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Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
DAVID M. FIEBIG
JENNIFER SOMMERS GREER
CHRISTOPHER HALLUM
JANET R. MAJKA

President Fellows: Good evening everyone, before I start the Regular Council Meeting of Council this evening I'd like our former Council President Ray Somich to come forward. He has a guest to introduce to us and our guest may come forward as well.

Raymond Somich: Thank you Madame President and good evening members of Council. I want to tell you how good it is to see all of you again and thank you for allowing us to be here for a couple of minutes and adjusting the schedule accordingly. You all know about my passion for the west end of our City, for the old Loehmann's Plaza, the Shoppes of Willoughby Hills and how hard many of you and how many before you and before me have worked to try to develop something in that area. It's a vital part of our community or it needs to be and yet we know that it has been far short of that and at this point it's a detriment, it's one of our weak links of our City, a safety risk, an economic problem for us. In all the meetings that we had and all the efforts and all the passing of all of the different zoning things that we tried to do, we knew that there was a really inherit problem that the people who were in control didn't care about the property. They were very content to sit back and let the rental and the lease come in and they had no interest, really in helping us to develop this property as much as we needed it and we knew that we needed it for economic reasons, safety reasons as a part of our big image of our community. There were certain characteristics that we were looking for when we had meetings and we tried to find help. We had to try to find somebody with passion, somebody with a vision, somebody with experience that had connections and relationships along the commercial lines. We had to find somebody with integrity that if they came before us and Council and said that they would do something we'd know that they would do it and unfortunately there's not a whole lot people like that, that were interested in this property. Well I want to tell you tonight that we are...it's a great day in our City because I am proud to introduce to you a gentleman that is now in control of a good portion of property in that area; he has made that purchase and investment in our community and I have known him for almost thirty years. So, when I talk about him having those characteristics, I know this first hand. So, I wanted this evening to introduce him to you. This is Mr. J. Scott Scheel.

J. Scott Scheel: Thank you everybody, thank you Ray, I really appreciate that and ladies and gentlemen of Council, it's my sincere pleasure to be here with you this evening. You know, we're very excited and enthusiastic about the project but you know before I talk and all about that, you know, I want to let you know a little bit about me. I am a life-time Lake County resident. I was, I guess born in Cleveland, six months thereafter we moved to Eastlake. I grew up in the area. I graduated from Willoughby South High School in 1986. I've been developing in the area since the early 90's. I develop all across the country. We have, you know, a great passion for this area. There were a lot of projects that we had the opportunity to choose from and I spent more than fourteen months going through and evaluating the transaction, doing the diligence, taking a look of all the reasons why I knew that this was a project that I could turn around. I remember going in high school to Loehmann's Plaza and go to the movie theater, going out there with my mother and my grandmother and it was just a great place. It was a destination that people wanted to be in. I remember eating at Manhattan Deli, Friendly's and just really enjoyed the community and a lot of friends in the area. We moved out, I lived around the City, but most recently we moved back and I live off of Eagle Road with my wife and our two children. We have a fourteen-month-old daughter and we have a twenty-eight-day old daughter that's...so it certainly our goal to do some great things here in this community for them. So, you know, I guess to say it succinctly this is an asset that has the opportunity to become something that Willoughby Hills can be proud of. I'm proud of Lake County but I hate what happens over there at kind of our south-west boarder. I think that there are a lot of things that could be approved and I'm aware of how the asset got into the condition that it did. We're aware of the history of the ownership, the economics that put it in the condition that it's in, the lease structure, the **weak** investors that comes in. You know, that doesn't necessarily care about the communities or the investors that are losing money when they give it back to the bank. And we worked very, very hard to make sure that this was in a deal that we knew that we could turn around and bring tenants to, that we could serve the community, that we could give new retail product offerings, new restaurant offerings and some place that I wanted to invest in. Again, we've had opportunities to invest all over the country. We have current projects in Georgia, Florida, Tennessee, Michigan, Wisconsin, Minnesota, Massachusetts and certainly Ohio. But when I looked at it there was just something about it that wouldn't let me let it go. You are all probably very much aware of all of the challenges and even the negative perceptions that may not actually be accurate that are associated with this property which has been unfortunately somewhat stigmatized. But I think that we can turn that around, I'm excited to formulate our plan over the next couple of months and bring it back to you for your consideration. I can tell you that we are excited about working in cooperation with you. We know that nothing works unless it works for everyone and so it's important for us to make sure that we engage with you early. We only closed on

the property, not this past Wednesday but the Wednesday before and again, that was after fourteen months of really hard, earnest due diligence to kind of figure things out so again we're excited, we're enthusiastic, we have high ideals for the location. We have great aspirations for it. Time will tell if all of them are able to be realized or implemented. But I can tell you that we will fight, fight hard for the property as well as the community and we've got other successful properties in the area. As we get to know one another I look forward to sharing those things with you, answering your questions and again giving you an optimistic vision of what we believe could become such a substantial asset in a key part of the City. I do want to say one more thing and then I'll wrap it up; that is, I'm actually coming from site work. Normally I would come maybe a little bit more appropriately dressed but I figured I would just be on time rather than try and impress you with my clothing so please forgive me. Thank you all very much.

Raymond Somich: Just one last thought, you know that I always have just one more thing to say. This gentleman is making a major investment in our community. A major commitment to our community. We've been asking and hoping for someone to step and do that. Part of the reason he is doing that, although I've been in conversations were his professional colleagues say that maybe he's crazy. I've assured him that the City is behind him, that we want that to be developed; that we realize the asset it needs to be for us and that the administration and the Council can work together on this to help us to...everything that you can and we can do and certainly we need our City residents to support us, to come back and shop and be a part of that. So, it really does need to be a unified effort and I'm employing you to please start thinking along those lines so that we can get this done together and turn it into an amazing piece of property and an amazing resource and asset for our community. We will be back shortly to give you some more information and more clearly define the vision that Scott has on this. Thank you again this evening for allowing us to be here.

President Fellows: Thank you Ray and thank you Scott.

Regular Meeting of Council

Minutes of October 27, 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, October 27, 2016 at 7:10pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

President Fellows: Just before the meeting I received a message that Councilman Fiebig is not feeling well. I would entertain a motion for him to be excused this evening.

Vice President Plecnik moved to excuse Councilman David M. Fiebig. Councilman Hallum seconded.

YEAS: **Unanimous.**

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

DISPOSITION OF THE JOURNAL

President Fellows: The first order of business is the Disposition of the Journal for the Regular Council Meeting Minutes for September 22, 2016.

Councilman Biro moved for passage. Councilwoman Hallum seconded.

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

Motion passed unanimously.

COMMUNICATIONS

President Fellows: I will not have the Clerk read Correspondence, Notifications, Minutes or what's on File as these items will be posted in the Regular Journal.

