

City of Willoughby Hills

Regular Meeting of Council

Minutes of July 14, 2016

Policy No. 2: All Council Meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened wherever possible.

The Regular Council Meeting was held on Thursday, July 14, 2016 at 7:00pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

Councilwoman Majka moved to excuse Councilman David M. Fiebig. Councilman Biro seconded.

YEAS: Unanimous.

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

PUBLIC HEARING

President Fellows: Our first order of business is a Public Hearing and this is for Ordinance No. 2016-35. An ordinance adopting a Tax Budget for the fiscal year 2017 for the City of Willoughby Hills and declaring an emergency.

At this time, I will open the Public Hearing at 7:02pm. Anyone from the public is welcome to come up and ask questions or make statements concerning this topic for this Public Hearing. Seeing none, I will close the Public Hearing at 7:02pm.

DISPOSITION OF THE JOURNAL

President Fellows: The next order of business is the Disposition of the Journal for the Regular Council Meeting Minutes for June 9, 2016.

Councilman Biro moved for passage. Councilman Hallum seconded.

Roll call: **YEAS: Majka, Plecnik, Biro, Fellows, Hallum**
Abstention: Greer

Motion passed.

Councilman Biro moved to adopt the Regular Council Meeting Minutes for June 23, 2016. Councilman Hallum seconded.

Roll call: **YEAS: Majka, Plecnik, Fellows, Greer, Hallum**
Abstention: Biro

Motion passed.

COMMUNICATIONS

President Fellows: I will not have the Clerk read Correspondence, Notifications or Minutes as these will be listed in the Journal as they are presented on this agenda.

CORRESPONDENCE

Interoffice from Gloria Majeski to Mayor Robert M. Weger dated June 27, 2016 re: Update on Claim for Traffic Light Signal Box on Bishop Road (Emailed: June 27, 2016 to Members of Council; Council Clerk; Finance Director; Road Superintendent; Law Director, Willoughby Hills Finance Department)

City Engineer's Report dated June 16, 2016 (Emailed: June 16, 2016 to Members of Council; Council Clerk; Law Director; Finance Director; Willoughby Hills Finance Dept.; Building Commissioner; Road Superintendent; Mayor's Assistant; Assistant City Engineer)

WH Community Center Rental for June 2016 (Emailed: July 12, 2016 to Members of Council)

Interoffice Memo from Finance Director to Council President and Members of Council dated July 8, 2016 re: Notice of Acceptance of a \$1,000 Grant to the Fire Departments from Walmart (Emailed: July 8, 2016 to Members of Council; Council Clerk; Law Director; Robert Weger; Fire Chief)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month of June 2016 (Emailed: July 12, 2016 to Members of Council)

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

Finance Committee and Service Committee Meeting of July 11, 2016 (Emailed: July 1, 2016)

Planning & Zoning Commission and Architectural Board of Review Meeting of July 7, 2016 (Emailed: July 2, 2016)

Planning and Zoning Committee of Council Meeting of July 18, 2016 (Emailed: July 11, 2016)

Recreation Commission will not be meeting for the Month of July (Emailed: July 2, 2016)

Rules and Legislation Committee of Council Meeting of July 11, 2016 (Emailed: July 1, 2016)

MINUTES

Income Tax Board of Review Meeting of June 22, 2016 (Emailed: June 23, 2016 to Members of Income Tax Review Board; Finance Director; Mayor; Law Director; Council Clerk; Members of Council; Willoughby Hills Finance Department)

Personnel Relations Committee Meeting Minutes of June 23, 2016 (Emailed: July 12, 2016 to Members of Council)

ON FILE

WH Senior Center News Letter for July 2016, Issue Number 99

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR WEGER: An update on the Worrell Road Project, it's a repaving project that we received State funds to do. We're having a meeting with the folks from Kirtland because it's half in Kirtland, half in Willoughby Hills. It's gonna be in progress like in September, October and end in November. So that time frame will be when the construction will happen; but right now we're in the planning stages and a tonight there is a motion to out to bid for the bids for that project.

The Route 91 Project is scheduled; next week there's a meeting, a pre-construction meeting and then it looks like the project will begin in September and go through November. That's where they're going to mill and grind the entire surface and recoat it with asphalt and then stripe it.

The Recreation has requested an ordinance that's on tonight's agenda, 2016-22 there's some...last Council Meeting we passed it and there were some errors in the amounts for a couple of the rooms and this is just a correction for that.

We served a notice to negotiation forms to the Police union, the Fire, Service and Dispatchers; their contracts expire December 31st. We know that we only have a 120 days to come up with an agreement so negotiations on those will start September 1st.

Notice to employee forms have been posted as required by law for AFSCME Union. It's a new union to represent the clerical, administrative employees in the City and that's been posted for everybody to see.

Thanks to everybody that helps in the United Way Day of Caring. We helped four residents on the and the playground of the City and made it safer equipment to use.

I regret to inform you that one of our dispatchers Sandy Wilson passed away last Thursday and there's a Memorial Service this Saturday at 1:30pm down in Eastlake. The announcement is in the paper but it's under Sandy Wilson.

Upcoming events, we have the Garage Sale in Willoughby Hills set for August 6th. Check the website for details and it has become very fun and eventful for everybody because it's one day that all the garage sales are set for Saturday, August 6th and what we do is we advertise the addresses and then people can go from door to door.

9/11 Unity Day featuring the 9/11 Memorial Service is being planned right now. It's September 11th, it's from 11:00am to 6:00pm at the VFW Post on White Road. There's going to be plenty of activities and we're going to really accentuate the Safety Forces at that ceremony.

