

City of Willoughby Hills

President Fellows: Good evening everyone, if there no objection from Council, I'll have the Mayor present the certificates of achievement prior to calling the meeting to order so there is no feeling of obligation for any of you to stay for the Council Meeting.

Upon reading a news article that came out of Columbus, the Mayor presented the members in attendance from the Cornerstone Christian Academy (WH Friends Church) with certificates of achievement and with coins as special recognition from the Mayor's office and stated that a sign will be going up, as our first Willoughby Hills champion and we're going to put the sign out at the street, out by the school.

Regular Meeting of Council

Minutes of May 12, 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, May 12, 2016 at 7:08pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

Councilman Fiebig moved to excuse Councilman Christopher L. Biro. Vice President Plecnik seconded.

YEAS: **Unanimous.**

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

DISPOSITION OF THE JOURNAL

President Fellows: The next order of business is the Disposition of the Journal, Regular Council Meeting Minutes for April 28, 2016.

Councilman Fiebig moved to accept the Regular Council Meeting Minutes of April 28, 2016. Councilwoman Majka seconded.

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

With six affirmative votes, motion passes.

COMMUNICATIONS

President Fellows: Due to the amount of legislation that we have on the docket this evening, I am not going to ask the Clerk to read Correspondence, Notices, and Minutes as they will be listed in the Journal as they are presented on this agenda.

Councilman Fiebig: Without objection.

President Fellows: Without objection, thank you.

CORRESPONDENCE

Email: Fred Wyss to the Members, Mayor, Gloria Majeski, Law Director, City Engineer dated May 3, 2016 re: Letter: Mary Kostansek

Letter from Mary Kostansek to Mayor Robert Weger; cc'd to the Members of Council, dated April 28, 2016 re: Misuse of Residential Property (Emailed: May 2, 2016)

City Engineer's Report dated May 5, 2016 (Emailed: May 5, 2016)

Email: Gloria Majeski to Members of Council, Council Office, Law Director Lobe, Frank Brichacek, Willoughby Hills Finance Department, Fred Wyss, Mark Grubiss, Kevin Trepal dated May 5, 2016 re: Willoughby Hills City Engineer's Report

Email: Pietro DiFranco to Gloria Majeski, Mayor, Members of Council, Council Office, Law Director, Frank Brichacek, Willoughby Hills Finance Department, Fred Wyss, Mark Grubiss, Kevin Trepal, dated May 5, 2016 re: Willoughby Hills City Engineer's Report

Email: Gloria Majeski to Members of Council, Council Office, Law Director, Frank Brichacek, Willoughby Hills Finance Department, Mark Grubiss, Kevin Trepal, Willoughby Hills Building Dept., Willoughby Hills Finance Dept. dated May 5, 2016 re: Willoughby Hills City Engineer's Report

Email: Gloria Majeski to Members of Council, Council Office, Law Director, Frank Cihula, Mayor, dated May 6, 2016 re: Resignation Letter from Planning and Zoning Member Joe Zawatski

Mayor's Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month ended April 30, 2016 (Emailed: May 10, 2016)

Email: David Fiebig to Council Office dated May 2, 2016 re: COPS Grant Hiring Program

Email: Council Office to the Members of Council dated May 2, 2016 re: COPS Grant Hiring Program

Email: Gloria Majeski to Mayor, Willoughby Hills Recreation Dept., Recreation Commission, Members of the Recreation Commission dated May 5, 2016 re: Commendation

Email: Willoughby Hills Recreation Dept. to Gloria Majeski, Mayor, Members of the Recreation Commission dated May 5, 2016 re: Commendation

Email: Gloria Majeski to Willoughby Hills Recreation Dept., Mayor, Members of the Recreation Commission dated May 5, 2016 re: Commendation

Email: Jennifer Greer to Council Office dated May 8, 2016 re: Commendation

Email: Council Office to Members of Council dated May 9, 2016 re: Commendation

Email: David Fiebig to Council Office dated May 10, 2016 re: May Community Lunch Program Announcement at First Covenant Church

Email: Council Office to the Members of Council dated May 10, 2016 re: Community Lunch Program Announcement at First Covenant Church

NOTIFICATIONS

Board of Building and Zoning Appeals Public Hearing Notice for Case No. 2016-2 scheduled for May 10, 2016 (Emailed: May 3, 2016)

Finance Committee Meeting of May 9, 2016 (Emailed: May 3, 2016)

Personnel Relations Meeting of May 9, 2016 (Emailed: May 3, 2016)

Planning & Zoning Commission and Architectural Board of Review Meeting of May 5, 2016 (Emailed: May 3, 2016)

Rules and Legislation Meeting of May 9, 2016 (Emailed: May 3, 2016)

MINUTES

Finance Committee Meeting of April 11, 2016 (Emailed: May 10, 2016)

Personnel Relations Committee Meeting of April 11, 2016 (Emailed: May 10, 2016)

Rules and Legislation Committee Meeting of April 11, 2016 (Emailed: May 10, 2016)

ADMINISTRATION REPORTS & COMMUNICATIONS

Provided is the Mayor's written report:

Fire Chief applicant interviews nearly complete – final cut should be made tomorrow, then I will request Council's approval at their 5/26/16 Council meeting for a start date of June 1st for the candidate. Fire Chief Harmon's last day is Friday, May 20th.

Welcome to Avalon Adult Day Care – ribbon cutting done today.

Congratulations again to the Cornerstone Christian Academy on their championship basketball accomplishments.

Congratulations to all high school and college seniors on their graduations this month.

Thanks to Civil Service Commission members Tom Kicher, Carolyn Patton, Tom Majeski and Russell Twp. Trustee/Firefighter Gary Gabram for their hard work in the candidate interviews. I appreciate their time and talent to accomplish this difficult decision.

Lake County Senior Day – Great Lakes Mall on Tuesday, May 17 from 8:30am to 2:30pm.

Lakeland's Sunshine Law Course set for Wednesday, May 18 from 1 to 4:15pm. Encourage attendance for any new Board or Commission Members or Council Members.

Veterans affiliated with American Legion Post 214, American Legion Auxiliary Unit 214, and Sons of the American Legions Squadron 214 of Willoughby will be having a Commemorative Walk called "Rockin the Walk" to support the heroic veterans residing at the Ohio Veterans Home in Sandusky. The 70-mile walk across scenic Route 6 will begin at the American Legion Post in Willoughby and end at the Ohio Veterans Home in Sandusky. They will be coming through on City on Thursday, May 19, 2016, arriving at Pat O'Brien Chevrolet at approximately 9am. All are welcome to greet them.

Chagrin River Watershed Partners meeting set for Thursday, May 19th from 4 to 6pm at WH Community Center. This is open to the public.

Memorial Day Ceremony set for Monday, May 30, at 11am at the Gazebo.

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

President Fellows: The Finance Director is out of town; Mr. Mayor do you have anything that you would like to report for him?

Mayor Weger: No, I don't.

President Fellows: Next item on our agenda is our City Engineer's report, Mr. DiFranco.

CITY ENGINEER DI FRANCO: Thank you, no formal report but I'm open to questions.

President Fellows: Thank you, are there any questions for our Engineer this this evening?

Councilman Fiebig: Madame Chair, I have one, Pete what was the largest factor that raised the Route 91 estimate?

City Engineer DiFranco: It was a combination of things. In speaking with the County Engineer's office they felt that Chagrin Valley's estimate was conservative; it also included a lot more pavement repair than they anticipate so it's got a lot of contingencies in it but they are expecting bids to come in lower due to the construction climate.

Councilman Fiebig: Okay, so we still may based on your estimate, we still may come in a little lower than that based on the climate then.

City Engineer DiFranco: Yes

Councilman Fiebig: Good, all right.

President Fellows: Thank you, any other questions for our Engineer? I apologize Mr. Lobe.

LAW DIRECTOR LOBE: I have one matter on behalf of the Administration we will be bringing forward two ordinances hopefully which will be for two separate contracts for two separate cell towers. I know that the tower company already made a presentation to this Council so it's not something that you're getting caught off guard on. The two pieces of legislation will effect property at the grange and the other will be for the West Miller property. This still has to go as you know through Planning Commission but we would like to at least get the contracts the legal and the ordinance aspect of it running parallel so they can possibly, if they get approved by Planning and that would be, everything would have to be potentially on them but if we could run through the 3-Readings and at least run through it so at least at the same time hopefully by July or August it was captured, if everything goes good and subject to your approval of course that they could capture part of the construction season. As you know, the one that they've just made up, they are just starting to make presentations, they are just starting to do their due diligence with Planning and they're going to present both at the same time and I would like to have two ordinances that run here, just so that they run parallel but of course I would not expect you to vote on it just in case things get delayed in Planning or until such time so that will hopefully be on the next one and I've talked to the Clerk about it and so hopefully she will be getting the two ordinances that we've got one already. So, okay, thank you. Any questions?

Councilman Fiebig: Just one, same company, two locations?

Law Director Lobe: Same company that was part of the things that they presented; they made their presentation primarily for the grange property but part of the attention at least with the Administration, I brought it forward as footnote almost as if they could possibly do a second one okay and that was with the West Miller property and they did in fact come through with it so they are presenting both.