CORRESPONDENCE

Letter from Jeffery Schiffman, Conservation Project Manager/Western Reserve Land Conservancy to Willoughby Hills City Council, dated September 21, 2016 re: Proposed Roadway Vacation of Covert Drive (Emailed: September 29, 2016)

Interoffice Memo from Mayor Weger to Finance Director, Police Chief, City Engineer, Road Superintendent, Council President Fellows, Council Clerk and Council Members, dated September 27, 2016 re: Community Block Grant Funds Awarded for Police Department ADA Doors (Emailed: September 28, 2016)

City Engineer's Report dated October 6, 2016 (Emailed: October 6, 2016)

Memo from Assistant Director of Finance to Council dated October 17, 2016 re: New Hires (Emailed: October 17, 2016)

City Engineer's Report dated October 20, 2016 (Emailed: October 20, 2016)

Interoffice Memo from Mayor to Council President, Council Clerk, Council Members, dated October 21, 2016 re: Replacement Ordinances for Pay Increases (Emailed: October 21, 2016)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month Ended September 30, 2016 (Emailed: October 3, 2016)

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

NOTIFICATIONS

Board of Building and Zoning Appeals Public Hearing of October 11, 2016 for Case No. 2016-11 (Emailed: October 3, 2016)

Civil Service Commission Meeting of October 11, 2016 (Emailed: October 4, 2016)

Civil Service Commission Meeting of October 27, 2016 (Emailed: October 21, 2016)

Finance Committee of Council Meeting of October 24, 2016 (Emailed: October 17, 2016)

Planning & Zoning Commission and Architectural Board of Review Meeting of October 6, 2016 (Emailed: October 4, 2016)

Planning & Zoning Commission and Architectural Board of Review Meeting of October 20, 2016 (Emailed: October 17, 2016)

Planning & Zoning Commission Notice of Public Hearing to be held on October 20, 2016 (Emailed: on October 7, 2016)

Willoughby Hills Recreation Commission and the Willoughby Hills Boys League Meeting to be held on November 1, 2016 (Emailed: October 19, 2016)

Meeting of the WH Winter Fest Subcommittee of the Recreation Commission to be held October 24, 2016 (Emailed: October 13, 2016)

Meeting of the WH Winter Fest Subcommittee of the Recreation Commission to be held November 7, 2016 (Emailed: October 25, 2016)

Meeting of the WH Eggstravaganza Subcommittee of the Recreation Commission to be held November 14, 2016 (Emailed: October 25, 2016)

CANCELLATION of the Regular Council Meeting of October 13, 2016 (Emailed: October 10, 2016)

Rules and Legislation Committee of Council Meeting of October 24, 2016 (Emailed: October 17, 2016)

Utilities Committee of Council Meeting of October 24, 2016 (Emailed: October 17, 2016)

MINUTES

Notification that the BZA Meeting Minutes of July 12, 2016 have been posted on the City's Website (Emailed:

October 13, 2016)

Planning and Zoning Committee Meeting Minutes of June 14, 2016 (Emailed: September 22, 2016)

Planning and Zoning Committee Meeting Minutes of August 1, 2016 (Emailed: September 22, 2016)

Notification that the Planning & Zoning Commission and Architectural Board of Review Meeting Minutes of September 1, 2016 have been posted to the City's website (Emailed: September 16, 2016)

Notification that the Recreation Commission Meeting Minutes of June 8, 2016 and September 7, 2016 have been posted to the City Website (Emailed: October 17, 2016)

ON FILE

WH Senior Center Newsletter for October 2016, Issue No. 102

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR'S REPORT: I'd like to welcome Scott Scheel as he tackles the growth for the Shoppe's of Willoughby Hills. Our Administration welcomes him, his vision, his ideas for economic development in this area and we will have retreat that we will call where he will present some more details in about six weeks and I will announce that later.

An update on Route 91. The paving is almost complete. They were working on curbs and they finished the curbs. They still have to tar down the center lanes and do the permanent striping that is needed. Right now, it's just temporary and very light.

Worrell Road, that is complete. That was paved by in conjunction with Kirtland and us and jointly and the Issue 1 money which paid for half of it. That was striped this week and we're now totally complete.

Tonight, we have pay ordinances for the part-time police, part-time fire and the Police Chief. I would ask Council to pass these ordinances for our hard-working safety forces so that they can get their well desired raises. There are some reasons that I...if you will notice on the agenda there is two versions of the raises. Ordinances 55 through 59 were proposed by me and they include some of the things like the uniform allowance for the fire department gives...my proposal gives the Fire Chief and Safety Director the discretion to allow part-time firefighters as they need...as they deem appropriate for their amount of time worked rather than just giving them full amount and this was in Ordinance 2012-23 and Council didn't propose this in their version of the ordinance. The uniform allowance for the police department, my proposal gives again, the discretion to Safety Director and the Police Chief to distribute the part-time employees for the appropriate amount of time their worked during the year. So, this again was in Ordinance 2012-22. Leave and call-in duty, my ordinance clearly defines the benefits for leave and call-in duty and court...consolidated into better benefits with the rates in one section. Education for the fire department my ordinance includes based on the hours worked, gives more guidelines than the proposed ordinance of Council. The rate of pay the two sets of ordinances there are some rounding differences for both the police and the fire department, so that would need to be corrected. The affordable care act that's the Obama Care as we call it, it's in the Council ordinances we say thirty (30) hours since the number may change based on the department we just refer to as the "Affordable Care Act" and we just say we follow the requirements of the Affordable Care Act instead of saying thirty hours totally.

I have some acknowledgements of the Willoughby Hills Boy Scout Hayden Pasko and former Recreation Commission member Jeanette Nelson will be honored at the November 2nd Recreation Commission meeting for their accomplishments in the eagle project and their involvement in the rec board.

My sympathies go to the family of Glenn Keeney who passed away last week.

Congratulations to La-Vera Party Center on once again included in the Lake County Fast Track 50 for their outstanding business.

And then upcoming events: Trick or Treat is Monday, this Monday, October 31st from 6:00 to 8:00 in the City. There is an Art Reception at the Art Gallery across the street that's November 4th from 7 to 9. And then voting is on Tuesday, November the 8th. That's all I have Ms. President.

President Fellows: Thank you Mr. Mayor. Are there any questions for our Mayor this evening? Seeing none, our Law Director's report, Mr. Lobe.

LAW DIRECTOR'S REPORT: I have two matters for tonight's Law Director's report. The first one is the formation of a union by fifteen employees of the City, primarily from the administrative side. Received the tally from...on Wednesday 28, 2016. This was after the last meeting and so I'm reporting on it for the first time. This was received from Debra Propst, Labor Relations Specialist from SERB which is the State Employment Relations Board. The Case No. is 2016-REP06-0060, Ohio Council 8AFSME prevailed in this election. The election took place on September 20, 2016. Just today, on October 27 the SERB Board officially certified the results and the union is formulated. I have talked today with Ms. Probst and have had conversations with other representatives, fact Lisa Sap concerning the next steps for this particular matter. I have already indicated on this dais that we will be having to prepare a CBA or what is the acronym for Collective Bargaining Agreement similar to the other unions that are formed, not only in the City but in others. This is going to a long lengthy process. I also put a phone call in to the attorney for Ohio Council AFSME but I did not to talk to her today. So, that is the update.