And then Saturday, September 12th is our annual Touch-A-Truck. This is a family event and we welcome all to attend.

Right now, what I'd like to do is call Ed McKenna up to give a little rebate on the airport and construction at the airport.

President Fellows: Mr. Mayor, I think that is out of line. The agenda says it's the "Mayor's Report". If we set a precedent for individuals to up during the Mayor's Report then I'm not sure how that would be managed in the future. Mr. McKenna is very welcomed to come up during Public Portion and provide his report.

Mayor Weger: This is part of my Mayor's Report. So I asked him to...

President Fellows: Then you can read it Mr. Mayor.

Mayor Weger: Okay.

President Fellows: This is a Council Meeting; we need to follow the agenda. Anything else for the Mayor's Report? Any questions for the Mayor?

Mr. Lobe will be back in a few moments, we'll move on to the Finance Director's report, Mr. Brichacek.

FINANCE DIRECTOR BRICHACEK: Nothing additional to report.

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

Pete, Mr. Di Franco, our City Engineer's report.

CITY ENGINEER DI FRANCO: Thank you, Madame President. I am meeting with Gloria and a representative from Lake County next week on the Plan4Health Project which is the walking trails in the park. This will just be an initial meeting to discuss this goal. Also I am working with the Mayor and the Service Department on the replacement of a sanitary force, a sanitary sewer force main in Stark Road. It's a badly needed replacement for many years, it was on Nate's list when I came and we have chosen the directional boring method which is the least expensive and the least disturbance to the residents. Our estimate is just under \$50,000 which would just allow us to get quotes rather than go out for public bid. And this would benefit the City because it should minimize costs, we won't have costs for a legal ad or the contractor's bid bond and it should expedite the schedule which will also benefit the residents. So the plan for the project is to get quotes in August, we would then return to Council in September to award the contract and hopefully the contractor will finish by November before the weather gets bad and that concludes my report.

President Fellows: Thank you Mr. Di Franco, any questions for our City Engineer this evening? Seeing none, we'll move to Committee Reports until Mr. Lobe is back.

COMMITTEES OF COUNCIL

Service Committee and Finance Committee Meeting of July 11, 2016

Councilman Biro: It was a combined Service and Finance Meeting that met on the 11th this last Monday at 6:30pm. We had a quorum on both committees, myself, Mr. Hallum and Ms. Majka as well as for Finance we had Mr. Plecnik and Ms. Majka for that part of the meeting. Also present was Council President Nancy Fellows, Finance Director Frank Brichacek and Mayor Bob Weger.

Order of business was the purchase of a new 2016 1-ton plow truck with cab chassis that costs \$37,125.00; also being purchased is a stainless steel dump body, salt spreader, plow and accessories. Cost of these will be roughly \$31,710.00.

Current 1-ton truck in poor condition and needs to be replaced. This truck used for plowing City Hall, Community Center parking lots as well as cul-de-sacs around the City.

It takes about 10 to 12 weeks from the time the truck is ordered to when it is delivered and then truck shipped out to have dump body, spreader plow and accessories installed. Should have truck ready to go by winter.

Finance Director Frank Brichacek informed the committees that this truck purchase was included in the 2016 Operating Budget. \$65,000.00 budgeted and shortfall will most likely come from savings in salt purchase. Do not have to out for bid since it qualifies for State Purchasing Program.

Mayor Weger stated that we will have discussions in November about the purchase of another 5-ton plow truck. We need to include in 2017 budget to be ordered next year and received by 2018.

The consensus of the Committees was to forward this issue to Council for ordinance at the July 28th meeting and waive the 3-Reading Rule and adopt to get this ordered as soon as possible.

Public Portion commenced at 6:47pm, Mr. Cihula came forward and had questions about truck and chassis pricing and that point he was the only one; at that point the meeting adjourned at 6:48pm and I'm opened for questions.

President Fellows: Any questions for Councilman Biro? It was a combined meeting and you listed the Finance, so...

Vice President Plecnik: If I could just say, perfect report and I agree with everything as stated but I do want to thank our Finance Director Frank Brichacek for being so prepared to discuss the appropriations.

Councilman Biro: I appreciate knowing that the money is there as part of our budget and we can move forward with this.

President Fellows: Just a minor technicality I also sit on Finance as a member.

Councilman Biro: Oh, that's right.

President Fellows: Any other questions? So I'm going to defer the rest of our Committee Reports and let Mr. Lobe give the Law Director's Report.

LAW DIRECTOR'S REPORT: I do apologize, I left papers at home that I needed so I apologize to everyone in the audience and everybody on Council. So two matters on the Law Director's Report:

(1) I just want to give a little heads-up that there are some issues that will be forthcoming to Council and to the Planning Commission concerning the old Faye Sivazlian property. I am not at liberty to discuss it in detail or general. I had some very, very limited discussions with our Clerk and with our Council President yesterday and we may be even asking with Council's permission may be for some special meetings but we're a little premature on that, I just want to give you a little heads-up and of course that will be up to Council President and your approval if at all. There's some time limitations and it's a piece of property that goes back about...it predates me and I've been here for about twenty years and so there is a long history. Council President remembers some of it, I remember some of it, I think that Vicki remembers some of it, I think that even Mr. Biro remembers some of it, the Mayor remembers some of it but it predates almost everybody on here so that will be forthcoming and I think that it will be an interesting aspect for the City of Willoughby Hills on the eastern part of town.