Councilman Fiebig: And Tom where do we stand with the revised contract for the existing one?

Law Director Lobe: Basically aligning these two first that one has to be done by June of next year so they're quite anxious through Mr. Fiebig, they are quite anxious to do it and we're anxious too. But ah, we're playing a little bit of everybody against the middle and against themselves while trying to get two new ones in here. I have sent it around to Administration, I've told you guys about it and at this time all we really have is some letter of understanding but they are anxious to start negotiating. So after that one, we will probably do that one next because we have a little time, that one will be coming down the pike also.

Councilman Fiebig: Okay.

President Fellows: Thank you Tom. Any other questions?

Councilman Plecnik: Madame President when we had the presentation from the cell company they indicated that they were opened, particularly with the grange property to doing one of the artificial tree cell towers is that the plan they have going forward?

Law Director Lobe: That's correct, at least at the grange and I had some other informal discussions with them and I said at the other one, I said you know that is very expensive and they were sort of they are baulking a little bit at the second site because I told them....because they said point blank, you know you already promised Council but you represented that it would be some type of trees and that Vicki's got them, multiple copies of the trees and some of them look good and some are okay; we don't know which one we're getting, we're let Planning do their own planning department but they have committed to that I requested the same at the other site but if I have to, let's do one at a time I will be recommending and I will be praying and hoping that they would do it but they keep coming about cost, cost, cost and there is a significant cost from the traditional antenna looking thing to a tree, a flag or whatever. We're going to try for both but at this time they are baulking at the second one, subject to further negotiation. Thank you.

President Fellows: Any other questions for the Law Director? Thank you Tom. Next on the agenda is Committee Reports.

COMMITTEES OF COUNCIL

President Fellows: So Finance had scheduled a meeting this week unfortunately there was no quorum so Vice President Plecnik could not follow through with that meeting. The other one, Vice President Plecnik, would you like to report on Rules and Legislation and I thank you so much for filling in for me.

Councilman Plecnik: Your very welcome Madame President. I had two committee meetings on this Monday, May the 9th and I would like to hit them in order. Personnel Relations was the first, Rules and Legislation was the second where I served as acting Chair and I will try to be brief. The minutes are more detailed than what I will read today but in Personnel Relations we had two pieces of legislation that were referred to us by the Council President, Ordinance No. 2016-17 which is what we would refer to as the vacation pay ordinance dealing with whether or not employees who retire shall be paid for their unused vacation and Ordinance No. 2016-20 which was the Mayor's proposal for an across the board 3% raise for non-union employees and the Committee recommended as to the vacation pay ordinance that it be left on second reading and it was picked up in Rules and Legislation which I'll discuss later. With respect to 2016-20 Personnel Relations unanimously voted to table the ordinance given that the Mayor had already given a 3% or other sized raise to most of the non-union employees and we felt unanimously that it was outmoded and instead we should recommend to our Council Clerk to draft an ordinance that gave a 3% raise to the non-controversial employees, the ones where there is wide-spread agreement on Council that there should be a raise of that size that way we're treating them equally to the other employees that the Mayor unilaterally gave a raise to and specifically we requested the Clerk to draft an ordinance for a raise for the Fire Chief, an ordinance for a raise for the Part-time Fire Fighters, an ordinance for a raise for the Police Chief and an ordinance for a raise for the Part-time Police Officers.

The meeting was called to order at 6:30pm, but Public Portion opened at 6:57pm. Councilman Hallum stated his concerns for not immediately passing 2016-17 because the Fire Chief might choose to simply take his vacation which would result in an additional cost to the City. Mr. Frank Cihula, Chair of our Board of Zoning Appeals inquired as to which of us were against raising salary ranges to which our Committee Member Du Laney noted that he objected principally to raising salary ranges but that he wasn't opposed to raising them for good reason. Our Police Chief Chris Collins shared with us that the Mayor had given a 3% raise to twelve non-union employees who had room for the raise in their salary range, a partial raise to 5 non-union employees up to their respected salary range limits. But five non-union employees had received nothing of which he was one. Councilman Biro had made the comment that our City is running lean and mean and that we need to show non-union employees is that we value them and their hard work by giving them a raise and he suggested the

possibility of a 2% retroactive raise instead of a 3% raise. I replied to Councilman Biro by asking what about a taxpayer, supposedly our motto is “Residences First” and is it us not valuing our friends and neighbors because we failed to cut sewer fees, property taxes, and income taxes. I also addressed Chief Collins and expressed concern that the Mayor would unilaterally grant 3% raises to non-union employees without Council knowing given that he knows Personnel Relations is hard at work evaluating the proposal and I had also expressed concern that our Police Chief noted that our salary ranges are out of portion and that we need to get our salary ranges back in line. Mr. Cihula was the last to speak and he repeated his concern that salary ranges need to be increased for inflation. Public Portion closed at 7:08pm. And that was actually the period that we voted on the recommendation for Tabling the Mayor’s proposal and the meeting adjourned at 7:25pm.

Provided are the written meeting minutes for the Personnel Relations Committee Meeting held on May 9, 2016:

Personnel Relations Meeting of May 9, 2016

Called to Order: 6:30pm

Committee Members: Vice President John Plecnik, Chair, Chris du Laney, Linda Fulton, Greg McCarthy

Absent: Pamela Kurt

Also Present: Councilman Christopher L. Biro, Councilman Christopher Hallum, Councilwoman Janet R. Majka, Mayor Robert M. Weger, Finance Director Frank Brichacek, Law Director Thomas G. Lobe, Police Chief Christopher Collins, Service Superintendent Mark Grubiss

Chairman Plecnik announced that the order of business is to consider two ordinances proposed by the Mayor that were referred to the Committee for consideration by **Council President Fellows**. **Chairman Plecnik** also shared that **Committee Member Kurt** was under the weather and regretted that she was unable to join the Committee this evening.

ORDINANCE NO. 2016-17 – SECOND READING

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS, SECTION 157.05 – VACATIONS, BY THE ADDITION OF SUB-SECTION (i) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Chairman Plecnik shared that he and **Council President Fellows** agreed that this ordinance was unnecessary, because their read of Section 157.05 is that the City is already allows for a cash payment for accumulated vacation days on retirement. **Finance Director Frank Brichacek** noted his disagreement, and so **did Law Director Tom Lobe**, who added that his opinion and the Finance Director’s opinion are the most important. **Frank Cihula**, Chair of the Board of Zoning Appeals, noted that in his thirty-two years of service, he was given a very good piece of advice by Barry Byron, which was to always have a clear source of authority to spend City funds lest one be accused of illegally doing so. **Chairman Plecnik** added that this proposed ordinance does more than clarify that vacation pay can be cashed out on retirement. It also gives the Mayor discretion to grant or deny vacation pay and force employees to take vacation days. **Chairman Plecnik** expressed concern that this element of discretion could be used in a discriminatory way, or that employees might perceive denials as discriminatory, ending in lawsuits and their resultant costs to the City. **Law Director Tom Lobe** replied that law suits are speculative. **Chairman Plecnik** replied that law suits are possible anytime you introduce unfettered discretion and he saw no reward for adding the new risk.

Chairman Plecnik invited a motion for a recommendation on Ordinance No. 2016-17. **Committee Member du Laney** made a motion to recommend passage of Ordinance No. 2016-17, but the motion failed for lack of a second.

Chairman Plecnik invited a second motion. **Committee Member Fulton** moved to recommend leaving Ordinance No. 2016-17 on second reading, and **Committee Member McCarthy** seconded. **Chairman Plecnik** and **Committee Members Fulton and McCarthy** voted Aye. **Committee Member du Laney** voted Nay. The motion passed 3-1.

ORDINANCE NO. 2016-20 – SECOND READING

AN ORDINANCE AMENDING PART ONE ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS, SECTION 157.01 – COMPENSATION OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Chairman Plecnik noted that several City employees were in attendance and may wish to speak on **Mayor Weger's** proposal for a three percent across-the-board raise for non-union employees, so planned to open public portion before a vote on recommendation.

Discussion After Public Portion

Chairman Plecnik noted that Ordinance No. 2016-20 was outmoded because the Mayor had acted unilaterally to grant raises to many of the employees in the ordinance, so he recommended that the ordinance be tabled and replaced by four ordinances to address the raises for non-union employees on which there was wide-spread agreement. **Chairman Plecnik** asked for a motion to recommend that Council table the Mayor's proposal for a three percent across-the-board raise for non-union employees and have the Council Clerk draft (1) an ordinance allocating a three percent raise to the Fire Chief, (2) an ordinance allocating a three percent raise to the part-time firefighters, (3) an ordinance allocating a three percent raise to the Police Chief, and (4) an ordinance granting a three percent raise to the part-time police officers.

Committee Member Fulton asked if we might consider a two percent raise for the Police Chief instead of a three percent raise so that he would not be at the top of his salary range. **Chairman Plecnik** suggested that the issue of the Police Chief's salary range should be revisited, but for now, he supports a three percent raise.

Committee Member Fulton made a motion to recommend that Ordinance 2016-20 be tabled and replaced with four ordinances allocating a three percent raise to the Fire Chief, part-time firefighters, Police Chief, and part-time police officers, respectively. **Committee Member du Laney** seconded the motion. The **Chairman and every Committee Member** voted Aye. The motion passed 4-0 unanimously.