Point #2 is I want to make a correction or at minimum legal clarification on some statements made concerning a legal statement on the official seal. There was a statement made by a certain council person that the Mayor was improperly...used the City seal when he sent out the city budget. I want to correct that. The Mayor has that absolute right. That is a misstatement of law, I am making that today, I just want to clarify it for the record. The Mayor properly used and can use the City seal when he sent out the Charter mandated budget message as noted in Charter provision 2.25. The official seal was in fact codified back in 2006-5, in fact Council President, then Council President Weger is the one when he was on Council that passed it. The budget message was in fact sent out by him and it clearly set forth that it was a 2016 budget message which had the official seal on it. There were certain statements made that you have to look at section 103.C of our codified ordinances which does in fact state what is stated on the record but the problem is that you've got to read the entire section. You can't cherry pick one or two sections. Section 103.01 of the official seal, subsection e says no person shall use in any form the media or representative seal symbol of the government of the City of Willoughby Hills unless said media is an official publication of the government of the City of Willoughby Hills. Nothing could be more of an official publication of the government of the City of Willoughby Hills other than the city budget. That has also been the practice not only in this...or this administration but prior administrations. So, I just wanted to clarify that as a matter of law. Thank you, open to questions.

President Fellows: Thank you, Mr. Lobe. Are there any questions for the Law Director this evening? See none, the Finance Director, Mr. Brichacek.

FINANCE DIRECTOR'S REPORT: No formal report tonight. Thank you, Mr., Brichacek. Are there any questions for the Finance Director this evening? Seeing, the City Engineer's report, Mr. Di Franco.

ENGINEER'S REPORT: Thank you Madame President. Just one minor correction to Ordinance 2016-46 which is on your agenda today. This is the Memorandum of Understanding with the Lake Soil and Water Conservation District. Dan Donaldson, the Director, he emailed me this afternoon to notify me of a small correction in the forward. In July, the District was transferred from the Department of Natural Resources to the Department of Agriculture so the forward should reference Ohio Revised Code Chapters 939 and 940 instead of Chapters 1515. So, I can get the corrected memorandum to the Clerk. That completes my report.

President Fellows: Thank you. Thank you. Any questions for the City Engineer this evening? Seeing none, we'll move on to Committee Reports. Vice President Plecnik, do you have a report for Finance this evening?

COMMITTEES OF COUNCIL

Finance Committee Meeting of October 24, 2016

Vice President Plecnik: That's right on this Monday, October 24, 2016 the Finance Committee of Council met at 6:34pm. Myself was present as Chair as well as both of our members Council President Fellows and Councilwoman Greer. Also present were Councilman Biro, Councilman Hallum, Councilwoman Majka, the Mayor, the Law Director and the Finance Director. In the order of business, we had one thing to discuss, the report on the 2017 budget. I had asked the Finance Director about his progress on the administrative preparation of the budget and asked if my understanding of the 2017 budget was based in large part on the 2016 budget was correct. The Finance Director deferred to the Mayor who answered that the 2017 is largely based on the 2016 budget. He also shared that the temporary budget for the first quarter of 2017, that it is basically an extension of the numbers in the 2016 budget as being proposed. He hoped to propose a permanent budget by late January or early February of next year. The Mayor also noted tonight that he is hosting a retreat with all the department heads and Council members invited in December to discuss the budget and the needs of each department. In his view this would lay the groundwork for the permanent budget.

I asked the Finance Director if there were any significant differences between the 2016 budget and the proposed budget, he replied that there none. However, he is using guesswork and the cost of snow plowing could vary considerably over the winter. In addition, the cost of health care and labor negotiations are unpredictable.

Councilman Hallum asked the Finance Director if the number of part-time employees who qualified for Obamacare based on their hours of work would change from this year to next year. The Finance Director replied that he did not have the exact numbers handy but that the numbers were similar for both years.

Councilman Biro expressed his concern that we budget for another new snow plow truck for next year. I agreed that we need to review that need for the next budget.

Public Portion was called at 6:42pm. No one came forward to speak. And that is my synopsis of the which end with adjournment at 6:46pm. I stand opened for questions.

President Fellows: Thank you Vice President Plecnik. Are there any questions for him concerning the finance committee report?

Law Director: I have one comment. I specifically remember a question being asked, a very thorough report except I was present at that meeting and I specifically remember that there was a question...or a statement made by our Finance Director about this Council did in fact pass a deficit budget and that seems to be lacking from your minutes.

Vice President Plecnik: It's actually not lacking from my minutes. I could read in more detail but I've been asked by some not to but still since you've asked; after public portion, there was a very brief discussion where I noted that we balanced the budget in 2016 for the first time in years and we need to work hard to do the same next year. The Finance Director interjected that Council had to amend the budget to allow for a larger appropriation for the SOM Center Road repaving project, when the County said we needed to put up another \$350,000 which he asserted made it a deficit budget. I asked if it wasn't true that the new estimate for the SOM Center Road project turned out to be incorrect, and that the project came in close to the original estimate so that the actual numbers still essentially balance. Finance Director Brichacek said that the number was a little higher than the original estimate, but close to it and that I was right on that account. You, the Law Director stated that

there is a difference between deficit budgets and deficit spending and I said that the Finance Committee would eagerly await the final numbers on the SOM Center Road project and the 2016 budget which we just heard is nearly complete. So, there was a little more discussion there but I tried to shorten it for our purposes this evening.

President Fellows: Thank you. Any other questions for Finance? Just going to go around the table, if that's okay, Jan would you like to report on either Utilities or Chagrin River Watershed?

Councilwoman Majka: I can do...do you want me to do them both? I can report on them one right after the other.

President Fellows: Sure, you may.

Utilities Committee Meeting of October 24, 2016

Councilwoman Majka: The Utilities Committee met also this past Monday, October 24th. We began at 6:05pm. Present were my full quorum of committee members, myself, John Plecnik, and Chris Biro. Also present were the President of Council, Councilman Hallum, the Mayor, the Law Director, and the Finance Director.

We had two orders of business the first was our Verizon's cell tower agreement which is Ordinance 2016-47. We discussed that. After negotiating with Verizon's representative, Mr. Lobe's work ended up boosting the monthly rate to \$1500 a month. And although the signing bonus has dropped from \$60,000 to \$40,000 the rewritten contract is \$200,000 approximately better over the life of the contract which is twenty-five (25) years. Mr. Lobe said now the contract is more typical of the type other cities have. A new signing date needs to be added and then the document will be sent back to Verizon for their legal representatives to review. It was the recommendation of Utilities to start on 1st Reading at the next Council meeting, Thursday which is tonight.