(2) I will be asking for an Executive Session at a time most convenient for this Council presumably right before adjournment for a time limitation not to exceed 15 minutes. I do not expect any action to be taken thereafter. I will ask that it be for litigation purposes. I will ask for myself, all of Council and the Mayor and hopefully the Council will excuse our Finance Director and our Engineer because I expect no action to be taken. Other than that I am open to questions. Thank you.

President Fellows: Any questions for Mr. Lobe this evening? Seeing none, thank you Tom.

Okay we'll finish up with Committee Reports. I see Councilman Hallum you have a Planning and Zoning Committee of Council scheduled for next Monday, July 18th, correct?

Councilman Hallum: Correct.

President Fellows: And also, I will be mentioning in my Rules and Legislation report but Mr. Fiebig, Councilman Fiebig will be calling a Safety Committee Meeting concerning the temporary signs for Bishop and White Road. And also Councilwoman Majka will be calling a Utilities Meeting for our next Monday before our

last Council Meeting in July; July 25th. I will do Rules and Legislation and then we will go on to other Council Representative Reports.

Rules and Legislation Committee Meeting of July 11, 2016

We began at 6:00pm. All the members of the Committee were present including myself, Vice President John Plecnik, Councilwoman Jan Majka. Also present were Councilmen Biro, Hallum and our Mayor.

Ordinance 2016-35 – An ordinance adopting a tax budget for the fiscal year 2017. This is required by law and must be passed by legislation on or before July 15, 2016. Failure to reply would result in a loss of local government funds. This is a Second Reading. **Rules and Legislation of Council recommends that the Three Reading Rule be waived and this Ordinance be adopted.**

Ordinance 2016-36 - An ordinance authorizing and directing the Mayor to enter into The First Amendment Lease Agreement Renewal (tenant Verizon) with the City. This is one of our original cell towers implemented in ~1987. The current contract expires in 2017. **This will be on First Reading and has been assigned to the Utilities Committee to review the sign-on bonus and contract renewal rates.**

Ordinance 2016-37 – An ordinance where the Mayor requested increases to the Community Center rental fees:

- the City owns various properties and facilities that are available for rent by the general public
- pursuant to the Mayor’s Interoffice Memo to the Council President, Council Clerk, and Council Members, dated May 5, 2016 the Mayor respectfully requested legislation to amend the Community Center and Campbell Park by increasing the rental rates; and
- on July 6, 2016 via email, the Recreation Coordinator notified the Council Clerk that all of the rental rate increases as respectfully requested by the Mayor were not reflected in Ordinance No. 2016-22 that was adopted by Council on June 9, 2016. We will continue to monitor the Recreation Coordinators reports to track the rentals to see if we are losing bookings due to the increases. **The Rules and Legislation Committee of Council recommend that the Three Reading Rule be waved and the Ordinance be adopted.**

Ordinance 2016-38 - An ordinance authorizing and directing the Mayor of the City of Willoughby Hills to enter into an agreement with the Ohio Department of Transportation (ODOT), District 12, for the Bishop and White Road temporary sign project. The entire cost and expense of this improvement will be provided by the ODOT. No financial participation will be required by the City of Willoughby Hills unless any unnecessary improvements (such as a permanent improvement) would be required by the City. Over the years there has been many conversations concerning the safety of this intersection such as the development of a round-about, eliminating the stop signs on Bishop Road to keep traffic moving (as suggested by Councilman Hallum) and to make the temporary sign project from ODOT permanent. On June 9, 2016, at the Regular Council Meeting, Councilman Fiebig asked the Mayor “...so you know how many accidents that we’ve had in that intersection?” The Mayor responded “No, I can find out from our study”. Asking this question again at Rules, the Mayor indicated that there may have been “2 accidents” at this intersection. Just as a reminder, at the June 9th Regular Council Meeting, our City Engineer, Mr. DiFranco, shared “A couple of years ago we did a traffic study at that intersection (White & Bishop) in response to several complaints of delays. But the traffic study found that delays were only occurring in the morning and afternoon rush hours and they have appeared to have stopped since we did the study. So based on the lack of complaints and the cost of the signal we decided not to proceed with the permanent study”. This study was based on delays. The Cody report from the Police Department has indicated that there have been 41 accidents over the years at this intersection. The question should be how to increase the safety for residents and those that traverse this intersection? (After discussion with Councilman Fiebig), it is recommended that this issue be reviewed in a Safety Committee meeting and remain on First Reading.

Ordinance 2016-39 – An ordinance amending Section 1 of Ordinance No. 2016-3 - to comply with state budgetary laws requiring municipalities to maintain positive account balances throughout the year by providing for 2016 operating budget revisions specifically for the Walmart bullet proof vest grant (\$1,000.00) and estate tax collection fees (\$16,300 minus \$2,000 for [\$14,300] Auditor fees). Rules and Legislation Committee of Council recommends the Three Reading Rule be waved and the Ordinance be adopted so that the Fire Chief can move forward with ordering the Bullet Proof Vest.

Items for New Business:

- **Motion to authorize** and direct the Mayor to seek multiple bids for Milling, Chip and Seal, Pavement Markings, and Tack Coat required for the Worrell Road Resurfacing Project.
- **Motion to the declare** the following Fire Department items as surplus: 20 light fixtures (scrap value only – cannot be resold); 40 Supplied Air Respirators Bottles or Air Bottles (SCBA) (scrap value only – cannot be resold); total scrap value estimated to be \$180.00

Public portion opened at 6:23 p.m.

Linda Fulton inquired about signage being posted on Bishop Road when the temporary light is installed. The Mayor responded “that the State, most likely, will be covering this”.