Public Portion Opened at 6:57 p.m. **Councilman Hallum** stated that by recommending against immediate passage of Ordinance No. 2016-17, the Personnel Relations Committee potentially cost the City a month's worth of the Fire Chief's salary. **Frank Cihula**, Chair of the Board of Zoning Appeals, asked which Committee Member was against raising salary ranges. **Committee Member du Laney** noted that he was the one who objected to raising the salary ranges at the last Committee meeting. **Mr. Cihula** replied that salary ranges need to be increased just like salaries to account for inflation, and that it would be unfair not to increase the ranges for inflation. **Committee Member du Laney** explained that he was not against raising salary range, but against raising them without a very good reason. **Police Chief Chris Collins** shared that this was the first time he came to speak for himself at a Council Committee meeting in his sixteen years of service. **Chief Collins** expressed that he felt that long-term employees were getting caught in the middle of disagreements, and that non-union employees had not gotten an across-the-board raise in two years. **Chief Collins** stated that **Mayor Weger** had unilaterally given a three percent raise to the twelve non-union employees who had room for that raise in their salary range and a partial raise to five non-union employees up to their respective salary range limits. However, he was among five employees at the top of their salary range and had received nothing. He added that the salary ranges in Willoughby Hills are very much out of proportion to the salary ranges in comparable cities. **Chief Collins** conceded that money is tight and that everyone wants a raise, but respectfully

asked the Committee to consider the issue. **Councilman Biro** made the comment that the City is running lean and mean, and that we need to show the non-union employees that we value them and their hard work by giving them a raise. **Councilman Biro** suggested giving a two percent retroactive raise instead of a three percent raise. **Chairman Plecnik** replied by asking what about the taxpayer? Supposedly the motto of our Mayor and City Hall is “Residents First.” Do we not value our residents and neighbors because we fail to cut their sewer fees, property taxes, and income taxes? **Chairman Plecnik** also addressed **Chief Collins**, and expressed concern that the Mayor would unilaterally grant three percent raises to non-union employees behind Council’s back, when he knows that Personnel Relations is hard at work evaluating his proposal. He also expressed concern that our Police Chief noted that our salary ranges are out of proportion, and stated that this Committee must review those ranges to get them back in line. **Mr. Cihula** repeated his concern that salary ranges need to be increased for inflation. **Public Portion Closed at 7:08 p.m.**

Rules and Legislation was called to order at 7:29pm. And I will note for Personnel Relations that all members were present save Pamela Kurt who sent her regrets, she was feeling under the weather.

With respect to Rules and Legislation all members present, save our Council President who had asked me to sept in for her as acting Chair for the meeting. What I’ll do is go through each ordinance and give the recommendation that Rules and Legislation had provided.

On Ordinance No. 2016-11 which is on 3rd-Reading the Council voted to recommend adoption. On Ordinance No. 2016-12 also on 3rd-Reading the Committee voted to recommend adoption. Mayor Weger added that the additional cost to paint the truck because this is the ordinance to purchase the large truck for the Service Department, would have been an additional \$399.00 had we gone with the blue coloration but his Administration re-thought the expense and opted to paint the truck black at no additional expense so that was a little positive.

On Ordinance No. 2016-14 which is on 2nd Reading, Council recommended that we leave it on 2nd Reading and I had noted that the Council Clerk had requested it because there were still some corrections that needed to be made to the sewer system regulations.

Ordinance No. 2016-15 which is our City Engineer’s contract the Committee voted to recommend waving the 3-Reading Rule and adopt. I noted our gratitude to our City Engineer for his hard work and Councilman Biro seconded that sediment.

Ordinance No. 2016-16 is our ordinance with respect to the SOM Center Road Project which we referred to earlier tonight and we recommended that it stay on 2nd Reading.

Ordinance No. 2016-17 also on 2nd Reading. This was once again the vacation pay ordinance. We had considerable amount of discussion about it and given the concerns expressed by our Law Director and Finance Director as well as Councilman Biro I pledged to have the Council Clerk draft a simple fix to the ordinance that would clarify it without adding any additional language for discretion to the Mayor or otherwise which simply would make it clear that we will pay out to retiring employees amounts for unused vacation and we do have that new ordinance ready for tonight to consider.

On Ordinance No. 2016-18 which is on 2nd Reading the Committee recommended that we stay on 2nd Reading.

Ordinance No. 2016-19 as well as 18 are related they are both amendments and updates for environmental law that are recommended by the Chagrin River Watershed Partners and we have a representative from the Chagrin River Watershed Partners who is tentatively scheduled to join us for our next series of Monday Committee

meetings so we thought it prudent to remain on 2nd Reading so that we could discuss these two very important amendments with the expert.

Ordinance No. 2016-20 which was the Mayor's proposal for an across the board 3% raises for non-union employees; the Rules and Legislation Committee agreed with the recommendation of the Personnel Relations and voted to recommend tabling that ordinance and moving forward with four new ordinances for the Police Chief, Fire Chief and part-time Police and Fire Fighters.

Ordinance No. 2016-20 the Committee voted to recommend waving the 3-Reading Rule and adoption. This is our rock salt ordinance we're simply trying to get into the future's market...

President Fellows: John your off...

Councilman Plecnik: Oh, Ordinance No. 21 excuse me, was the rock salt ordinance, I misspoke on the heading.

Ordinance No. 2016-21 was the rock salt ordinance which we recommended waving and adopting.

Ordinance No. 2016-22 is an update to our community center rates and rentals fees as well as rental fees for Campbell Park as recommended by our Recreation Coordinator. We decided to leave it on 1st-Reading in case the Recreation Committee of Council wanted to review it or any if any residents had concerns.

Ordinance No. 2016-23 which is the ordinance authorizing the OhioCheckbook.com. The Committee voted to recommend waving the 3-Reading Rule and adopting. We're aware that the Administration is already moving forward and we want to make sure that we have, you know, Council's authorization and support on the record immediately so we recommended waving the 3-Reading Rule and adoption.

Lastly we had Resolution No. 2016-8 which is a Resolution authorizing the filing of a grant for the tennis court repairs and declaring an emergency and the Committee voted to recommend waving the 3-Reading Rule and adoption.

In Public Portion we had two residents come to speak on 8:08pm. Frank Cihula the Chair of our Board of Building and Zoning Appeals stated that our budget documents on the City website are searchable for key words through Adobe Acrobat and Cheryl Ota of 2960 Marcum Boulevard asked why we don't charge for the use of City tennis courts; she noted that they were just repaired two years ago and we keep spending money on them and she also asked if this was the first time in the history of City that a Fire Chief has retired with unused vacation days and she was in disbelief that we did not consider these issues before and wondered why it is an emergency now.

Public Portion closed at 8:11pm and the meeting also adjourned at 8:11pm. I stand open to questions and corrections. I know that there was quite a lot of legislation on the agenda and there is tonight.

President Fellows: Thank you Vice President Plecnik are there any questions for him?

Councilman Fiebig: Just one. I'm confused about 24, 25, 26 and 27, you did not review them in Rule and Legislation, is that right?

Councilman Plecnik: That's correct because they were drafted after Rules and Legislation upon the Committee's recommendation.

Councilman Fiebig: Yes, that's what I saw, okay.

Councilwoman Greer: Councilman Plecnik, you went over 2016-17 but you did not state the recommendation.

Councilman Plecnik: Oh, well the recommendation was the same as the Rules and Legislation if I failed to or excuse me, Rules and Legislation recommendation was the same as Personnel Relations if I failed to mention it before which was to leave it on 2nd Reading but to have another ordinance prepared that Council could consider which would be a simpler fix because there was concern on my part and I think on Councilwoman Majka's part that there was added discretion where the Mayor actual had the authority to approve or disapprove the vacation pay. My concern was that anytime you give sole discretion to a manager or an employee there's always the possibility that it will either be used in a discriminatory fashion or that an employee who feels that they were treated unfairly alleges that it was used in a discriminatory fashion and to the best of my knowledge no one articulated what the award was for that risk. Because obviously it stands a risk, I think that there had to be some articulation of why we would want this discretion and at least I wasn't satisfied that it had been made and given the importance of moving forward quickly on this because the Fire Chief is retiring now and we have to address his individual situation our thought and the Committee's recommendation was to pass a simple fix. If we still think that more discretion or other changes to the statute should be added and Councilman Fiebig expressed to me that may be there should be a cap on how many vacation days should be paid out. Those things are valid proposals and considerations but just something that we should take time and consider and if we need to do a quick fix now it should be a very simple one that we can all agree on and if we are going to substantively amend the statute going forward I think that's something that should go through the full committee process and 3-Readings which we don't have time for right now given the Fire Chief's imminent retirement.

Provided are the written minutes for the Rules and Legislation Committee meeting held on May 9, 2016:

Rules and Legislation Meeting of May 9, 2016

Called to Order: 7:29pm

Committee Members: Vice President John Plecnik, Chair, Councilwoman Janet R. Majka

Absent: President Nancy E. Fellows

Also Present: Councilman Christopher L. Biro, Councilman Christopher Hallum, Mayor Robert M. Weger, Finance Director Frank Brichacek, Law Director Thomas G. Lobe, City Engineer Pietro A. DiFranco

ORDINANCE NO. 2016-11 – THIRD READING

AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE THREE – UTILITIES, CHAPTER 925 – SEWERAGE SYSTEM REGULATIONS, SECTION 925.06 – FEES, SUB-SECTION (c) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

Committee voted to recommend adoption.

