
Regular Meeting of Council

Minutes of January 14, 2016

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

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

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

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

President Fellows: I just want to say that Councilman Hallum notified me this week that he would not be attending the Regular Council Meeting of January 14, 2016 for he is on vacation.

YEAS: Unanimous.

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

PRESENTATION

President Fellows: First Order of Business this evening is going to be a presentation to John Davis. If you didn't know John Davis, you will after reading Resolution No. 2016-1. Congratulations John for an outstanding service to our community and what you brought to our community as well.

DISPOSITION OF THE JOURNAL

Councilman Fiebig moved to accept the Regular Council Meeting Minutes of December 10, 2015. Councilman Biro seconded.

YEAS: Fellows: yes, Fiebig: yes, Majka: yes, Plecnik: yes, Biro: yes

ABSTENTION: Greer

COMMUNICATIONS

Correspondence

City Engineer's Report dated January 7, 2016 (Emailed: January 7, 2016)

REVISED Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month Ended October 31, 2015 (Emailed: January 12, 2016)

REVISED Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month Ended November 30, 2015 (Emailed: January 12, 2016)

Mayor's Court Monthly Statement to City Council President, Council Clerk, Council Members, dated January 8, 2016 re: Assignment of Trustees for Chagrin River Watershed Partners and Representative to Cuyahoga County Airport Noise Abatement Committee (Emailed: January 8, 2016)

Interoffice Memo from Mayor to President of Council, Council Clerk, Council Members, dated January 12, 2016 re: Bid for Asphalt and Limestone

Notifications

Civil Service Commission Meeting scheduled for January 7, 2016 (Emailed: December 11, 2015)

Civil Service Commission Meeting scheduled for January 28, 2016 (Emailed: January 12, 2016)

CANCELLATION of the Planning & Zoning Commission and Architectural Board of Review Meeting scheduled for January 7, 2016 due to no pending business (Emailed: January 11, 2016)

Planning & Zoning Commission and Architectural Board of Review Meeting of December 17, 2015 (Emailed: December 15, 2015)

Recreation Commission Meeting scheduled for January 6, 2016 (Emailed: December 31, 2015)

On File

Willoughby Hills Senior Center Newsletter for January 2016, Issue Number 93

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor's Report – Absent and no written report provided to the Members.

Law Director Lobe – Requesting an Executive Session tonight at a time most convenient for Council; presumable after “For the Good of the Order”. Requesting all of Council, the Law Director, the Finance Director and the Chief of Police to attend for a time not to exceed thirty (30) minutes on the basis of Willoughby Hills Codified Ordinance 107.08(b)(1).

Finance Director Brichacek: No report for tonight.

City Engineer Di Franco: Solar Power School Zone Sign was installed at the School of Innovation on Chardon Road last week in response to several concerns received from residents and I understand it is working nicely. I've been working with the Cuyahoga Soil and Water Conservation District to identify stream restoration areas along the Euclid Creek Watershed; they've identified 4 or 5 sites within the City. The most promising site is on the School of Innovation property and we've talked to the school and they're in support of a potential project in the back of their property which would help the people downstream the Lamplight area and upstream the Fowler area so that's a promising project that we are continuing to work on. Cuyahoga Soil and Water Conservation District already has a grant for the planning; once the planning is complete they would apply and try to obtain a grant for construction so that would still be 3 to 5 years away.

We received Stage 2 plans for the SOM Center resurfacing just a couple days ago so this is new information but the estimate is significantly higher than we originally thought based on NOACA's numbers. The overall cost is about \$600,000 higher than we had expected and this is an 80-20 grant from ODOT; however, it does have an not to exceed limit on what ODOT will contribute so any of this extra cost would be the responsibility of the cities and accordingly to the current numbers it would be an additional \$300,000 for Willoughby Hills. But again, these numbers are preliminary, there is still more design to do and in speaking with the County Engineer they felt that the numbers are very conservative it includes a lot of contingency for base repairs which we probably won't use and he is expecting very good numbers because these are favorable projects to contractors so I just wanted to make you aware that the numbers are currently higher but there is still time to work on it.

COMMITTEES OF COUNCIL

President Fellows: So at the Organizational Meeting most of the Committee Chairs were nominated and this evening I will go through our list to see if any of the Chairs have their Committee Members in place. It is not imperative that they have them at this time.

Provided are the Standing Committees of Council, the Chairs and Committee Members:

Finance: All matters concerning and affecting revenues of the City including, but without limiting the generality of the foregoing, the receipt and expenditure of funds, salaries of City employees, budgetary matters, tax administration and policy and matters concerning Municipal indebtedness.