Cheryl Ota inquired why City Hall’s flag was not being flown at half mast, as the Fire Department’s is, as directed by President Obama and Governor Kasich out of respect for the law enforcement officers whose lives were taken by the violence in Dallas, Texas, on Thursday, July 7th, 2016? There was no response. (The Mayor lowered the flag after the meeting adjourned.)

Public portion closed at 6:24 p.m.

COUNCIL REPRESENTATIVE REPORTS

Vice President Plecnik: As Council Representative to the Noise Abatement Council for Willoughby Hills I attended Cuyahoga County Councilwoman Sunny Simmon’s Airport Meeting and Construction Update held yesterday, July 13th. There I had the chance to also talk to Mark Heckroth of CHA who is their Aviation Project Manager and is working very closely on the architectural and the engineering for the airport redevelopment. As we already know there are four phases to the airport redevelopment but we were told at the meeting that Phase I has been substantially completed as of this week which is essentially the regrading and drainage issues for the airport. So they’re still tying up a couple of loose ends but they’ve moved almost 300,000 cubic yards of dirt from one end of Richmond Road to the other. One of the concerns raised by residents at the meeting is what will happen to that giant mound of dirt and apparently it was a \$2,000,000 project savings to simply leave it there; plans are to plant grass seed perhaps to even it a little bit but most of that excess terrain will be left in place for savings.

Phase II was originally scheduled to begin August of this year and it looks like the funding is likely to be approved in the next couple of weeks that said the decision has been made that even if the funding is approved in the next week or so they are going to defer construction for Phase II until next year most likely June 2017. They’re expecting that Phase II will be roughly a 30-day period and that’s probably going to be the most impactful construction for Willoughby Hills residents because we know that there’s going to be a bridge closure in Richmond Heights and there is going to have to be a lot of old paving material taken away from the airport and new paving materials brought in to repave because that’s essentially Phase II is repaving the runway and so we can expect most likely more traffic on Bishop Road as that new material is brought in and the old material is brought out.

Phase III and IV is the EMAS being put into Richmond Heights and Willoughby Hills respectfully. And in all likelihood they’ll be done in 2018 for Richmond Height and 2019 for Willoughby Hills. But there is some possibility Heckroth shared with me that they might try to combine the two and do both of the EMASES which

are essentially, they are almost like truck runway ramps, soft concrete to stop a plane that hasn't been able to slow down sufficiently on a standard runway. They might both be done in 2018 depending on funding and other concerns.

RNC week was a major topic and it's safe to say that as expected it's going to be a noisy week for the airport; we've already been told that we can expect about double the usual traffic but what we learned for the first time is that the Noise Abatement rules that we typically have in place under our agreement with Cuyahoga County Airport and the other surrounding cities and airport users is going to be suspended for RNC week so they are not going to be following the Noise Abatement Agreement for that week. Apparently Homeland Security and Secret Service was fairly insistent that they needed to keep the airport open and accessible at all times. Along those lines Homeland Security is also going to have four helicopters patrolling the airspace of the airport and that's likely to be fairly noisy as well, so if you are hearing something that you've never heard before, it's probably the Homeland Security helicopters that are doing their patrols for the area. It's also the case that the airlines are going to be taking a somewhat different route because they don't want them turning in away where the airplanes are clearly headed towards Cleveland they want to have them fully security checked so the route will be a little bit different as well. So some people might actually notice a little less traffic because the airplanes are all taking a different route. But most people will notice substantially more traffic but understand it's a onetime thing and once RNC week is over we should go back to normally with respect to traffic.

Resident concerns also raised the crush on Bishop Road and asked that Cuyahoga Councilwoman Sunny Simon to consider if there is anything more that could be done. They also considered and raised the concern that after the airport renovation is complete, larger and heavier planes could land; Sunny Simon replied that her commitment was to make the airport safer without increasing the size or the weight of the planes that land. And when asked what the heaviest plane was that currently lands on the airstrip, Global Express replied that their plane which is nearly a 100,000 lbs. is currently the largest plane that lands at the airport and there is no plans for larger aircraft than that to be landing in any regular basis at the airport. Although we assured that with any Federal Airport you can't stop someone from landing a plane and in an emergency circumstances it's conceivable that any sort of plane might land but you'd have an awfully hard time getting a 747 to actually take off again so if you land it there you might never get your plane back in the air again.

But in any event those are the main topics that were covered at Councilwoman Simon's meeting, special thanks to her for taking the time to share an update with us and I stand open for any questions.

President Fellows: Any questions for Vice President Plecnik this evening? Seeing none, thank you John. I think that concludes everything on our Committee Reports unless I missed something.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies

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

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

President Fellows opened Public Portion at 7:29pm.

Ed McKenna – 2963 Lamplight Lane. Maybe have two things that maybe clarify or defines a little bit better in John's report. Okay, Phase II construction that he mentioned they do plan a 30-day closure of the airport but plus they plan 6-weekend closures. The 6-weekend closures are maybe more key because that's the time the asphalt will be delivered to the airport and the resurfaces put on the airport runway. The second thing there are some differences in patterns of landing and take offs from the airport those are really going to occur on the Richmond Road side. Things on the Bishop Road side should be pretty close to normal. But it is true that it is

expected to be more noise, more activity and the Noise Abatement procedures are suspended for that week. That was the first thing, the construction information and I will be open to questions on that after I'm done. The second thing as he gave his report as the Noise Abatement Representative, I was given an email that I would allowed to provide a Noise Abatement Report as part of the Mayor's Report is what was attempted last night or tonight, okay and that was disallowed. If I was out of order in giving that report I think that John was probably out of order in giving a report at all, okay. And I would like...that email is dated June 6th of 2016 from you Nancy so if I was not allowed it was your words that I would be allowed. Okay, so thank you.