ORDINANCE NO. 2016-12 – THIRD READING

AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO SECURE THE PURCHASE OF A 2016 GMC 3500HD PICKUP THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING AGREEMENT CONTRACT WITH SAID PURCHASE BEING EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 125.04(C) OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY.

Committee voted to recommend adoption.

Mayor Weger noted that the additional cost to paint the truck purchased by Ordinance No. 2016-12 blue would have been \$395. However, his administration rethought the expense and decided to paint the truck black at no additional expense.

ORDINANCE NO. 2016-14 – SECOND READING

AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE THREE – UTILITIES, CHAPTER 925 – SEWERAGE SYSTEM REGULATIONS, SECTION 925.02 – DEFINITIONS AND SECTION 925.22 – HAULER PROHIBITIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

Committee voted to recommend a second reading.

Vice President Plecnik noted that additional corrections to Ordinance No. 2016-14 so the Council Clerk asked that it be left on second reading.

ORDINANCE NO. 2016-15 – SECOND READING

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT MODIFICATION AGREEMENT BY AND BETWEEN CITY OF WILLOUGHBY HILLS, OHIO AND RICHARD L. BOWEN + ASSOCIATES, INC.; REPEALING ANY AND ALL CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Committee voted to recommend waiving the three-reading rule and adoption.

Vice President Plecnik noted how grateful the City was to our City Engineer Pietro A. DiFranco for his hard work. Councilman Biro agreed.

ORDINANCE NO. 2016-16 – SECOND READING

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 ROUTE 91 RESURFACING PROJECT; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Committee voted to recommend a second reading.

ORDINANCE NO. 2016-17 – SECOND READING

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS, SECTION 157.05 – VACATIONS, BY THE ADDITION OF SUB-SECTION (i) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Committee voted to recommend a second reading in line with the recommendation of the Personnel Relations Committee.

Law Director Tom Lobe expressed that Fire Chief Rich Harmon's resignation surprised everyone and joined Finance Director Frank Brichacek in asking that Council Members reconsider rejecting Ordinance No. 2016-17. In response, Vice President Plecnik explained that Council Members did not object to clarifying that retiring employees are entitled to be paid for their vacation; however, Members did object to giving the Mayor discretion to decide which employees get the vacation benefit in his sole and absolute discretion. Vice President Plecnik promised to have the Council Clerk draft a simple fix in time for Thursday's meeting which clarified that employees who retire are entitled to be paid for their vacation without granting the Mayor new powers or otherwise amending the ordinance.

ORDINANCE NO. 2016-18 – AMENDED - SECOND READING

AN ORDINANCE AMENDING PART THIRTEEN - BUILDING CODE, TITLE THREE - LOCAL BUILDING PROVISIONS, CHAPTER 1367 – STORM WATER MANAGEMENT OF THE CODIFIED

ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY CONFLICTING LEGISLATION.

Committee voted to recommend a second reading.

ORDINANCE NO. 2016-19 – AMENDED - SECOND READING

AN ORDINANCE AMENDING PART THIRTEEN - BUILDING CODE, TITLE THREE - LOCAL BUILDING PROVISIONS, CHAPTER 1369 - EROSION AND SEDIMENT CONTROL OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

Committee voted to recommend a second reading.

Vice President Plecnik noted that Ordinances 2016-18 and -19 are related, and reflect updates to our environmental law that are recommended by the Chagrin River Watershed Partners. A representative from the Chagrin River Watershed Partners is tentatively scheduled to join Council for its Committee meetings on May 23rd, so it makes sense to delay a vote until after the representative's presentation.

ORDINANCE NO. 2016-20 – SECOND READING

AN ORDINANCE AMENDING PART ONE ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS, SECTION 157.01 – COMPENSATION OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Committee voted to recommend to table in line with the recommendation of the Personnel Relations Committee.

Vice President Plecnik noted that Ordinance 2016-20 is outmoded because of the Mayor's unilateral action to give three percent raises to most non-union employees in City Hall without Council's knowledge or approval. He also noted that pursuant to the recommendation of the Personnel Relations Committee, the Council Clerk will be drafting new ordinances to allocate a three percent raise to the Fire Chief, part-time firefighters, Police Chief, and part-time police officers. Vice President Plecnik also pointed out that the ordinance was never properly drafted in the first place, having at least one fatal typo in the attached salary tables.

ORDINANCE NO. 2016-21

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CITY'S ROCK SALT REQUIREMENTS FOR THE 2016-2017 WINTER SEASON AND DECLARING AN EMERGENCY.

Committee voted to recommend waiving the three-reading rule and adoption.

ORDINANCE NO. 2016-22 (Amended to Include Exhibit)

AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES & PUBLIC SERVICES, TITLE FIVE – OTHER PUBLIC SERVICES, CHAPTER 941 – USE OF PUBLIC PROPERTY, SECTION 941.05 – CAMPBELL PARK AND CAMPBELL PARK FIELD, SUB-SECTION (c); 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.

Committee voted to recommend a first reading.

ORDINANCE NO. 2016-23

AN ORDINANCE AUTHORIZING THE USE OF OHIOCHECKBOOK.COM IN PARTNERSHIP WITH THE OHIO TREASURER TO ADVANCE OPEN AND TRANSPARENT GOVERNMENT.

Committee voted to recommend waiving the three-reading rule and adoption.

Vice President Plecnik and Councilwoman Majka expressed their excitement in providing the public with more transparency and disclosure of City finances at no additional cost to residents. Finance Director Brichacek emphasized his commitment to transparency, and said that we have always been transparent, but is happy to do even more for residents. Mr. Brichacek added that while some cities only update their data on OpenCheckBook.com on a yearly or quarterly basis, he intends to do so monthly.

RESOLUTION NO. 2016-8

A RESOLUTION AUTHORIZING THE FILING OF A NATUREWORKS APPLICATION SEEKING FUNDING FOR TENNIS COURT REPAIRS AND DECLARING AN EMERGENCY.

Committee voted to recommend waiving the three-reading rule and adoption.

COUNCIL REPRESENTATIVE REPORTS

Councilman Hallum: Madame President, just wanted to quickly report on Planning and Zoning. We did approve some house plans, some more pool plans and also Mr. Babuder's permit for the logging was also approved.

President Fellows: Thank you, thank you. I had you on my list. And Councilwoman Greer, do you have...I had emailed you about two of the ordinances that were coming down; one with the community rate fees and the other one with the Natureworks application. Didn't know if you wanted to speak to any of that or if you were planning on having a Recreation Committee Meeting of Council to go over any of that.

Councilwoman Greer: We need to have a meeting; we've all seen the proposals but I do believe that should go through committee.

President Fellows: Thank you, thank you.

Councilwoman Greer: There was not time to call one with proper notice.

President Fellows: So the next order of business is Public Portion.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies

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

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

President Fellows opened Public Portion at 7:33 p.m. and stated the following: the public is welcome to come up, try to keep your comments to 3 minutes and we will try to do our best to answer what you have asked tonight, if not we will have the appropriate individuals to do the research and make sure that you...they get back to you in a proper amount of time.

Mr. Babuder – 2275 River Road. Madame President, my question and comments are related to the permit for the logging, etc. which Mr. Hallum has indicated was approved; however, it has been approved with some conditions that were apparently indicated by the Architectural Board of Review last meeting and I don't really have all the details on that but I do suspect that those were not acceptable to me and for that reason I come here and to the Council and to you Madame President to perhaps encourage an acceptance committee of this city, Mr. Mayor and company. I have made a proposal 3 months ago, I believe around the 18th of February of an ampicable solution as I would call it to this logging permit problem or activity. And it would appear that it was not considered here or with all the additional people who got involved, it snow-balled into inspections and a

number of people trying to walk through the property of which they already did with one or two; however, I would like to ask again of you Madame and of the Council to try to influence the executive committee under Mr. Mayor's leadership to review my so called amiable proposal and see if that can resolve in a simple and non-costly fashion because otherwise I don't know solution that it is but it's not going to be inexpensive for me or the City and of course it's my tax money too that's the City's money and yours. So that's all I've got to say; I hope you reconsider this and try to influence the executive committee. Thank you. I don't expect an answer this moment, but in a reasonable amount of time it would be nice to have us meet again or whatever it takes to make it, as I call it, may be my words are not perfect words but friendly, friendly solution. Thank you.

President Fellows: I understand, thank you so much. Anyone else this evening for Public Portion? Seeing none, I'll close Public Portion at 7:37pm.

UNFINISHED BUSINESS

President Fellows: Next order of business is "Unfinished Business", anybody from the dais have a Council...

Councilman Fiebig: Question for the Mayor or the Administration regarding Mary Kostansek's, Steeple Chase Drive issue any progress on that since the letter came up?

Mayor Weger: Yes.

Councilman Fiebig: Could you give us just a rough...