Chair: John Plecnik

Committee Members: Nancy E. Fellows, Jennifer Sommers Greer

Planning & Zoning: All matters concerning the Planning and Zoning of the City and the Chairman of the Committee shall be a Member of the City Planning and Zoning Commission.

Chair: Christopher Hallum

Committee Members: Christopher L. Biro, Jennifer Sommers Greer

Recreation: All matters concerning the development, maintenance and management of public playgrounds and public recreational activities in and for the City.

Councilwoman Greer accepted the nomination made during the Organizational Meeting of Council to serve as Chair of the Recreation Committee.

Committee Members: To be announced.

Rules and Legislation: All matters concerning the screening, coordination, form and substance of all proposed legislation and requests therefore, including coordination with the Law Department concerning the preparation of Ordinance and Resolutions and referral of legislation to Standing Committees or presentation to Council for consideration.

Chair: Nancy E. Fellows

Committee Members: Janet R. Majka, John Plecnik

Safety: All matters concerning the general safety of the inhabitants of and the property within the City including, but without limiting the generality of the foregoing, matters concerning the safety forces, equipment for safety forces, fire prevention matters and matters concerning regulation of conduct.

Chair: David M. Fiebig

Committee Members: Jennifer Sommers Greer, Janet R. Majka

Service: All matters pertaining to the services of the Department of Public Service such as maintenance and repair of streets and other public property.

Chair: Christopher L. Biro

Committee Members: Christopher Hallum, Janet R. Majka

Utilities: All matters concerning the installation, use and regulation of public utilities within the City.

Chair: Janet R. Majka

Committee Members: Christopher L. Biro, John Plecnik

Personnel Relations: There is hereby established a Personnel Relations Committee of Council which shall be a Standing Committee organized and chosen as provided herein, notwithstanding the provisions of Subsection (c)(1) hereof. Not later than January 31st, of each even numbered year, Council shall appoint a Personnel Relations Committee composed of such members as Council shall, by Motion determine. Persons not members of Council may be appointed to serve as members of the Personnel Relations Committee. The members of the Committee may be changed by Motion of Council from time to time as Council shall determine. Subject to the provisions of the City Charter, the Personnel Relations Committee of Council shall consider all legislation concerning relations with City Employees.

President Fellows: We did not take nominations for Personnel Relations Committee so this evening are there any nominations, I'm sorry is there a motion for a Chairman for the Personnel Relations Committee?

Motion made by Councilman Fiebig to appoint Councilman John Plecnik as Chair of the Personnel Relations Committee. Councilwoman Greer seconded.

Councilman Plecnik: Madame President, I know that we held off the Personnel Relations Committee because we wanted to have a chance for Councilwoman Greer to express her interest and I've had the chance to talk to her and she said that given her other Committee assignments she'd prefer if someone else took the Chairmanship so I did not want to at the last meeting take a Chairmanship without giving Councilwoman Greer a chance weigh Recreation/Personnel Relations but now that we've had it talked out I will accept the nomination if voted in by Council.

YEAS: Unanimous.

Councilman Plecnik has been appointed Chair of the Personnel Relations Committee of Council.

Councilman Plecnik: Madame President, we have had some chance to consider and I've had some chance to consider who would be good members of the committee. We learned from our conversation at the Organizational Meeting that Personnel Relations is the only committee of Council where the Chair doesn't have the fiat to simply pick a member, Council has to vote each and every member of Personnel Relations through at the pleasure of Council and non-Council members can serve on Personnel Relations which is the only committee where non-Council members can serve and we actually have two people in the crowd tonight who I think would be extraordinary members of Personnel Relations, I would like to make a motion to appoint our local attorney Pam Kurt as well as one of the most dedicated residents to City Council in Willoughby Hills, Linda Fulton to join the committee. I think that we might invite some other people to join the committee going forward because I think that Personnel Relations has a lot of work to do but we would be starting off strong with those two. So I move to appoint Pam Kurt and Linda Fulton to the Personnel Relations Committee of Council.

Law Director Lobe: Why don't we do separate motions.

Motion made by Councilman Plecnik to appoint Pam Kurt to serve as a member of the Personnel Relations Committee. Councilwoman Majka seconded.

YEAS: Unanimous.

By unanimous vote, Pam Kurt has been appointed to serve on the Personnel Relations Committee of Council.

Motion made by Councilman Plecnik to appoint Linda Fulton to serve as a member of the Personnel Relations Committee. Councilwoman Majka seconded.