Connie and Michael Kline – 38531 Dodds Landing. We had emailed you earlier in the week regarding the Fire ordinances. First of all, thank you so much for providing the ordinance and thank you Council Clerk for providing the entire chapter. And also, this had nothing to do with the fire stuff, but we wanted to thank you for the tree trimming that's going on in our area whoever is responsible for that. Basically it's pretty much a free-for-all when it comes to open burning and outdoors fires where we live. And clearly the current ordinances and the current chapter is much stricter than when we first moved here in 1986. However, for at least a decade, if not a decade and a half regular notices use to be sent around at least once a year; usually twice a year, in the spring and then in late summer going into the fall that basically no open burning was allowed in Willoughby Hills and there was really not much of a problem. It is now literally a free-for-all. The other night, I think it was the 9th, it was late afternoon the whole area and I think that part of the problem is the demographic because or maybe the topography basically because we live in a valley and all of that smoke just collects there, there's no place for it to go. But we were out walking late afternoon, I think that it was July 9th, it was a windy day and we could smell the smoke inside the house but as we were walking back we could actually see the fire and the flames were 3 feet in the air, 4 feet in the air, they were extremely visible. Unfortunately, neither of us had a cellphone to take a picture or we would have brought it. And then this is nothing that is uncommon; we don't know what was being burnt, it was very noxious I have asthma so it's a choking situation for me. We think that the problem is that...and that particular house they are new residents, they are relatively new. But until Jennifer Greer sent us the ordinance and Ms. Savage sent us the actual chapter we were unaware of the intricacies of the law and I can guarantee you most of the residents are unaware of it. So at a minimum I think what needs to be done is that notices periodically go around every year even if you have to shrink this ordinance and include the entire ordinance. You know, nobody is getting permits from the Willoughby Hills Fire Chief, nobody is getting permits from the Lake County Department of Health, nobody is securing...the fire that we saw on July 9th was 20 to 30 feet from the residents itself. Nobody is adhering to a 1,000 feet; you know that 1,000 feet that's in the ordinance itself, that would be a start. You know even when people, if they do, get their permits it doesn't take away from the fact, that you know it's noxious fumes. I wanted to read you just a sentence here that my husband found this is from the OEPA it says studies indicate that even small campfires burning clean wood can omit harmful chemicals. Burning unclean materials can be even more hazardous. For example, when you burn refuse in burn barrels and this is confined, I mean you know what we saw on July 9th was just a conflagration basically or open piles the potential cause to your health, your home, your neighbors in your environment far exceeds the price of adequate collection services. Which brings us to a question and again we're ignorant of this does Willoughby Hills have any type of tree limb collection?

Mayor Weger: We have drop-off across the street.

Connie Kline: We were aware of that and that's, I think that residents are going to say that's...unless you have a truck, if you've got a sizable load that's kind of inconvenient. Would it be possible to make that chipper...you know you have that huge chipper because it was...they just chipped some stuff right in front of our house this morning, I thought that they were taking down a tree I got a little panic stricken. Would it be possible to make that available?

Mayor Weger: We rent the chipper.

Connie Kline: You rent...that's what I thought.

Mayor Weger: Per month.

Connie Kline: You don't own it, yeah.

Mayor Weger: So, no.

Connie Kline: Well, I think a starting point would be, well let me ask you does Republic, Republic doesn't...

Mayor Weger: Offer yard waste, no.

Connie Kline: They don't.

Vice President Plecnik: Someone from the crowd said it; I'm not sure what their official policy is but I will say that I've managed to put a lot of brush in my can and they've always taken it.

Connie Kline: I've seen people that have.

Vice President Plecnik: So, I'm fairly sure that they will take it.

Comment from the audience: Branches cut in 4' lengths and bundled.

President Fellows: Excuse me, we're getting into discussion and that's not what we can do here.

Connie Kline: Okay, well our suggestion is to start at a minimum and this will by no means solve the problem of the burning itself and the chemicals and in my case the difficulty breathing. But a starting point and I hope that you will do this would be to at least once a year if not twice a year make the residents available or make available to the residents this ordinance, if not the entire chapter. You know, ignorance is no defense you know for breaking the law but in this case clearly people are ignorant of the procedure to undertake to be able to burn and what can be burned. It's absolutely a free for all down by where we live. I don't know how it is in the rest of Willoughby Hills but it's terrible where we are. So I thank you so much.

Linda Fulton – 2990 Marcum Boulevard. This question is mainly to Law Director Lobe. I can't even remember when it was but this is in regards to the Personnel Relations Committee and we were working on raises and then we were informed that there could be possibly a union that was going to form and I believe Councilman Plecnik had asked you whether or not if we should proceed knowing that and as far as I know we haven't gotten an answer from you. And there also seems to be some backroom discussion as far whether or not the Personnel Relations Committee is, how do I put it, I just last my train of thought, I'm sorry...that we're not qualified, like even to talk about personnel issues and raises. That we were kind of excluded from discussions from Administration and I know that this is the first time that the Personnel Relations Committee was formed as it is and although it's part of the Charter saying that you could do that I just think that everybody on this Council table should give the Personnel Relations Committee a chance to work at what we're support to be working at. Thank you.

President Fellows: Thanks Linda, anybody else for Public Portion this evening? All right I will close Public Portion at 7:42pm.

UNFINISHED BUSINESS

President Fellows: Did you want to respond to Linda's question?

Law Director Lobe: After everybody else is done.