Law Director Lobe: I'm not quite sure to the extent of it Mr. Fiebig, I know that there has been, that we have followed up on it. We have or then there are some other issues that became involved with the son etc...but I know that Mr. Wyss has photographs and is continuing to pursue so that and then again we're not trying to go to criminal prosecution again, my whole thing is to get everything fixed and I know that he is in the process of it but I haven't talked to him about that just recently but I can find out and have Mr. Wyss get back with you. This hasn't gone without some significant work but I can't tell exactly what.

Councilman Fiebig: All right then, can you follow up then?

Law Director Lobe: I will make a note to have him get back with you or at least calls you or something...it has not gone by the wayside...

Councilman Fiebig: Share with all of Council, may be an email that would work, ok? Thanks.

President Fellows: Good question, thanks. Anybody else?

Vice President Plecnik: Madame President, you might recall, I believe that it was last year the State House finally had effective HB5 which required us to update our City Income Tax Code which among other things required us to change the constitution of our Board of Income Tax Review. I was previously the Council Representative on our Board of Income Tax Review but the new legislation said that neither an employee of the City in question nor an elected official could serve in that capacity so where the Finance Director, the Law Director and I had previously served in that role we had to appoint or elect new people to fill that role and HB5 has the Mayor appointing one of the three representatives and the Mayor has already chosen Jerry Worland a former Member of the Charter Review Commission and an accountant to serve but Council is required to choose the other two people. If Council feels comfortable after I finish describing them perhaps we could vote on them today, if not at the very least, I wanted to take the time to handout the resumes of two individuals who I think would serve remarkably well in this capacity although as we know the Board of Income Tax Review meets very, very, seldom so we are choosing people who we're giving great trust in the unlikely event that we

have a tax appeal from our Finance Director. I have, I believe enough copies for everybody, the first two pages are the only new ones the resumes of each or the information for each one. First we have Laura Gorjanc Pizmoht who lives on Dodd Road. She is a tax lawyer who has taught State and local income tax at Case Western Reserve and she has a Master's of Law Taxation from New York University. I'd always thought that I was the only person in Willoughby Hills with that degree but I was proven wrong by Laura. So given her education and her experience at Sherwin-Williams among other employers I really think that she would be the perfect fit for a local board of tax review given that she literally teaches the course.

The second person that I would recommend would be Keith Martinent he is the Finance Director for our neighboring City of Kirtland, he's a CPA and so I think that these two individuals would really be remarkably good representatives if we were to have any issues come up, it's unlikely but none the less I think that we should be prepared and do our councilmatic duty as the Mayor has to fill our two slots so hopefully my plan would be to bring this up in "New Business" to give people a chance to digest this and if Council is comfortable I would make a motion to appoint these two and if not we could reconsider at the next meeting. But they are to extraordinarily tax professionals and in the event that we did have a case, I think having Kirtland's Finance Director and a Tax Professor reviewing would be an optimal situation. Thank you.

President Fellows: Thank you Vice President Plecnik. At this moment are there any questions about this?

Law Director Lobe: Yeah. Can I comment further? Mr. Plecnik's comments are pretty correct. I don't recall when it ever happened but it still has to be done, okay, so I know Mr. Martinent in the past and his reputation, he's a pretty good guy. He's got some great credentials

President Fellows: I have a question, can Council vote on one and then there be an alternative or a just in case they need a person.

Law Director Lobe: I don't know.

Vice President Plecnik: I not quite sure if I understand the question.

President Fellows: So let's say...it appears obviously that we have two excellent candidates and so if we voted on one and then the other could be an alternative? I don't know how that works?

Vice President Plecnik: No we need two, we need two from Council.

Mayor Weger: I appointed one...

President Fellows: I guess my question would be the second person, the second candidate would be an alternative in the event the candidate can't be...you're complicating it...

Vice President Plecnik: Madame President just to clarify it there has to be three members under the new law. One of which is appointed by the Mayor, two are appointed by Council and so it wouldn't be that we would be choosing an alternative, we would be choosing two primary members, both of which would serve.

President Fellows: So it's both of these, not one.

Vice President Plecnik: Right. Got ya, thank you.

Mayor Weger: Did both of them agree?

Vice President Plecnik: Yes. That's what has taken me so long, finding two people who would agree and who I also felt were absolutely qualified and I am very grateful that they are willing to do it.

President Fellows: I'm sorry, I misunderstood.

Vice President Plecnik: So something to digest and I'll bring it up in "New Business".

President Fellows: All right, so is there any other unfinished business for Council? So our next order of business is legislation.

LEGISLATION

Ordinance No. 2016-11 – THIRD READING

An ordinance amending Part Nine – Streets, Utilities and Public Services Code, Title Three – Utilities, Chapter 925 – Sewerage System Regulations, Section 925.06 – fees, Sub-Section (c) of the Codified Ordinances of the City of Willoughby Hills, Ohio and Repealing any and all conflicting legislation.

President Fellows: So the recommendation from Rules and Legislation was that after 3-Reading that this be adopted.

Vice President Plecnik moved for passage. Councilman Fiebig seconded.

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

Ordinance No. 2016-12 – THIRD READING

An ordinance directing the Mayor to sign any and all necessary documents to secure the purchase of a 2016 GMC 3500HD Pickup through the State of Ohio Cooperative Purchasing Agreement Contract with said purchase being exempt from competitive bidding pursuant to Section 125.04(c) of the Ohio Revised Code and declaring an emergency.

Councilman Fiebig moved for passage. Councilwoman Majka seconded.

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

Ordinance No. 2016-14 – SECOND READING

An ordinance amending Part Nine – Streets, Utilities and Public Services Code, Title Three – Utilities, Chapter 925 – Sewerage System Regulations, Section 925.02 – Definitions and Section 925.22 – Hauler Prohibitions of the Codified Ordinances of the City of Willoughby Hills, Ohio and repealing any and all conflicting legislation.

President Fellows: The recommendation was for 2nd Reading.

Ordinance No. 2016-15 – SECOND READING

An ordinance authorizing the Mayor to execute the contract modification agreement by and between City of Willoughby Hills, Ohio and Richard L. Bowen + Associates, Inc.; repealing any and all conflicting legislation and declaring an emergency.

President Fellows: Rules and Legislation recommended the 3-Reading Rule be waived and this ordinance be adopted.

Vice President Plecnik moved to suspend the 3-Reading Rule. Councilwoman Majka seconded.

Councilman Fiebig: Madame President, I just wondering the reason for the waiving is that there is a time deadline here?

President Fellows: Yes.

Councilman Plecnik: I think that the City Engineer could best explain but my understanding is that one of his employees is leaving his employ and so the contract needs to be restructured to reflect the fact that we'll have essentially one person doing the work of the City as opposed to two.

Councilman Fiebig: And that person will be doubling their hours? As I understand.

City Engineer DiFranco: My assistant Kevin will be increasing his role to make up for Dan Collins who's leaving.

Councilman Fiebig: Where is he going?

City Engineer DiFranco: An opportunity arose and he is going to be the City Engineer in Seven Hills.

Councilman Fiebig: Oh, okay and he will still be in association with you guys?

City Engineer DiFranco: Yes, so he is still available if we need him to pitch-in.

Councilman Fiebig: In Seven Hills?

City Engineer DiFranco: Yeah.

Councilman Fiebig: Boy, that City got some troubles don't they. Okay, thank you.

President Fellows: Thank you any other discussion on the motion to suspend the 3-Reading Rule?

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

Vice President Plecnik moved for passage. Councilman Fiebig seconded.

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

Ordinance No. 2016-16 – SECOND READING

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 Route 91 Resurfacing Project; repealing conflicting legislation and declaring an emergency.

President Fellows: Rules and Legislation recommended this be on 2nd Reading and many of you may have seen my email today, I had some questions for the Finance Director on this but I see that he won't be back until next week to respond.

Ordinance No. 2016-17 – SECOND READING

An Ordinance amending Part One – Administrative Code, Title Five – Administrative, Chapter 157 – General Employment Provisions, Section 157.05 – Vacations, by the addition of sub-section (i) of the Codified Ordinances of the City of Willoughby Hills; repealing conflicting legislation and declaring an emergency.

Vice President Plecnik moved to table. Councilwoman Majka seconded.

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

Motion failed.

President Fellows stated that the ordinance would remain on 2nd Reading.

Ordinance No. 2016-18 – AMENDED – SECONDED READING

An Ordinance amending Part Thirteen – Building Code, Title Three – Local Building Provisions, Chapter 1367 – Stormwater Management of the Codified Ordinances of the City of Willoughby Hills and repealing any conflicting legislation.

President Fellows: The recommendation was 2nd Reading for this ordinance.

Ordinance No. 2016-19 – AMENDED – SECOND READING

An Ordinance amending Part Thirteen – Building Code, Title Three – Local Building Provisions, Chapter 1369 – Erosion and Sediment Control of the Codified Ordinances of the City of Willoughby Hills and repealing conflicting legislation.

President Fellows: And this...also the recommendation from Rules was 2nd Reading for this ordinance as well. The next one is Ordinance No. 2016-20.

Law Director Lobe: Excuse me, did we do eight...I think that we meant to do eighteen, the next one should be eighteen, or maybe I misheard it.

President Fellows: Eighteen was for stormwater management and nineteen was for erosion and sediment and they are both on 2nd Reading. And now we are on twenty.