The second that we had was to discuss current sewer rates and a possibility of not having the next rate increase that is planned for January 1, 2017. Previous minutes were reviewed from various committee meetings as well as the components of our sewer bill and the fact that salaries come out of this fund. I stated that...I stated if it has...I asked if it had started, this practice of...around 2010 to pull salaries out of the fund and the Finance Director said that he believed that the practice of doing this had already been in place long before he started to work for Willoughby Hills. I was concerned that the ordinance for increases which was called the 5-year plan, I was concerned that it was passed by waiving the 3-Reading Rule back in 2013 before I was on Council. So, I have been reading and researching this issue. Mr. Brichacek stated that public did have ample time to know about the increase and had, had opportunities to comment on this 5-year plan. The Mayor asked if I would take a global look at other communities rather than a straight comparison of rates. Wickliffe and Willowick are metered and some of the other Willoughby Hills properties use Wickliffe sewer services. Many pay different or additional fees. The Willoughby-Eastlake community has its own treatment plant so that also makes them different. Councilman Plecnik stated that in 2013, Councilman Fiebig had expressed concern that the public would not be adequately informed if the 3-Readings were waived. Mr. Lobe reviewed that to comply with current EPA guidelines he has service crews busy cleaning sewers pipes at an accelerated schedule in order to avoid lawsuits as a result from accidental backflows as other cities have experienced. Finance Director Brichacek had stated additional revenues that other cities may have such as income tax or property tax should also be researched as I compare rates. Councilman Biro had stated that in 2013 he remembered that there was significant discussions about these rate hikes. We need to keep in mind that we were...the City was mandated to connect to sewer service and we had no choice but I pointed out that residents did not vote on these increases, they had no choice. Councilman Plecnik state that the west end is denser with apartments so at the east end of Willoughby Hills there are less users which translate to less water and possibly less contaminants so we can' really factor in the east end regarding the density of population that would support the current rates.

We had public portion at 6:30pm. Frank Cihula came up and said that Willoughby Hills has a 1-acre minimum so that we are less dense and therefore, there are less people available to support this system. The meeting adjourned at 6:33pm.

President Fellows: Jan, are you going to do Chagrin River Watershed?

Councilwoman Majka: Yes, right.

President Fellows: So let's pause for a moment to see if you have any questions from the Utilities Committee meeting for Councilwoman Majka? Okay.

Councilwoman Majka: Okay, seeing no questions, I'd just like to briefly report on a September 13th meeting of the Chagrin River Watershed Partners that I'd attended. We have, the biggest news that we have to be concerned about is that there was a 1% increase in the dues that are being charged to Willoughby Hills by the Watershed Partners. It really is a very modest increase that amounts to our rates going from 6,754 to 6,822 dollars a year. We are...we were actually honored by the Chagrin Partners as being one of the first communities within the partners to get our paperwork done to become compliant with a new EPA NPDES permit code update that's very complicated, I've been trying to figure it out myself, often calling people to make sure that I understand it but it basically means that we're updating the City codes to be in compliance with some new regulations that EPA has developed regarding stormwater management, erosion controls. It has to do with buildings, projects and most especially, if we're not compliant with our codes, it might knock us out for any grants that are available through the Federal Government and other places. So, I give kudos to Pete Di Franco. I heard that you were instrumental in getting that done and getting it done early. The deadline was December 22nd so we were done well in advance of this, so whenever something like this is done it's good to get it done so we're not running into deadlines and rushing it the last minute. We also have, this is just incidental but I found out that one of the ordinances that we're going to look at tonight which was already mentioned by way of a small correction, number 46 with the Lake County Soil and Water Division is also...it's not handled by the Chagrin River Watershed Partners but they do cooperate together in doing this very same thing. I guess the Soil and Water plans were around before the Chagrin Watershed Partners was formed but now that they're both entities within our City they do assist us with planning projects and grants and all kinds of good stuff. And since we have a lot of water in the way of our river running through our City, it's really important that we pay attention to water quality. So, that's why I sit here reporting on attending these meetings and that's why Mr. Di Franco has been doing extra work like this to sort everything out and keep us in compliance. So, that was that. We meet quarterly, I don't know if we are having another meeting before the end of the year but I do...I have attended all of the meetings this year so far. So, does anybody have any questions on that?

President Fellows: Any question for Councilwoman Majka on Chagrin River Watershed? We thank for attending the meetings for us and bring back a lot of good information. Thank you, Pete, as well.

Chris, did you have anything that you wanted to share from the Planning and Zoning Commission?

Councilman Hallum: I do. You know other than our normal, we had a couple, I think two houses that were approved but more importantly the cell towers, the two new proposed cell towers, TowerCo was at the meeting they started providing preliminary information to us, there are some additional items that we have requested that we want to see before we can fully approve any kind of plans that they have as far as developing those towers. But progress is being made so, just want to make everyone aware that they did go to Planning and Zoning and they are starting that process.

President Fellows: Thank you Chris. Any questions for Chris? I just have a couple of things that I'd like to add about the meeting.

So, there was a Public Hearing for the cell towers. The one at the Grange site and also Miller Road. There were several residents in the audience for the Grange site but not for Miller Road. I don't think that there are any residents within the required distance from that cell tower that needed to be notified. A few of the residents came forward and had some questions and some concerns. And as Chris said representatives from the company were here. So, I jotted down a couple of the questions:

(1) Has the property been surveyed? That meaning the Grange and the Cemetery. The response from the company was that because this is a federal undertaking it must be approved by them which it has.

(2) Has the property had an infrared survey for graves that may be on the Grange site? That hasn't been done at this time.

(3) This has often been referred to as a "historic site", I do not believe...we call it an historical site because the Grange has been there for a long time, technically it's not an historic site. An historic site is when its preserved to its cultural heritage. The Grange has been updated for much needed repairs over the years but it's not really one of those sites where you would get a plaque on it from the United States that says it's an historical site. So, technically, it's not an historic site.

(4) Concerns of the proximity of the tower to the historic site; while proximity is a concern and cannot be determined on the fact that the Grange is a historic site, technically.

(5) What would happen if the tower fell down? It would have to be truly a catastrophic event; and is constructed to fall straight down.

(6) Where is it to be located? Southwest corner away from the building. While it is positioned away from the Grange it abuts up to a residential property.

(7) Will trees need to be removed? The current belief is not to remove trees; however, limbs will need to be removed so that they do not interfere with the tower or fall on any equipment at the base. However, they would like to leave the canopy intact.

(8) Will there be noise or humming generated from the tower? The sound emitted would sound much like a home air conditioner. Power testing is usually done once a month for about 30 minutes and would be scheduled to be done during the day when people are not at home and there's more daily traffic sounds.

(9) What will power the generators? Either diesel with a 54-gallon tank, propane and tank or natural gas with would not have a tank.

(10) Will the tower interfere with residential TVs, phones or other appliances or electrical devices? The answer was no.

(11) The City Engineer questioned the 50' x 50' footprint as traditionally the size of the footprint is 100' x 100'. The company is sensitive to the aesthetics of the area and have planned purposely for a smaller footprint that will work for specifications.

(12) Questions about utility access? Originally thought to be able to go underground, but now they're looking to approach above with 1-3 poles running along River Road. The City Engineer thinks the utilities can still be underground.

(13) Will the tower or pole be painted? The suggestion is not, it is galvanized and superior to the elements.

(14) Could the site be marked so that residents could see exactly where it is going to be located and then try to have a better visualization of the tower? The company indicated that there are some stakes there now, but the company will look to see where they are there and add more if necessary.

Mr. Bartolotta came forth indicating that Mr. Majeski and he were in favor of the cell tower. They use the Grange for the Scouts. He asked:

(1) With the construction, could more lighting be added to the parking area? That would need to be considered, especially how the lighting will affect nearby residents.