Vice President Plecnik: Madame President, just to clarify what I requested Mr. Lobe to share with us. Of course, first of all with the potential of a union for various secretarial staff we did ask him who might be part of that union so that we wouldn't look at the raises or have any considerations or look at the job descripts of those people because we are well aware that anything you might do with respect to forming a union could be an unfair labor practice and so you kind of have to back off and let that process play itself out and then go through the union process to resolve those issues. That's my understanding of what the Law Director shared with us so we're still waiting from him and he may simply not be in a position to tell us yet whether or not certain positions are in or out but we did pose a specific question about the part-time police and fire and Police Chief because those are probably out but we would love to have a written opinion from the Law Director saying that is confident on some level or basis that they are. And I believe that Committee Member Chris du Laney had also posed the question as to whether or not under the Charter the Mayor had the authority to grant raises without any ordinance or motion of Council and he was hoping to get a written response there as well. So we're not trying to press the Law Director but just so that Committee Member Fulton's comments and questions are clarified, that's what we've asked Mr. Lobe to share with us whenever his legal opinions are ready. Thank you.

Law Director Lobe: Number one, I don't provide written opinions, I'll just state it here, I haven't done them for 20 years, I'd just rather state them publicly. Number one is, I did share with Council a potential list of individuals that may be in the union. I provided that list to everyone if you recall. Number two is we're still in the process of determining that. At the last meeting I did indicate that I had telephone calls in to I believe Michelle Evans who is the General Counsel for the teamsters, I have had discussions with her; we are in the process, just in the last few days of submitting potential names to the SERB for their determination because there's a determination that they have to have 30% that want it and then who's in the union or not, it is still something to be determined and we have not even gotten the list from the other side yet so all of that is still up in the air. I did tell everybody on this Council and I'll tell everybody in the public, this is going to be a slow process things are not going to be you know on a day to day basis, I have some limited experience in this not many unions are recently formed but I have been in other cities involved in the formation of unions and we're about a year into it and we still haven't even gotten our CBA or collective bargaining agreement in there and even in those cities we're already getting ULPs or unfair labor practices because somebody does something, it's a very touchy situation and my first cautionary comment is to do nothing just because we're still in that area. And we're going to probably in that area for about another...at least two weeks, maybe four weeks, maybe six weeks until we can possibly say. I am a little bit more comforted to say that the part-time police officers will not be in there that much I can go out, it's not a big limb John, but I'm going out on the limb. Even when I did have discussions with the General Counsel which last time I didn't have the liberty or privilege of having; I have had those communications sometime last week that we are both in agreement that they are not. So I can say that the part-time police and the part-time fire would not be. There is an issue concerning the one individual, concerning the a...Jim Ours who has that one position that was specifically indicated in there...

Vice President Plecnik: Community Service Officer.

Law Director Lobe: Community Service Officer. I forgot the CSO, thank you.

Vice President Plecnik: Would you have included the Police Chief?

Law Director Lobe: Oh, absolutely not. The Police Chief would not be.

Vice President Plecnik: Would not be?

Law Director Lobe: Because most Directors as a matter of law, cannot be. Just like the Law Director can't be, okay. Just like the Finance Director can't be. Those are clear legal distinctions that I thought last time but I didn't want to over speak without speaking to the General Counsel for them and we have at least come to some

common ground at least who on the fringes are not. Which I was quite confident but until I talked with her, okay. I have had some conversations with SERB the last few days in fact I had a conversation with Miss Phelps who is the SERB specialist that will be overseeing our particular case. I have had communications and telephone communications with Michelle Evans who is the General Counsel. I did not and I do apologize, I remember taking the note and I didn't do it; the question from the...concerning the Mayor's authority to give raises within the ranges, I do apologize, I do have it on radar John and my Alzheimers or half-heimers must have kicked-in. I didn't prepare it so I apologize that was asked for, I made a note of it and I didn't do it and for that I apologize, I was supposed to get together with the Finance Director. I will say in general and I will give a more detailed report, that the Mayor only did raises only in ranges that Council did set so I am quite confident that what he did was in fact proper. But you do deserve and the question does deserve a more formal answer and a more detailed answer but I can give you that just in a generalized but I know that the Mayor did and I checked with our Finance Director in the interim that all the raises that the Mayor did give that I know that the Personnel Relations has some issues with were legally done within the ranges and there is some history and a lot of tradition on that plus a lot of the audits that have been done in the past, I'm quite confident that it is good but you guys do desire a more formal, more expanded answer and that will be forthcoming and I apologize again but in the interim, I'd ask you to do nothing on those still questionable people. The people who are all out are the Directors, okay; the part-time police, the part-time fire and I am now able to say "go for it".

Vice President Plecnik: Thank you.

Law Director Lobe: I hope that inches forward a little bit and we're still in a lot of gray area. Okay, thank you; open to any questions on that too from anybody and everybody.

President Fellows: Questions? I have a question, Dispatchers because they were aligned with the part-time police that you didn't mention specifically.

Law Director Lobe: Part-time dispatchers also would not be. Okay, I should also report that we have in fact, just because it's due, we have in fact; we're waiting for a notice to commence to negotiate, in fact we sent it out and we've been in touch with some of the unions both police, not fire but service. We've been in contact with their representatives. In fact, the police have a new attorney Andrea Rocco is now taking over for Max Riecker and I've had about two or three conversations with her as to just procedurally how she wants to proceed, how she doesn't want to proceed. Sometimes we do things in a group, sometimes she wants to segregate and she is taking about segregating one of the unions out from the rest and without giving away too much, I don't really care, whatever is going to be best and easiest to get a good and just result for everybody we're probably going to go along with that. I've had those generalized conversations but I don't want to give out specifics. Open again to any and all questions.