Ordinance No. 2016-20 – SECOND READING

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

President Fellows: So if I remember correctly from Personnel Relations this ordinance was recommended to be tabled and be replaced with four ordinances 25 for the Police and Dispatch, 26 for the Fire, 27 for the Police Chief and 28 for the Fire Chief.

Councilman Fiebig moved to table. Vice President Plecnik seconded.

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

Motion passed.

Ordinance No. 2016-21

An ordinance authorizing and directing the Mayor of the City of Willoughby Hills to enter into a participation agreement with the Ohio Department of Transportation for the City's rock salt requirements for the 2016-2017 winter season and declaring an emergency.

Councilman Fiebig moved to suspend the 3-Reading Rule. Councilwoman Greer seconded.

Councilman Fiebig: Madame President, the timeliness of ordering this is the reason for that waive.

President Fellows: Correct.

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

Councilman Fiebig moved for passage. Councilwoman Greer seconded.

Councilman Fiebig: Mr. Mayor you did make proper adjustments for the leftover rock salt that we have and we're buying a little less than last year, is that correct?

Mayor Weger: Well it's got to go out to bid first. We have approximately 1500 ton in our coffers. We had to cover it with tarps.

Councilman Fiebig: Okay, because that was my next question.

Mayor Weger: Because we had to take it before the 15th. We'll shall have to purchase some but we need the quote from the bid.

Councilman Fiebig: And then make a determination as to how much.

Mayor Weger: Right.

Councilman Fiebig: And was there any further discussion on building more of a permanent structure?

Mayor Weger: There was and right now we're holding firm on what we have.

Councilman Fiebig: We're going to be okay with the traps you think, it's not going to run-off or did you require any sort of run-off?

Mayor Weger: We bought some barriers to extend it to the second beet juice container out of the way and it's all under trap.

Councilman Fiebig: Okay.

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

Ordinance No. 2016-22

An ordinance amending Part Nine – Streets, Utilities & Public Services, Title Five – Other Public Services, Chapter 941 – Use of Public Property, Section 941.05 – Campbell Park and Campbell Park Field, sub-section (c); Section 941.07 – Willoughby Hills Community Center, sub-section (g) and (h) of the Codified Ordinances of the City of Willoughby Hills and repealing conflicting legislation.

President Fellows: So the recommendation was that this would be 1st Reading from Rules and will go into the Recreation Committee of Council for discussion.

Ordinance No. 2016-23

An ordinance authorizing the use of OHIOCHECKBOOK.com in partnership with the Ohio Treasurer to advance open and transparent government.

Councilman Fiebig moved to suspend the 3-Reading Rule. Vice President Plecnik seconded.

Councilwoman Greer: Madame President, I know that Council had an opportunity to have a detailed presentation at the Council Retreat but do we really want to waive the 3-Reading Rule because even though we're intimately familiar is the public as familiar as they need to be?

President Fellows: After discussing this with the Treasurer's Office today, two of the three forms have already been completed by the Finance Director at the State of Ohio. And I understand that the Mayor is on board with this.

Law Director Lobe: We can have debate if you want. At the committee meeting, Personnel or I think Rules, it was Rules it was discussed. It's an extra tool that's what this is. But I want everyone at this dais and everyone else to understand is what Frank Brichacek, our Finance Director has in place currently, is broader in scope, more expensive, deeper, etc. This is good for looking at peeling back the onion in terms of what was used at that meeting to try and look at the specific check(s). If you had to choose one over the other, we would say what we have is much more expansive, much deeper, much better, much more transparency, this is just an addition to that just so you know. It compliments it but it doesn't over take it. Just so you know and it doesn't hurt and it was discussed right now it's free but there is no guarantee that it would be free and there was even unanimous consensus of discussion that if they make us pay for it, we might as well get rid of it and keep with what we have because what we have is very great. But this is an extra tool, it's not the main tool, okay. I hope that put's it perspective for you, thank you.

Councilman Fiebig: Madame President, just to clarify a comment, nothing in government is ever free. The State of Ohio paid for the software and getting that up and running so our tax dollars did pay for it but there's no cost to our individual municipality at this point going forward. So we did pay for it you know, it was, don't quote me but I believe it was \$800,000 let's say, somewhere in that general neighborhood to get this whole thing up and running. So there would be no cost to us to do. So I would encourage us to do it, it looks like administration is on board with it so if you have any further questions about through this would be a good time to talk about it.

Councilwoman Greer: I was at the presentation and my questions were answered there.

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

Councilman Fiebig moved for passage. Councilwoman Greer seconded.

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

ORDINANCE NO. 2016-24

An ordinance amending Part One – Administrative Code, Title Five – Administrative, Chapter 157 – General Employment Provisions, Section 157.05 – Vacations by the addition of sub-section (i) of the Codified Ordinances of the City of Willoughby Hills; repealing conflicting legislation and declaring an emergency.

Vice President Plecnik: Madame President, it was the recommendation of both Personnel Relations and Rules to waive and adopt this and as I had stated earlier in the meeting the idea behind 2016-24 was to give us a quick fix that clarified the statute so that we can handle Chief Harmon's situation. If others feel that we need to add more detail to the statute whether it be discretion by the Mayor or caps on how many hours can be used, then that is certainly something that could be put back in committee and considered fully. But to the extent that we want to do a quick fix I think that it was the committees' judgment as well as my that it was better to do something that was simple and that we all agreed on and just states that employees who retire in good standing shall be eligible to receive payment for their unused vacation time as opposed to having extra changes to the statute. So that was the rationale of the Personnel Relations and Rules and I would make a motion to waive the 3-Reading Rule for 2016-24 to address Chief Harmon's situation and I am most open as Chair of the Personnel Relations to continue considering this issue if Council wants us to consider going farther but at least this would deal with the situation we have on the table today. So I would make the motion.

Vice President Plecnik moved to suspend the 3-Reading Rule. Councilwoman Majka seconded.

Councilwoman Greer: Madame President could we not have made something specific to Chief Harmon. It feels that we've had the other ordinance on two readings and then all of a sudden we have to days to consider this and then we're waiving the 3-Reading Rule and there's been so much talk about how important the 3-Reading Rule is; I'm not sure I'm clear why we would waive the 3-Reading Rule on this.

President Fellows: He is leaving soon.

Law Director Lobe: Can I add something? And Mr. Plecnik, I probably want to add some things that I believe you kept out of your notes, if you could add them to them great, if not at the meeting there was a lot of discussion because I think the first attitude was that we don't need this and there was a lot of discussion and a lot of commentary and even persuasion by myself and by Mr. Brichacek that we need to have this done because Council has taken the position that we didn't need it but Mr. Brichacek and I both believe that we need it because if we got audited and we made the payment we can't say that Council thought it was a good idea. The auditors only listen to me and Mr. Brichacek and if the auditors came in and they disagreed they'd go after the bond of Mr. Brichacek and the bond for Mr. Brichacek would pay it and then the auditors would require us to go after Mr. Brichacek personally. It was the position of the Law Department and the Finance Department that we absolutely need this because it's not there and the worst case scenario there was some confusion that we would like cleared up because if you are going to spend out public funds you want it more crystal clear. The discussion then came, that I think the committee and Mr. Plecnik, please correct me if I go astray, Ms. Majka was that they agreed to do it that way but then they didn't like some of the secondary provisions that were in the ordinance. But that the main provision for the ordinance and it's not just for Chief Harmon it's just for everybody going forward, it's just Chief Harmon's situation is the one that gave light to this because we don't have that many people retire in that regard and I would also tell you that the same provision that we are asking for here has been in the police union contract but not in the other contracts. So we are trying to cure it and for that reason I'm asking not just specifically for Chief Harmon but just to get it done at least pass 24. I didn't have the chance to talk with you guys tabled immediately 17 so I'm trying to speak up now, I wanted to make that because I knew that there would be a question for those who were not there that night. Does that help you out, Ms. Greer?

Councilwoman Greer: It does.

Law Director Lobe: Okay. And I can tell you that at least the Law Department and the Finance Department absolutely want something passed at least on the main issue. Okay.

Councilwoman Greer: My concern, I believe someone in the public had stated that should this really be an emergency. We already had two readings of the other one, we knew this was coming up, all of a sudden there's

a committee that says, we have two people on a committee that said we have a problem with this and then all of a sudden it is a totally new ordinance. I echo the concern that was echoed in Public Portion during that meeting.

Law Director Lobe: I understand.

Vice President Plecnik: Madame President, two things really quickly. First to the Law Director your discussions was encapsulated in the written minutes which were forwarded to the Council Clerk but I just chose not to recapitulate all of it. And to the other issue this really is something that we vetted, it is just a smaller portion of it, the least controversial portion of it so we have in effect debated this issue, it's not brand new. It's just a piece of it that we can, I hope that we all can agree on so that we can deal with the situation. Since we didn't table the other ordinance we can continue to consider the broader issue and if Council thinks that it's wise to go forward with it, Council will have the opportunity but at least this will keep us up to date on Chief Harmon's situation and I really would encourage in the future all members of Council to make their best effort to come to the committee meetings so that none of this seems to be a surprise. We did not realize until Administration shared with us, you know, the absolute importance of it because the position that the Law Director and the Finance Director had taken and there was no way we could have predicted that prior to the committee meeting but everyone who came was a party to the conversation and understood the concerns on both sides. So I think that it is very critical for Council Members to take the time and come to committee meetings because I don't think that any of us should be surprised by the legislation that's recommended. Thank you.