(2) Could the lot be paved? The company said probably not.

(3) Could a Hamm signal be added to the tower? Probably not since this is going to be a stealth tower with artificial foliage.

(4) Could the fence around the base be like the one at the cemetery? The fence right now is identified to be a chain-linked fence, could be changed to board-on-board.

The Chairman of the Planning and Zoning Chris Smith and this is what Chris Hallum just indicated, Councilman Hallum, indicated a vote would not be taken this evening as this was the evening for the public to come forth and they felt that, the residents that did come forth thought that it would be a negative impact on the setting and devalue the property and their homes.

So, I just thought that it was important to share, it's good information about that area.

Councilman Hallum: All of that information is in the minutes if anybody wants to review those, they are in the minutes of the Planning and Zoning Commission.

President Fellows: All right, so, I'll go on to Rules and Legislation. Bear with me, we have a lot on the agenda and I apologize that my minutes are going to be a little long this evening.

Rules and Legislation Committee Meeting of October 24, 2016

President Fellows: The meeting commenced at 7:00pm. All members of the committee were present; myself, Vice President John Plecnik, Councilwoman Jan Majka. Councilwoman Greer, Councilmen Biro and Hallum, the Mayor and the Law Director were also present. The order of business was the legislation for this evening's meeting.

Ordinance 2016-44 – is establishing a program for identifying and registering foreclosed properties, designating owner responsibilities, expediting the rehabilitation of the vacant dwellings, and requiring the responsible property owners(s) to pay the costs of property maintenance. The information used to develop this ordinance originated from Chris Hallum and the Building Inspector Fred Wyss, indicating, and I quote “after [much] conversation concerning potential negative impact on residents, and the possible liability involved with public recording of vacant properties, it was decided that we should draft an ordinance that covers foreclosure properties”. Mr. Hallum indicated that this ordinance has been vetted by his Planning & Zoning Committee of Council. There was an extended and valuable discussion on this topic. Councilwoman Greer “supports the registering of foreclosure properties but at this time unsure about the fees”. Rules and Legislation Committee of Council recommended that this ordinance stay on 1st-Reading. We said 1-Reading because the ordinance had gone back to the Clerk when we were notified by Councilman Hallum that he did not want it on the agenda. There were some small things changed but I would have to defer to the Law Director to see if there was any substantial change which I don't think there was and Mr. Hallum you might be able to point to it. If there isn't any substantial changes to it then it would be on 2-Reading this evening.

Councilman Hallum: Well, I'll say that the changes were: we changed the chapter to be a different chapter within the ordinances within the Charter and the...we added some fees, we added that it was going to be commercial and residential.

President Fellows: We may should have renumbered it and tabled the first one.

Law Director: To make it easy, I'll just say that it's a substantive change and put it back on 1st-Reading, how's that. Plus, there's a lot of questions so I think in fairness, I know down at this and that end there's a lot of questions so let's put it back on 1st-Reading.

President Fellows: Okay, and we had a very good conversation.

The next one is **Ordinance 2016-45** – an ordinance adopting changes to our codified ordinances; all legislation that has been passed since the last update and adhering to traffic codes. The changes have already been made and posted on the website and a PO has been issued for \$6,500, \$100 less than the \$6,600 that had been

budgeted for this expense. Rules and Legislation Committee of Council recommended that the 3-Reading Rule be waived and the ordinance be adopted.

Ordinance 2016-46 – We’ve touch base a little bit on this, this evening already, an ordinance to enter into a new mutual agreement presented by the Lake County Soil and Water Conservation District (SWCD) for their continuation of services and technical assistance. Some of the changes include: the Ohio EPA requires a Memorandum of Understanding (MOU) for Phase II compliance and provides for the Soil and Water Conservation District (SWCD) the authority to administer soil and erosion control. Rules and Legislation Committee of Council recommended this be on 1st-Reading and we also need to change the district numbers as reflected from the City Engineer’s report tonight.

Ordinance 2016-47 – an ordinance authorizing and directing the Mayor to enter into the First Amendment Lease Agreement renewal (tenant Verizon) with the City. This is one of our original cell towers implemented in 1987. The current contract expires in June 2017. This is a new ordinance replacing Ordinance 2016-36 that was tabled at the September 22nd Council meeting as recommended by the Law Director due to renegotiating terms of the lease agreement/contract. Some of the points of the agreement: one-time sign-on bonus payment went from \$60,000 to \$40,000 (if company is encouraging signing the contract by the end of the year instead of our deadline of March 1, 2017. The Rules Committee and member of Council present agreed and granted authority to the Law director to ask if the sign-on bonus could be increased. Monthly rent went from \$732.00 to \$1,500 for the life of the contract (noted 25 years) which would give the City about \$18,000 per year and approximately \$450,000 over the life of the contract stays in tact for 25 years. It was inquired since the Law Director has been involved in the negotiations, does the Mayor concur? The Mayor responded that he did. Rules and Legislation Committee of Council recommended that this be on 1st-Reading. The other thing about that is that we thought...it appeared that the company would like to have this contract signed by the end of the year although we have until March 1st. The Rules Committee and the members of Council present agreed and granted authority to the Law Director to ask if this sign-on bonus could be increased if we signed it before the end of the year.

Ordinance 2016-48 – an ordinance authorizing and directing the Mayor to expend up to \$30,000 of which we spent \$25,600 for asphalt hauling and services required for the Worrell Road Resurfacing Project. The Road Superintendent Mark Grubiss estimated that the cost of asphalt hauling would be approximately \$24,000 or less. Purchase orders for two contracting trucking firms; Cuyahoga Valley Trucking and Badger Transfer, LLC had been issued. The Mayor is allowed up to \$25,000 for materials, supplies, equipment, labor, professional services, and other related items. In the future when Council is approving the purchase for asphalt for a road project, possibly we could address the funds needed for hauling at that time as well. Rules Committee recommend that the 3-Reading rule be waived and the ordinance be adopted.

Ordinance 2016-49 – an ordinance declaring City vehicles and/or equipment as surplus. A 2012 Dodge Charger with 106,372 miles, estimated value \$8,000; a 2012 Dodge Charger with 103,950 miles, estimated value \$8,000; 2009 Dodge Durango with 123,270, this is the vehicle that had been used by the Building Inspector, Fred Wyss. The Building Inspector is now driving a vehicle from the Police Department; 1995 Chevrolet Pickup with 100,000 estimated to be a value of \$1000. The Public Internet Auction for the vehicles will be on the Public Surplus Website for 21 days and will also be advertised in the News-Herald for two consecutive weeks, on Channel 12 and the City Website. The Rules Committee recommended that the 3-Reading Rule be waived and the ordinance be adopted.

Ordinance 2016-50 – an ordinance authorizing and directing the Mayor to enter into a contract with General Liability Insurance Coverage for the City of Willoughby Hills; a premium not to exceed \$72,453 for October 1, 2016 – October 1, 2017. We are on a 3 year “no raise” contract except for the additional fee for covering the safety light boxes that were added earlier this year. Rules and Legislation Committee of Council recommended that the 3-Reading Rule be waived and the ordinance be adopted.