President Fellows: All right so, Mr. and Mrs. Kline just a couple things that I would like to share. Council's responsibility is legislation and often times when issues like this come up they are compliant driven. So a neighbor may call because they feel that a resident is doing something that is not legal. And these complaints generally and this particular issue would be given to the Safety Director who is the Mayor and also to the Fire Chief as well. Council has legislated the law aligned with that, that's our responsibility. The other part of this would be Administration's responsibility. I think having notices going out to residents a couple times a year may be a good place to start; that would be Administration's call, not Council's call and there are other venues that we use in our community for information as well. Such as the cable channel and often the Mayor will put out, you know, information from the Mayor so indeed if you feel that something is being violated and you have every right to question it, then especially in this instance and with the way things have been so dry in our community then I would encourage you to make those calls to the Safety Director and the Fire Director and then let them look at it this as breaching any legalities in the City. And if the Mayor wants to comment that or Tom.

Law Director Lobe: I could. Ms. Kline, I don't recall those letters going out, I've been here for twenty years, it may have been, I don't know when it was, if you would like to, I'd love to talk to you about it further. Please give me a call; Tom Lobe, 440-725-5410. I'll catch you at the end, I promise you, okay. That's my all-purpose number you can call weekends, weekdays, weeknights and I don't have any cards anymore, I'm way beyond that, I apologize. I had a million of them when I was younger, and I'll get it to you. Number two, is this would probably be a good issue, we have a new Fire Chief as of about a few months ago, a few days ago, Robert...Bobby DiSanto and it would probably be good for you to contact him also. Okay, great. And the last thing is some of the ordinances and I believe, and I know Vicki, who's our resident expert on all of this, I believe those are online and have been online, you know on the internet, I believe those are online and have been online for years, just so you know and it has been there. I know that Vicki did give a very great and detailed history of it which of course is difficult to do and only she could do it because those aspects aren't online but the general laws are in fact online and have been just so you know, okay. And the Charter and all the ordinances are, those that are codified, I believe those are the ones that we are talking about were in fact codified, yes Vicki?

Council Clerk: Yes.

Law Director Lobe: Vick says yes, so I feel confident to say yes to you, thank you.

Council Clerk: I gave them the originals.

Law Director Lobe: I understand that. Okay, and I'll give to you my phone number later on, but yes we are compliant driven and if there is something, I think that you have to absolutely should and maybe it time we dust off these particular things and look at them so please don't hesitate okay. Thank you.

Councilwoman Greer: The Klines also suggested that they wanted us to look back and see if there were any notes about the history of the ordinance and why they were passed and what was observed at the time and if the notices don't work and there continues to be a problem, perhaps we look at the things that the Klines suggested; what other cities are doing...I'm not sure what else they had suggested but perhaps it's something that we could put into a Safety Committee and look at further. There may be some need for change.

President Fellows: Thank you.

Councilman Biro: Just kind of a note on Mr. McKenna. I personally would've like to heard his report during the Mayor's as an adjunct to the Mayor's but I don't think that's an option now but and I appreciate Mr. Plecnik's report because they're very through and very accurate, I appreciate Mr. McKenna's report also. I think that he has been involved in the community for a long time and I don't think that it's a bad thing to have eyes and ears on a subject like this that is very polarizing in the community so if we can at least in Public Portion if we can allow him a little more may be in terms of time...

President Fellows: I didn't even have the timer on for him.

Councilman Biro: Okay, so that would be appreciated and also if we could get his minutes or his report as part of our correspondence so we can kind of look at that too and the community can have access to that also. So I appreciate that. Thank you.

Councilman Hallum: At our last Council meeting during the Public Portion, Mr. Du Laney had come up and voiced some concerns about being misquoted as having said, he said that he did not say that they had not gotten a lot done on the Personnel Committee and in fairness to everyone I wanted to, I did fine what he actually had said and so I wanted to, in fairness to everyone, let everyone hear what he did say: (Councilman Hallum played the audio from the Regular Council Meeting of June 9th into his microphone) *we had three meetings and we*

hadn't gotten a lot done and that's disappointing. So I just wanted to say he was not misquoted, he verbatim said "we haven't gotten a lot done" so just in fairness that is what was said. Thank you.

Law Director Lobe: I found a card...I don't give them out very often.

President Fellows: Anything else for Public Portion concerns. Thank you, Tom. Any Unfinished Business?

LEGISLATION

Ordinance No. 2016-35- Second Reading

An ordinance adopting a Tax Budget for the fiscal year 2017 for the City of Willoughby Hills and declaring an emergency.

Councilman Biro moved for suspension. Councilwoman Greer seconded.

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

Councilman Biro moved for passage. Councilman Hallum seconded.

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

Ordinance No. 2016-36

An ordinance authorizing and directing the Mayor to enter into the first amendment to lease agreement by and between the City of Willoughby Hills and New PAR d/b/a Verizon Wireless.

President Fellows: This will stay on 1st Reading and will go into the Utilities Committee.

Law Director Lobe: I just want to comment, one thing, I really want Finance to look at this. The language doesn't bother me as much as the finances do. Okay, just want to give a little heads up to everybody. And I've asked that our Finance Director sort of give a financial analysis from what we just somewhat approved to this one and it's across the street and it's a renewal.

Vice President Plecnik: Councilwoman Majka, you haven't scheduled your Utilities Meeting yet, have you?

Councilwoman Majka: We were just discussing that it's going to be held at the end of the month.

President Fellows: But you're on that Committee.