Councilwoman Majka: Madame President, I would like to ask Mr. Lobe, quick question and you partially answered my question by noting that the Police had already had something in place in this regard. But has this situation of an employee retiring with vacation, has that not ever occurred before under this old ordinance.

Law Director Lobe: Not the way this happened. Union individuals they have to go down and they have to get a date and I don't want to talk about one particular retirement but it was a very unusual situation and usually they use it up or something else and they didn't and it was locked in...we could probably get around it but this is the better way to do it, I think this is what we want to do it, to be consistent with the way that the Police Union already has it, it just never quite got here. The Finance Department and the Law Department absolutely would like you to have this done, not just for Chief Harmon just because it's a clarity issue should this event occur again, that's all I'm going to say. We liked the first ordinance 17, the committee had problems with some of the secondary part of it, that I can't control. I think that gives it a true representation of what Mr. Brichacek and I both wanted. We wanted 17 passed, they decided to somewhat spilt the baby on it and incorporated some of the major portion on it in 2016-24. So I would like 17 passed in its entirety but at less give me right now 24. Okay, it's a concession on our part but you are the Council, it's up to you to do what you want and I get that.

President Fellows: The motion on the table is just to suspend the 3-Reading Rule.

Law Director Lobe: Correct.

President Fellows: Any further discussion?

Councilman Fiebig: Madame Chair just to clarify weren't there two individuals that this falls under?

Law Director Lobe: There could be two, that's correct.

Councilman Fiebig: And we could discuss this in Executive Session if we needed to you know because they are personnel related, isn't that correct?

Law Director Lobe: We probably could but...

Councilman Fiebig: And it also is an Administrative policy perhaps if you were to do things or I believe Council should if we were to do things as I suggested before, like do we put a cap, let's say you could only use say four weeks of unused vacation time or it's only for an employee whose been here for say ten years, let's say you could do those sort of things in this ordinance, I believe if we wanted to.

President Fellows: Councilman Fiebig, this was said right from the beginning that we're trying to get things in order for Chief Harmon so...

Councilman Fiebig: And I believe that there is someone else. So it's not just him.

President Fellows: But I think that the time for discussion for the advancement of this is to come in another committee meeting.

Councilman Fiebig: And perhaps in an Executive Session, that's the point that I had made. So, yeah.

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

Councilman Fiebig moved for passage. Vice President Plecnik seconded.

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

Ordinance No. 2016-25

An ordinance providing for the wages and benefits of the part-time hourly members of the Police Department of the City of Willoughby Hills; repealing conflicting legislation and declaring an emergency.

Vice President Plecnik: To restate this was considered by both the Personnel Relations of Council as well as Rules and Legislation and they both unanimously recommended that these ordinances be prepared as well as being waived and adopted. Given that many of the none union employees have already received raises the goal in both committees was to have ordinances to pass raises for those who Council could agree on, I've never heard any decent on giving raises to the police or the fire whether they be the part-time members or the Chiefs so that's why these ordinances were prepared. I would make the motion to waive the 3-Reading Rule on 2016-25 which would give a 3% raise to our part-time police officers but it's up to the wishes of Council of course.

President Fellows: And dispatchers.

Vice President Plecnik moved to suspend the 3-Reading Rule. Councilwoman Majka seconded.

Councilman Hallum: Madame President. I am certainly glad to hear that Mr. Plecnik has concerns about discriminatory practices because my concern here is that there are other people involved here that we are potentially discriminatory towards by only having these four; for instance, I believe the Police Chief's Admin, the Administrative Assistant of the City and our Building...the Director of Building would also be completely ignored by these ordinances. I also am concerned that...I feel that we might be dipping our toe into something that is really not what we are as legislatures supposed to be doing, we are supposed to be legislating and Administration should be handling who...we should handle how much money we are willing to let them utilize and it is really my opinion up to Administration to decide how to use that money and who to provide raises to. So for that reason I will not be supportive of these ordinances as written. Thank you.

Vice President Plecnik: Madame President, if I could just address some of Councilman Hallum's concerns. First of all, the goal here is to try to treat our employees as similarly as possible because the Mayor stepped

forward and unilaterally granted raises to many of the nonunion employees any delay we give to employees that we can all agree on as Council disadvantages them in a very real sense so I think that this is actually more of an equal treatment. Although to the concern that Council is somehow tripping into Administrative territory, our City Charter explicitly says that we have the authority for setting salaries, it is Council's responsibility to do this so I don't think that there is any more councilmatic action than something that our Charter directly imposes upon us as a duty and here I'm hopeful that Council will step up for our part-time police and fire fighters in particular. I made the motion, I believe this was two years ago to grant a 2% raise to our part-time police and fire fighters and Council chose to vote that down. And I think that in many ways this motion would help to catch up them up to rough justice to what their union counterparts have and in the past we always gave the part-time police and fire fighters the same treatment of their full-time counterparts which I affirmatively believe is appropriate and right given that they lay their lives on the line just as assuredly as their full-time counterparts do even though they are paid less, they don't have the benefits and this is a small way of compensating them for the incredible amount of work that they do for the City. There are certainly other employees that need to be considered and Rules and Legislation, Personnel Relations both talked about this when they made the unanimous recommendations but these are the employees that I think that we can hopefully agree on as Council today, here and now. There are other employees that frankly require more discussion and we've talked about this in the past but I think that it is worth noting that I firmly believe that it is wrong to pay a personal assistant \$65,000 a year and I would never support a \$2,000 raise to a person who I already think is outside their pay scale.

President Fellows: John, let's not get personal.

Vice President Plecnik: I'm not, I am stating a title, not an individual Madame President and I do not want to make this personal but the reality is that Personnel Relations is somewhat personal by definition. And right now we are talking about a few employees. I think that the reality is that many members of Council share that same concern, they don't want to have to voice it but when the issue is brought to its head and we have Council Members who say I won't support the police and fire unless these people are included understand there are some people who will never vote to support raises because they believe that legitimately the pay scales now are probably too high as they stand, they probably should be reduced. And when I think about the taxpayers who suffer what I believe the highest or close to the highest sewer fees in Lake County who pay some of the highest income taxes in Lake County because we don't give a full credit for our income taxes, a half-percent drop-off and...

Councilman Hallum: This is a dissertation...

Vice President Plencik: I'll finish my point if I may, and some of the highest property taxes in the County, I think that it is wrong to disregard our resident's concerns and let's give a \$2,000 raise or thousands of dollars raises to very highly compensated employees I think that it is too much, I think that it is wrong but I think that we should support our part-time police and fire fighters tonight. I respect the wishes of Council but my vote will be for police and fire.

Councilman Hallum: I feel that I need to respond to this...

Councilwoman Greer: Madame President, may I...believe what we're considering right now is waiving the 3-Reading Rule and I think that everyone has gone a little far I would like to comment on waiving the 3-Reading Rule.

President Fellows: Yes, everyone tonight has had a discussion under a motion just to waive the 3-Reading Rule instead of having the discussion on the motion of the ordinance. We've been doing this all night so I don't why it would stop now, but that's okay.

Councilwoman Greer: But I do want to comment on waiving the 3-Reading Rule particularly on this ordinance and the others that are related. I have heard from the beginning from the moment I put in my application to become a Member of this Council how important it is to respect the 3-Reading Rule. I have heard individually, had phone calls, this is very important to me personally, this very important to this Council as a body that we respect the 3-Reading Rule and these are the reasons why and everyone here knows the reasons, I do not need to reiterate them. In this ordinance, in particular it is very easy to insert something in there to make the raise retroactive. We do not need to pass this tonight. We have not had discussion on these, they have just been written, why ever would we pass these tonight? We can make them retroactive easily if we do decide to give these individuals raises. It...the 3-Reading Rule should not be passed on these...should not be waived, pardon my misstatement.

Law Director Lobe: I'm quite concern, I'm a little concern based upon some of the public comments that have been made, I also want everyone at the table to understand two of the individuals that were not brought forward are two of the oldest individuals if you want to talk about pay scales. So please take that into consideration because I heard equal treatment but there is not an ordinance for everybody. There are some that are left behind and I don't like where that's trending especially when it is two of the oldest individuals from the Building Department and the Administrative Assistant. So I'm concerned about that, I'm really am because if they're not and you do everybody else it can be utilized against this Council, I just want everybody to know it. Number two is, I would also like to note for the record that I know that Chief Collins came and spoke at the meeting and that he wrote an email and the gist of his email is that he wanted everybody just for whatever value it is he wanted everybody to get across the board not just for himself, and that he also said he doesn't even want it per say if it's not across the board. So I just want it out there, I don't know if you got that email so that's out there too but I'm a little concern because this thing started and Mr. Plecnik is right, this started back in 2014 with that discussion back in 2014 this Council said that it was going to do interviews of these individuals and then there is a little **criticize** on the Mayor that he did it, I understand it, but he's waited almost eighteen months and there hasn't been one interview done on anybody and then you leave the two oldest people...