Ordinance 2016-51 – an ordinance providing for the temporary appropriations to meet the ordinary expenses for the City for the period January 1, 2017 – March 31, 2017. This temporary appropriation does not reflect any increases in wages and benefits that will or may be incurred due to union negotiations. This will be adjusted when the annual budget is renewed. Rules and Legislation Committee of Council recommended that this be on 1st Reading.

The next three ordinances, **Ordinance 52, 53 and 54** are reflective of the ordinances that were passed to increase the part-time police and dispatchers' salaries, the part-time firefighters and the Police Chief. These ordinances were placed back into Public Relations and between Public Relations and then Rules we have been correcting or addressing the corrections from the veto to make sure that we are in compliance of why they were vetoed.

So, the first is **Ordinance 2016-25 which is now 2016-52**. An ordinance providing for the wages and benefits of the part-time hourly members of the Police Department which includes the dispatchers. And at this particular meeting we were only addressing form and content: the first one, was errors in job titles. The classification listed as "Police Officer", Class 1, 2, 3, and 4 that they were not accurate. Under section 1, we were asked in the ordinance, that instead of using Police Officer that we use Patrol Officer so that was corrected. In section 11, regarding eligibility for hospitalization coverage, the original ordinance denies hospitalization to all part-time police officers. Section 11 of the Affordable Care Act requires that part-time employees who work a weekly average of 30 hours or more be offered that benefit. This is reflected now in the ordinance as stating "In accordance with the Affordable Care Act, part-time hourly members who work a weekly average of 30 hours or more are entitled to health insurance". So, it was one of the points of form and content that we changed based on the veto. The other one was that jobs not properly vetted. Personnel Relations then reviewed the reasons for the veto, and corrected or adjusted these ordinances. Personnel Relations then recommended and it is based on the minutes of 6/23 and 9/19, revised the ordinance reviewed by the Police Department, now Rules has had it for form and content and it can go to Finance if necessary, though the Mayor's recommendation of 3% has been honored. So, Rules recommended that this ordinance stay on 1st Reading because we have a little bit more to do beyond form and content.

Ordinance No. 2016-26 which is now 2016-53 – this is the ordinance providing for the wages and benefits of the part-time hourly members of the Fire Department. In terms of addressing form and content, in section 1 under the veto statement it said errors in section 2 – Assistant Fire Chief uniform allowance did not state "per year" and the veto said it needed to be changed to annual. No, it was identified as annual and it needed to be changed to per year. So, we originally had it in the ordinance "annual", part of the veto said that they wanted "per year". Personally, I don't know the difference between annual and per year, but we changed it. Jobs not properly vetted, again the same thing for the previous one. It went to Personnel Relations after the veto, it was corrected and adjusted to why it was vetoed per minutes of two meeting minutes of 6/23 and 9/19. We revised the ordinance reviewed by the Fire Department and now to Rules for form and content. We still honored the Mayor's 3% increase so this is on 1st Reading.

And then the last one is **Ordinance No. 2016-27 which is now 2016-54** – an ordinance providing for the wages and benefits of the Police Chief. The preference to provide for a "salary range" rather than an "annual salary figure." Vetoed because administration preferred a "salary range" rather than an "annual" (per year) salary figure which was reflective on the original ordinance. As legislators, Council is allowed to fix compensation for all employees, we do not have to fix a pay range, we can fix a pay rate, one or the other. The rationale that was given that if we hire a new Police Chief, how would we be able to pay him because we didn't have a pay range. But we were able to appoint a new Fire Chief, we didn't have a pay range, we had a fix rate and that was able to be done. So, it can be done one way or the other. And lastly, jobs not vetted properly, the same thing in terms of the other two ordinances. Actually, the Police Chief wanted to review his ordinance and he did and he said that it looked good to him. Also, the ordinance for the part-time police and dispatchers was reviewed by

the Police Chief and he didn't really have any comments on that. And the ordinance for the part-time firefighters will also be reviewed by the Police Department as well.

Resolution No. 2016-12 – is accepting the 2016 Lake county CDBG Award in the amount of \$11,000 to finance the installation of ADA accessible doors at the entrance to the Police Station. Resolution in acknowledgement of accepting the grant money which will be reflective in the 2017 budget. The Rules and Legislation Committee recommended that the 3-Reading Rule be waived and the resolution be adopted.

And then **Resolution No. 2016-13** – this is a resolution in support of obtaining a Federal Grant through the Federal Emergency management Agency (FEMA) and all of you have the updated copy of that application this evening. The grant will support the purchase of self-contained breathing apparatus as well as personal protective equipment. At the time of the Rules meeting we didn't have all the information on the application. That information has been provided to the Clerk. The updated applications have all been given to you. So, Council can decide tonight what they want to do.

Additional Business – Councilman Biro discussed the need for a Service Committee Meeting of Council including the Road Superintendent and the Finance Director at the beginning of the new year to discuss the finances in the procurement of a new service vehicle similar to what was purchased recently.

Acknowledgement of the four new ordinances aligned with wages and benefits of the part-time police, part-time firefighters, the Police Chief and the salary table adjustments, the Mayor referred to this in his report this evening. These ordinances have all been numbered, they were placed in Personnel Relations Committee for review and compared to the original ordinances as updated to correct issues aligned with the veto.

Public portion opened at 8:30pm. Linda Fulton inquired if residents were notified of the cell tower proposed to be erected on the West Miller Road property that the City owns. Responses from Frank Cihula and Administration indicated that there were no residents within 500' of the proposed site.

Public portion was closed at 8:32pm and the meeting was closed at 8:32pm. I am up for any questions or corrections. Thank you and thank you for listening.

Just to note, Personnel Relations does have a meeting scheduled for November 7th at 6:00pm. The Working Committee of Council has a meeting scheduled for November 10th at 6:30pm, a half-hour before Council and ordinances 55 to 58 are on that agenda.

Any questions on the regular Committees of Council? The next order of business is Council Representative Reports. Vice President Plecnik.

COUNCIL REPRESENTATIVE REPORTS

Vice President Plecnik: Madame President, the Cuyahoga County Airport Noise Abatement Council met two weeks ago, two Thursdays ago. Our meeting is quarterly, just like the Chagrin River Watershed Partners but cancelled the previous quarter due to its proximity to the Republican National Convention in Cleveland so we had two quarters of aircraft complaint reports to review. There were 18 aircraft complaints for the second quarter and 22 for the third quarter. Both numbers are substantially down from last year; however, to date aircraft operations at the Cuyahoga County Airport have fallen to an eight-year low. With less activity and less flights at the airport, less complaints is a predictable consequence. The Control Tower Manager and major airport tenants shared their opinion that the decline in aircraft operations this year is due to the reconstruction of the airport and the consequent closures of the runway that said there's a noticeable decline in airport operations from 2008 which predates the construction and even in 2010 when operations reached their 8-year high the airport was operating substantially under compacity. There was a consensus that the RNC went smoothly and