Vice President Plecnik: I am so what I would suggest is that we hold a joint Finance/Utilities meeting that way we could cover both sides of the debate at the same time.

Law Director Lobe: Thank you, there's no big rush, it's like next year and I gave you the heads up that this was coming and with Council President's approval we waited as soon as it was here and just because it's here before you doesn't mean that the Law Department says oh it's great. I want you to look at the numbers, I've asked Frank to help you, give some analysis, look at our old one, there are some signing bonuses and some other things just on the face bother me. I've given Vicki the heads up on that too and Frank and the Mayor and now you've got the heads up too.

Vice President Plecnik: Thank you.

Ordinance No. 2016-37

An ordinance amending Part Nine – Street, Utilities & Public Services, Title Five – Other Public Services, Chapter 941 – Use of Public Property, Section 941.07 – Willoughby Hills Community Center, Sub-Sections (g) and (h) of the Codified Ordinances of the City of Willoughby Hills and repealing conflicting legislation and declaring an emergency.

Councilman Biro moved for suspension. Councilman Hallum seconded.

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

Councilman Biro moved for passage. Councilman Hallum seconded.

Councilwoman Majka: Madame President, I would like to ask the Mayor is this the ordinance 22 that you had referred to earlier in your report? This is 22 rewritten?

President Fellows: Yes. **Councilwoman Majka:** Okay.

Roll call: **YEAS: Majka, Plecnik, Biro, Fellows, Greer, Hallum**
With six affirmative votes, motion passed.

President Fellows: The next ordinance is Ordinance No. 2016-38 this will stay on 1st Reading and go into the Safety Committee.

Ordinance No. 2016-38

An ordinance authorizing and directing the Mayor of the City of Willoughby Hills to enter into an agreement with the Ohio Department of Transportation, District 12 for the Bishop and White Road Project and declaring an emergency.

President Fellows: Thank you. The next one is Ordinance No. 2016-39.

Ordinance No. 2016-39

An ordinance amending Section 1 of Ordinance No. 2016-3-AMENDED to comply with state budgetary laws requiring municipalities to maintain positive account balances throughout the year by providing for 2016 operating budget revisions specifically for the Walmart bullet proof vest grant and estate tax collection fees and repealing conflicting legislation.

Councilman Biro moved for suspension. Councilman Hallum seconded.

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

Councilman Biro moved for passage. Councilman Hallum seconded.

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

NEW BUSINESS

Councilman Hallum moved to authorize and direct the Mayor to seek multiple bids for milling, chip and seal, pavement markings and tack coat required for the Worrell Road Resurfacing Project. Vice President Plecnik seconded.

Roll call: **YEAS: Majka, Plecnik, Biro, Fellows, Greer, Hallum**

Motion passed.

Vice President Plecnik moved to declare the following Fire Department items as surplus: 20 light fixtures (scrap value only – cannot be resold); 40 SCBA bottles (scrap value only – cannot be resold); total scrap value estimated to be \$180.00. Councilman Hallum seconded.

Roll call: **YEAS: Majka, Plecnik, Biro, Fellows, Greer, Hallum**

Motion passed.

Councilman Hallum moved to adjourn into Executive Session for 15 minutes following “For the Good of the Community” inviting all of Council, the Law Director, the Mayor and excusing the Finance Director and the Engineer. Councilman Biro seconded.

Roll call: **YEAS: Majka, Plecnik, Biro, Fellows, Greer, Hallum**

Motion passed.

FOR THE GOOD OF THE ORDER

President Fellows: I will say that if you haven’t noticed that on the front sign on the street, that there now is a line that says Council meets on the 2nd and 4th Thursday of the month and I thank Gloria Majeski for helping to have that done.

FOR THE GOOD OF THE COMMUNITY

Vice President Plecnik: Two quick items, first if I could share St. Vitus Church is having its annual picnic at Slovenska Pristava this Sunday. My Aunt Linda is the chief; I’ll be volunteering as I do every year and it’s one of the events at the Pristava where there’s no gate fee or parking fee. So if you’re ever wanted to see Slovenska Pristava now would be the perfect time to come out this summer and enjoy. And to take you a little further away from Cleveland, where we’re going to have, is my second item, quite a bit of traffic issues as part of the discussions with my employer Cleveland State I just want to share with residents that during RNC week if you haven’t already seen the restrictions between 9th Street and West 3rd; 90 is going to be reduced to one lane most of the day and between 8:00am and 2:00pm 90 will be entirely shut-down between those two points. There’s also going to be some restrictions on I-77 as well. So you can expect not only added traffic but due to the highway closures and limits you’re going to see considerable difficulty getting through Cleveland and into Cleveland. So if you are there for the celebrations do the best you can but otherwise you might want to plan your trip a little bit further outside of the RNC cycle but stay safe this week. Thank you.

Councilman Hallum: I just want to remind everyone to mark your calendars for September 11th. That is, the Recreation Department is planning our Unity Day at the VFW here in Willoughby Hills. More details will be following. There is...some flyers are getting created and should be out soon as well as some signage but please mark your calendars it’s a great day to get to know some other people in your community. Thank you.

President Fellows: And just for the community to know that the Republican Party is having a Watch Party on Thursday, this next Thursday at the Captain’s Stadium. So the stadium will be open, all the vendors will be there. There is a nominal fee to get in; there will be activities, baseball games, fireworks and the screen will have the convention on. So if people want to come to the stadium and see the convention there then they can do that as well. Lake County is hosting that.

Councilman Biro: I just wanted to in reference to the RNC, you know, I spent some time downtown last weekend and it was...it was amazing. The transformation that our City has gone through. And it’s my hope