President Fellows: There were interviews done with the audit report, Mr. Lobe.

Law Director Lobe: That was in 2009, five or six years ago. I'm talking about discussion on this Council table in the late fall of 2014 to get to 2014, 2015, 2016. That was in 2008 and 2009 and I understand and I knew that was here but nothing was done back then and that's fine. But now we are with a new Council and I'm just concern about the age issues and that it has been talked about equal treatment and your leaving two of the major people behind and there's not even an ordinance. So I just want to throw that out for the Council's consideration. I don't tell you how to vote but I'll tell you about some legal pitfalls that I'm seeing that are erupting on this Council floor, thank you.

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

Motion failed.

President Fellows stated that the ordinance would remain on 1st Reading.

Ordinance No. 2016-26

An ordinance providing for the wages and benefits of the part-time hourly members of the Fire Department of the City of Willoughby Hills; repealing conflicting legislation and declaring an emergency.

President Fellows: This will also stay on First Reading.

Ordinance No. 2016-27

An ordinance fixing the compensation for the position of Police Chief; repealing conflicting legislation and declaring an emergency.

President Fellows: This will stay on First Reading.

Ordinance No. 2016-28

An ordinance fixing the compensation for the position of Fire Chief; repealing conflicting legislation and declaring an emergency.

President Fellows: This will stay on First Reading.

Councilman Fiebig: Madame President may I just ask the Mayor one question regarding 28? Will you be needing to come to Council to set a compensation or will you be able to work within the range that is currently on our books?

Mayor Weger: I'll work with the range. Although you will have to understand it knocks some people out because it's lower than the Caption's rate.

Councilman Fiebig: At the low end...

Mayor Weger: At 65....

Councilman Fiebig: The 10% above, I don't think...that doesn't apply to this new hirer, does it?

Mayor Weger: 10% above, yes it does.

Councilman Fiebig: Well can't you come to Council and just say that we found somebody and here is what we've agreed on...

Mayor Weger: I am trying to work within the range.

Councilman Fiebig: Well within the range, yes but you don't have to stay at that 10% below the bottom trier is what I'm trying to say.

Mayor Weger: Usually, yes.

Law Director Lobe: That's correct.

Mayor Wger: Unless I ask Council.

Councilman Fiebig: And that is your intention?

Mayor Weger: Yes.

Councilman Fiebig: Okay, so that is your intention, all right just wanted to clear that up.

President Fellows: Mr. Fiebig, when the Mayor brings the candidate to Council, we confirm that appointment and we also set the compensation by ordinance under our Charter provision of 3.32.

Resolution No. 2016-8

A resolution authorizing the filing of a Natureworks application seeking funding for tennis court repairs and declaring an emergency.

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

Councilman Fiebig: This is just simply to move the process along so that we catch the good season, to be able to do repair and this is just simply to get funding so this is a good reason to waive it.

President Fellows: I would like to make a statement on that (passed gavel to Vice President Plecnik). I would recommend that this stay on First Reading. We have no idea what any type of cost would be for this, we will be responsible for 25% of this. So I have no idea what this application is going to say when it goes in, in terms of what in terms of what they are...what we're going to ask them for this money for this grant, so I think that the cart is before the horse on this. Some of the money might be able to be given in kind gifts and labor. But I don't have any figures on what's going to be on this application at all and I think we need a couple of weeks to find out what's going to be on the application that's going in.

Councilwoman Majka: Madame President, it's my understanding that this is a resolution just to authorize the filing of the grant.

President Fellows: We have until June 1st. There's another Council before that.

Councilwoman Greer: From what I understand, we do not need to commit to funding this project, we are only seeking funds through a grant. Even if we are awarded, we are not required...

Councilwoman Majka: We have to match of 25%.

Councilwoman Greer: But we are not required to accept the grant. So that reason that we are asking for it now, is so we can start the application process and if we are awarded the grant then we would have the discuss of where the funding is coming from and does it make sense for the City.

President Fellows: I would just like to see some figures. It's just nebulous.

Councilwoman Greer: The figures... the figures were...I don't believe we've had the figures and we really don't need to have them because we're not committing ourselves to anything here.

Councilman Hallum: Correct.

President Fellows: Did you read the application?

Councilwoman Greer: That's what I've been told by...

President Fellows: I would encourage everybody to read the application.

Councilwoman Greer: Well the application isn't a signed contract. You can refuse any grant.

Councilman Hallum: Right.

President Fellows: I'm just sharing that I would like to see some figures that are going to be aligned with this application, that's all.

Councilwoman Greer: I would agree we do once we, if we hopefully are awarded this grant, I would also like to see figures, I would not want to commit to anything blindly. But I think that it would be wise to adopt this and get the process moving.

Councilwoman Majka: And I believe once this gets rolling it will be in Recreation Committee, right?

Councilwoman Greer: Correct.

Councilman Hallum: Call the question please.

Roll Call: **AYES:** **Fiebig, Hallum, Greer, Majka, Plecnik**
 NAYES: Fellows

Motion passed.

Councilman Fiebig moved for passage. Councilman Hallum seconded.

Roll Call: **AYES:** **Fiebig, Hallum, Greer, Majka, Plecnik**
 NAYES: Fellows

Motion passed.

NEW BUSINESS

President Fellows: Any new business?

Vice President Plecnik: Madame President, I'd like to throw out to Council if there are any objections as to nominating Keith Martinet and Laura Pizmoht for our Board of Tax Review tonight. If there are I would hold back, if there aren't I would nominate them so that we could fill our Board.

Hearing no objection, I would make a motion to appoint Keith Martinet and Laura Pizmoht as the two Council appointed members of the Willoughby Hills Income Tax Board of Review for this term.

Councilman Fiebig seconded.

Councilwoman Greer: Councilman Plecnik, have you vetted these individuals? Can we relay that you've done the work?

Vice President Plecnik: I have carefully reviewed their resumes as well as their experience and I'm aware that in addition to Mr. Lobe knowing Keith Martinet, Mr. Fellows is actually a very good friend of Mr. Martinet's as well and he personally talked with Mr. Martinet about his potential service. And I've personally have talked with Mrs. Pizmoht about her potential service and as speaking as a Tax Professor, myself, the two of them have extraordinary credentials.

Councilman Fiebig: I'd echo that as well. They're by reputation and personal experience are fine individuals in our City.

Roll Call: **AYES:** **Fellows, Feibig, Hallum, Greer, Majka, Plecnik**
Motion passed.

Vice President Plecnik: Madame President, if I could just say on the record congratulations to Keith Martinet and Laura Pizmoht and thank you for your service.

President Fellows: Yes, thank you as well. Any other new business?

Councilman Fiebig: Mr. Mayor, I had a couple of residents comment about that orange fence that is in front of City Hall. Can you do something about that?

Mayor Weger: Yes, it's being worked on.

President Fellows: Thank you, anybody else?

FOR THE GOOD OF THE ORDER

None.

FOR THE GOOD OF THE COMMUNITY

Councilman Hallum: The Willoughby Hills baseball league has begun and so if you up for watching some of the little guys out there playing baseball and supporting the Willoughby Hills Boys League there's a concession stand that is open during the time and please participate in buying some things for the kids and for yourselves from the concession stand.

Mayor Weger: If you'll noticed the sign in front of City Hall it got a new back to it and that's just part of the renovations and then the fence is next.

Councilman Fiebig: Okay, good, good.

Councilwoman Greer: Speaking of the baseball leagues, I just happened to see Tom and Bea who run the snack bar for many years and I just found out that they have been doing it, this is their 60th year and I would love to maybe find a way to recognize them. They certainly have done a lot. 60 years in anything is quite commendable.

Councilman Hallum: I completely agree.

Councilwoman Majka: Second that.

Councilman Fiebig: By the way this is the first year that we're having a colt team playing baseball and I'll be coaching that along with my son Joe playing. So that is the 15 to 18 year olds. So we're going to have a good team and this is the high school level. So we will be trying to get Campbell Park up in shape because that is the only size field that accommodates high school type play. So I compliment Mark for doing a little extra work in getting the pitcher's mound together and the base pads and all that. So I'm looking forward to the season.

Councilwoman Greer: Good Luck.

Councilman Fiebig: On a sad note Joe Zevnik down at the funeral home here on Chardon was also a high school classmate of mine and he passed away recently, very untimely for someone who is in our community and has a business here and most people would agree, just a great, great guy so he will be missed.

President Fellows: The last piece that I have for the Good of the Community, Councilman Fiebig actually sent this off, the First Covenant Church is having a Community Lunch on Saturday, May 21st. Lunch is at 12:30pm. You need to call for reservations and lunch fee is \$5.00 and they will be featuring the Elders of Jazz.

Vice President Plecnik: Madame President, if I could follow up on that, First Covenant Church is actually having an event this coming Sunday on May 15th at 6:00pm which is their Spring Concert featuring the music of Franz Schubert who will be performing many songs including Ave Maria and Symphony No. 5. So the First Covent Church is adding a lot to our community in the next two weeks. Thank you.

President Fellows: Thank you. Do I hear a motion for adjournment?

ADJOURNMENT

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

YEAS: Unanimous.

The Regular Council Meeting of May 12, 2016 was adjourned at 8:33 pm.

APPROVED: May 26, 2016
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

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