thankfully there were absolutely no aircraft related incidents in spite of heavy air traffic that week. Also, on the political front, we were warned so this would have been over the 13th, 14th that there could be some odd flight patterns today and tomorrow, the 13th and 14th due to temporary flight restrictions imposed as a result of President Obama visiting the area, so if you noticed that over those two days it was temporary. As part of our construction update, we learned that Phase 1 of the airport reconstruction is now fully complete and the airport has already received the grant funding to complete Phase 2 next year. Phase 1 involved mostly drainage and ground work whereas Phase 2 involves repaving the runway. Phases 3 and 4 will involve the installation of EMAS or engineered material arresting systems on either side of the runway which are designed to either slow or stop an aircraft which over shoots its landing. As part of general discussion, the Noise Abatement Council restated that need of the Cuyahoga Airport to have its own website to update residents and pilots on changing flight conditions and restrictions. We had previously noted to recommend a website, excuse me, voted to recommend a website for the airport and to follow-up our Chairwoman Cathy Murphy who doubles as the Council President of Highland Heights is penning a letter on behalf of the Noise Abatement Council to Cuyahoga County which repeats our recommendation that the airport should have its own website. Lastly, the Cuyahoga County Legal Department had told shortly before the meeting to the secretary of the airport that it's forwarding a proposed draft of a new Joint Statement between the County, Cities and Airport Users to clarify the Joint Statement is the document that creates the Noise Abatement Council, it's about forty years old and defines the relationship between our City and the airport. It was last amended in 2010, of course, I pledged to review the proposed amendments and to make sure that we push for provisions that promote less noise and more safety. I would note that there was also a discussion about the continuing debate that has been between Council and the Mayor as to who the airport representative is for Willoughby Hills and the Council. Chairwoman Cathy Murphy asked that Ed McKenna who the Mayor has named and that I who Council has named and get together and try to work it through. She suggested the possibility of each of us taking half a vote. Immediately after the meeting Ed McKenna shook hands and said that he was fine with that solution. He proposed it as well and I said that I was fine because the most important thing is simply to have representatives there advocating on behalf of the City realistically the airport tenants get substantially more votes than the cities due. A day later; however, he sent an email saying that he felt he couldn't make a decision like that without the Mayor's say so. So, I'm still open to working with Mr. McKenna to try to find a resolution but I hope that we can focus more on informing residents and making sure that as the Joint Statement is amended that it really reflects Willoughby Hills best interest than continuing to talk about the title of airport representative. But hopefully we can get together in the near future and work through that so that we can keep our focus on informing residents. But those were all the important points in the meeting and I stand open to questions.

President Fellows: Thank you Vice President Plecnik. Any questions for John? Thank you.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies

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

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

President Fellows: The next order of business is public portion. Public portion is an opportunity for the public to come forth. Comments should be restricted to matters aligned with the responsibilities of Council. It is not an opportunity to debate topic nor is it an opportunity to belittle or degrade anyone. If the Chair deems that comments are of a personal nature or an attack on an individual, the individual will be asked to sit down. We asked that you limit your comments to 3 minutes.

I'll open public portion at 8:03pm.

Mr. McKenna, do you have information that you would like to share from your take-away on the airport meeting?

Ed McKenna – Yeah, I have a couple take-aways it may be a little different than John's. The message was clear that Willoughby Hills presently has two representatives on that board and that it's only really allowed one. I did...I didn't propose the half vote but the committee did and John did come to me with that idea but I checked with the Mayor and the Mayor is working with the representative of the Cuyahoga County of what is correct or appropriate in our place so we are waiting on that will come to be. But that is an item that they are requiring to be resolved next meeting which is January 12th. The...as John mentioned, there were kudos to the operation during the RNC convention. There were expected...there were a...there were over 1,000 operations at the Cuyahoga County Airport. We did require to remove our noise abatement procedures during that time and there were other special regulations at that time. Thankfully that went well. And then just as John said, there's...in the process of construction and Phase 1 is done. Before Phase 3 and 4 which is 2017 and 2018 some new studies are going to be required which will be depended on dimensions of the completions of Phase 1 and Phase 2 work, okay. So, that can affect some of the things that we're going to see in Phase 3 and 4. We're going to have to kind of keep an eye on that so see how that will affect us. I think that's it if you have questions afterwards, I'd be glad to answer. Thank you.

David Rowell – 2430 Pine Valley. I just had a couple of questions about how the Fire Department is being one right now. I've been with the Euclid Fire Department for twenty years; I've been a Fire Captain there in the training office, and what has happened is quite embarrassing how we picked a Fire Chief. We had up to 18 applicants that put in for this, 18 of those, probably 17 out of the 18 had supervisor skills more than the person that you hired as the new Chief, okay. I know almost all of them. I've worked with them before, I've done joint training and I'm completely shocked on who we hired as the Fire Chief. I don't like the fact that it was blamed on Council, this has to do with the Mayor and has to do with Civil Service. I don't like the blame on Council, it's not your fault. I don't like the lying. And then we do have an Assist Fire Chief, don't we? Why is he not the acting Chief right now? We have a Lieutenant that passed up the Assistant Chief, no offensive to her, I don't know her very well but to support the Mayor in this decision shows lack of respect for the Fire Service and for the Fire Department. We have an Assistant Chief, I know who he is. I've worked with him before. He came and helped my daughter when she got sick. I don't see why he's not the Acting Chief right now, makes no sense. What else, manning. You have 4 members working a day now. It should be at least 6 members working in the Fire Service at your station daily. They're up to almost 1800 fire calls this year. Kirtland runs with 6 and they run 800 calls less than them. We have a ladder truck that's only used may be 4 or 5 days out of the year. I've talked to members of the Fire Department, didn't tell them about anything with the Fire Chief, just asked about what's going on with the Fire Department, their manning and what they're using. They even said, hey, if we need to we'll get rid of it and pour that money into actually having more firemen on duty. So, I think that's something that really needs to be thought about. I think that we need to start thinking about the lack of confidence and how somethings are being ran and I think that we need to make the right decisions for the City.

Linda Fulton – 2990 Marcum Boulevard. I also wanted to express my concern about the Fire Chief's position. I want to know is the Acting Chief, is she qualified? Does she have the certifications that are needed to be a Fire Chief? If not, then why is she the Fire Chief, Acting Fire Chief? It was unfortunate what happened when you hired Mr. DiSanto. It was, I think that it was a situation that could have been avoided. And when I was at the Civil Service meeting they also said that it could have been avoided. And the process of hiring, I question also. I think the Civil Service Department is making it a lot more complicated than necessary. And I don't know if they had a meeting today, I'm going by the prior meeting about 2-3 weeks ago, but again, I do ask why, why isn't the Assistant Chief, Acting Chief? Who is definitely very qualified. Thank you.

President Fellows: Thank you, Linda. Anyone else for Public Portion this evening?
I will close Public Portion at 8:09pm.

UNFINISHED BUSINESS

President Fellows: Mayor, could you please respond to both of these individuals since you are the one that appointed the Acting Fire Chief, please.

Mayor: Response not auditable.

President Fellows: The Mayor says that he will not answer those questions this evening, he'll do it at a later date.

Another Unfinished Business? Let's move on to legislation.

