilwoman Lenz: Madam President. I would just like, I guess, to inform the public about why we're not having this brush drop-off anymore in Willoughby Hills because it's come to my attention from a few people that they go there and they're not allowed to drop off their brush.

Vice President Plecnik: Madam President. If I might, I think that I was one of the first people to talk to our Street Superintendent Mark Grubiss about this issue and what he and Mayor had shared privately and publicly is that the EPA was concerned with the runoff from the brush pile and found that apparently that the Mayor's Administration had not applied for the required license. And so, this license is apparently somewhat expensive, difficult to obtain and given the location of the brush drop-off, close to the tributaries of the Chagrin River, it would unlikely that it would be approved even if we went through the expensive process. So, unfortunately, the brush pile was never licensed and the EPA was kind enough to give us warning rather than just citing and fining the City, so there is that small silver lining. At least the City isn't facing penalties for the failure to apply for a license. But, unfortunately, the Mayor never did and quite wisely, I think he chose to shut the brush pile down before the EPA told him to. Now given that the licensure would be unlikely to be granted to us based on the location of the pile, we could try to explore, as a City, alternate locations. One suggestion that I've given, is that many cities actually have in their garbage contracts, the abilities to have the brush picked up along with regular garbage which might be a pretty simple fix. So, hopefully when our contract comes up in about a year, that's something that we can explore if it's not too expensive. But, many cities have it in their contracts, so I suspect that would be the best fix to this problem. For the time being, however, our website lists the address of Wickliffe's brush drop-off which is properly licensed. And as an interim measure, Willoughby Hills residents, free of charge, can bring their brush drop-off to Wickliffe, the exact address is on the City's website for anyone watching out in TV land. But, unfortunately, the brush pile was never properly licensed.

Councilwoman Lenz: Vice President Plecnik, is that listed on the website as far as Willoughby Hills is not accepting it anymore?

Vice President Plecnik: I forget the exact wording on the website, but it does direct people, I think, I'm going to the website right now, because it's on the very front page which I do believe. I'm pulling it up so that I can give the exact verbiage.

Councilwoman Pizmoht: In the meantime, Madam President. There's a big sign too now that says "dump closed", where the brush drop-off was and it has the alternative, the Wickliffe address there as well as the alternative.

Vice President Plecnik: Madam President. The verbiage at the very top of the website is:

**"City of Willoughby Hills
Brush and Leaf Drop Off
IS CLOSED
Material can be Brought to:
Greenvision Compost Facility
1291 E 289th Street
Wickliffe, Ohio 44092
Hours are M – F 7:00am to 4:00pm"**

So, that is right at the top of the website.

Councilwoman Lenz: Great. I'll have to let them know. Three people have asked me already.

President Fellows: Because they went on the weekend and it was closed on the weekend.

Councilwoman Lenz: Yes.

President Fellows: And sometimes that is the best time for people to get things done.

Councilwoman Lenz: Exactly.

President Fellows: On the weekend.

Councilwoman Lenz: Brush pickup would great around the neighborhood.

Vice President Plecnik: It would. I'm honestly surprised that it was something that we never negotiated for in the past. And as I've shared with the Mayor, one thing that I very much would like to see is also having door-to-door pickup for senior residents which is something, that once again, most cities have seemed to negotiated for, at least the ones that I'm familiar with. And it can be very difficult if you have a half-mile long driveway to carry a full bag of garbage, from your door to the stoop. And so, as we're looking at the next garbage contract, hopefully, these are somethings that we can negotiate for.

Councilwoman Lenz: Awesome. Thank you.

President Fellows: Any other New Business?

FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY

President Fellows: I'd like to share with everybody that Councilwoman Pizmoht became a Lion on Tuesday. She is a member of the North Coast Lions Club. Welcome, Laura.

Councilwoman Pizmoht: Thank you.

President Fellows: Lion Laura.

Vice President Plencik: And if I could add, Willoughby Hills has had a great history with the Lion's Club. Our past District Governor Wallie Burnett who lives on Chardon Road, actually swore Councilwoman Pizmoht in and our current District Governor lives on Worrell Road in Willoughby Hills, Mike Tyler. So, if you want to be involved in Lions, I know that Linda Fulton and Cheryl Ota of 2990 and 2960 Marcum Boulevard respectively, both would love to hear from you and invite you to the group. And, of course, I'd be happy to talk to you as well. I think a majority of Council are Lion members.

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

ADJOURNMENT

Motion was made by Vice President Plecnik moved to adjourn. Councilwoman Pizmoht seconded.

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

The Regular Council Meeting of July 12, 2018 was adjourned at 7:52pm.

APPROVED: September 13, 2018
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

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