LEGISLATION

Ordinance No. 2016-44 – 2nd Reading

An ordinance amending Part Thirteen – Building Code, Title One – Standards by the establishment of Chapter 1351 – Notice of Foreclosure Filing of the Codified Ordinances of the City of Willoughby Hills.

President Fellows: This was recommended to stay on 1st Reading.

Ordinance No. 2016-45

An ordinance approving the editing and inclusion of certain ordinances as parts of the various component codes of the Codified Ordinances of the City of Willoughby Hills, Ohio and declaring an emergency.

Councilman Biro moved to suspend. Councilwoman Majka seconded.

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

Councilman Biro moved for passage. Councilwoman Majka seconded.

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

Ordinance No. 2016-46

An ordinance accepting the Mutual Agreement for Technical Assistance between the City of Willoughby Hills and Lake County [Ohio] Soil and Water Conservation District.

President Fellows: This ordinance will stay on 1st Reading so we can adjust the district numbers and there's no urgency from the organization to pass it at this time.

Ordinance No. 2016-47

An ordinance authorizing and directing the Mayor to enter into the First Amendment to Lease Agreement by and between the City of Willoughby Hills and New PAR d/b/a Verizon Wireless

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

Law Director: Can I make one comment. I apologize. We talked at the meeting with Councilwoman Majka and Vicki. I'm going to back now and try to see if I can get us some more money at this and I'm sending it back to their Legal Department because I made certain changes and they made certain legal changes. But I'll do everything through Ms. Majka unless I hear some objection, but of course, Vicki does all the work. I'll work with Vicki and then I'll get back with Ms. Majka if that's okay with the rest of Council. Thank you.

Ordinance No. 2016-48

An ordinance authorizing and directing the Mayor to expend up to \$30,000 for asphalt hauling services required for the Worrell Road Resurfacing Project and declaring an emergency.

Councilman Biro moved to suspend. Councilwoman Majka seconded.

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

Motion passed.

Councilman Biro moved for passage. Councilwoman Majka seconded.

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

Motion passed.

Ordinance No. 2016-49

An ordinance to declare city vehicle(s) and/or equipment as surplus property and granting authorization to sell said surplus vehicle(s) and equipment on the open market upon such terms and at such prices as are deemed most advantageous to the City of Willoughby Hills.

Law Director: Council President, I'm going to ask Council to add an emergency tag to this. I think that the major gist was even from the committee, to advance this thing at the earliest possible time, so I'm going to ask for an emergency tag on this just because if that's okay with everybody. I'll ask you to file proper, if Council President admits it, a motion to amend to add that and then you don't have to waive the 2-Day Reading Rule because there is nothing substantive. I'd like the amendment just to add an emergency tag to this so that we can advance it at the earliest possible time.

Vice President Plecnik moved to amend Ordinance No. 2016-49 by the addition of an emergency tag to the ordinance. Councilman Biro seconded.

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

Motion passed.

Councilman Biro moved to suspend the 3-Reading Rule for Ordinance No. 2016-49 – As Amended. Councilwoman Majka seconded.

Vice President Plecnik: If I could just say this is going to be an on-line auction of various city vehicles and I personally think that there's some fairly nice police cars going up, so I'd encourage residents to peruse and see if you can help yourself and help the City bid up the prices a little bit for us. So please check the on-line auction. The City for some years now has started to paint the doors of the cop cars black so that they are ready to drive off the lot. Check it out.

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

Motion passed.

Councilman Biro moved for passage. Councilwoman Majka seconded.

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

Motion passed.

Ordinance No. 2016-50

An ordinance authorizing and directing the Mayor to enter into a contract for general liability insurance coverage for the City of Willoughby Hills and declaring an emergency.

Councilman Biro moved to suspend. Councilwoman Majka seconded.

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

Motion passed.

Councilman Biro moved for passage. Councilwoman Majka seconded.

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

Motion passed.

Ordinance No. 2016-51

An ordinance providing for temporary appropriations to meet the ordinary expenses of the City of Willoughby Hills, State of Ohio for the period beginning January 1, 2017 through March 31, 2017; repealing conflicting legislation and declaring an emergency.

President Fellows: This is our temporary appropriation, so this will be on 1st Reading.

Ordinance No. 2016-52

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.

President Fellows: This will stay on 1st Reading. This is the ordinance that is being updated from the vetoes that are in Personnel Relations and Rules committees.

Ordinance No. 2016-53

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 one will also stay on 1st Reading. This is the ordinance that is being worked on to correct what was vetoed on it working through the Personnel Relations and Rules committees.

Ordinance No. 2016-54

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

President Fellows: And this one is also an ordinance that was from the original ordinance vetoed being corrected for why it was vetoed and is being vetted through the Personnel Relations and Rules committees so it will stay on 1st Reading.

Ordinance No. 2016-55

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.

President Fellows: The next ordinances 55, 56, 57, 58, Vicki read the captions but these are all the new ones that the Mayor has just introduced. These have been placed into Personnel Relations and Council Committee of the Whole and subsequently Rules for vetting. So, 55 will be on 1st Reading.

Ordinance No. 2016-56

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 remain on 1st Reading.

Ordinance No. 2016-57

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

President Fellows: This will be on 1st Reading.

Ordinance No. 2016-58

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: This will be on 1st Reading.

Resolution No. 2016-12

A resolution for the acceptance of a 2016 Lake County CDBG Award in the amount of \$11,000 to finance the installation of ADA accessible doors at the entrance to the Police Department.

Councilman Biro moved to suspend. Councilwoman Majka seconded.

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

Motion passed.

Councilwoman Majka moved for passage. Councilman Biro seconded.

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

Motion passed.

Resolution No. 2016-13

A resolution in support of obtaining a federal grant through the Federal Emergency Management Agency (FEMA).

Councilman Biro moved to suspend. Councilwoman Majka seconded.

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

Motion passed.

Councilwoman Majka moved for passage. Councilman Biro seconded.

Councilman Hallum: I would just like to ask the Finance Director, I see that our local share of this is \$13,000 is that accounted for in our budget?

President Fellows: The resolution says that it will be from the 2017 budget.

Councilman Hallum: I just want to make sure that we're including that before we pass this.

President Fellows: And I think the some of the members of the Fire Department have been sitting here all night, so diligently waiting for this. Thank you very much.

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

Motion passed.

NEW BUSINESS

There were no items brought forth by the members.

FOR THE GOOD OF THE ORDER

There were no items brought forth by the members.

FOR THE GOOD OF THE COMMUNITY

Vice President Plecnik: Let's go Tribe!

President Fellows: And Happy Halloween to everybody!

Councilman Hallum: Just wanted to acknowledge the Recreation Department that held the recent Halloween Party at the Community Center. There was a bunch of people there. There were a lot of kids having fun and I appreciate all the work that everybody put in, all the volunteers that helped out with that. Thank you.

ADJOURNMENT

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

YEAS: Unanimous.

The Regular Council Meeting of October 27, 2016 was adjourned at 8:27pm.

APPROVED: December 4, 2016
Date

John Plecnik
John Plecnik
President of Council, Pro Tem

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