YEAS: Fellows: yes, Fiebig: yes, Majka: yes, Plecnik: yes

NAYS: Greer: no, Biro: no

With four affirmative votes, Linda Fulton has been appointed to serve on the Personnel Relations Committee of Council.

Working Committee of Council: the Working Committee of Council shall be comprised of all Members of Council. A meeting of the Working Committee of Council may be called, and shall be subject to, the provisions of Subsection (b) hereof. The Working Committee of Council shall determine its own rules. The Working Committee of Council may consider any matter referred to it by a majority of the Members of Council or by a majority of its Members.

Chair: Nancy E. Fellows, President of Council

COUNCIL REPRESENTATIVE REPORTS

No report(s) were given.

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 7:19pm and with no one coming forth, Public Portion was closed at 7:20pm.

UNFINISHED BUSINESS

No unfinished business to address.

LEGISLATION

Ordinance No. 2016-1

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.

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

Councilman Fiebig: It just seems to make sense to not have a surplus vehicle here gathering rust and insurance costs; so we move it along to a new owner as soon as possible.

YEAS: Unanimous.

Councilman Biro moved for passage. Councilman Fiebig seconded.

Roll Call: **YEAS: Fellows: yes, Fiebig: yes, Greer: yes, Majka: yes, Plecnik: yes, Biro: yes**

Motion passed.

Resolution No. 2016-1

A resolution of support for Audubon Society of Greater Cleveland's efforts to secure Clean Ohio Funds for the acquisition and protection of the Hach-Otis extension property in the City of Willoughby Hills.

Councilman Biro moved to suspend the 3-Reading Rule. Councilman Plecnik seconded.

YEAS: Unanimous.

Councilman Fiebig moved for passage. Councilman Plecnik seconded.

President Fellows: So this evening we have Brett Rodstrom here from the Western Reserve Land Conservancy, Brett would you like to come up just to make some comments about this and to see if anyone on Council has any questions. Thank you.

Brett Rodstrom: I'm representing the Western Reserve Land Conservancy, my name is Brett Rodstrom, I'm the Vice President of Eastern Field Operations. We are working with some land owners here in Willoughby Hills as well as the Audubon Society of Greater to acquire three, actually I think it's nine parcels but three different properties from three different land owners adjacent to or in very close proximity to the Hach-Otis, the Hach-Otis preserve which Audubon currently owns and manages. Hach-Otis preserve is a State Nature Preserve again owned and managed by the Audubon Society; they provide public access to some very

unbelievable vistas of the Chagrin River Valley right now there isn't great access down to the river however, also simultaneously over last probably 5 years we've been approached by the three separate landowners that were interested in selling their property to the preserve for the purposes of conservation and I should say that it is part of their properties; so typically, it's not the whole property, they're not interested, we're not interested in the house areas so those were made with the existing landowners. We are seeking a resolution of support which is required by a funding source that we are going after called the Clean Ohio Conservation Fund, these are state funds, the total project cost for the acquisition of the three parcels is just about a million dollars, \$992,000 in change somewhere in there. The Audubon Society has stepped up with the match dollars for this they are providing \$235,000 of their own cash to leverage the 700+ thousand dollars for the remainder of the funds. The properties will be made available for public access, they are also very beautiful properties, great trees, great vistas that will be managed by the Audubon Society and we are seeking a resolution of support to go after these funds we have them under contract, these include just for your reference the Clements property, the Kennelly property and the Riggins property which is actually all on Dodd Road down in the flood plain, I gave maps just so you guys would understand where everything is at...

President Fellows: yes

Brett Rodstrom: We also as part of the grant we are trying to think progressively here with Dodd Road, itself, we are allowing or making sure that within the restrictions that will go on these properties that we are allowing for the road actually to be moved into or through the middle of the Riggins property some day if that helps with any erosion problems that we may be happening along the river...we can probably help fund raise for that as well as part of the stream restoration which we could work with Chagrin River Watershed Partners and other agencies to leverage some transportation dollars that's a separate project but we are making sure that's an allowable use as part of the acquisition of the Riggins property to help alleviate some of the ongoing road maintenance issues that have existed there in the past. So I guess that's it, are there any questions? I don't know if I missed anything or not.

President Fellows: This is my kind of project because I like trees.

Councilwoman Majka: I would just like to say that I am very excited about this project too. I used to work with the Ohio Natural Areas, Columbus Office. So the Department of Natural Areas and Resources is different than our State Parks, usually you have to have something very environmentally sensitive in an area before it's declared, correct me if I'm wrong about any of this...so there are some very beautiful things over at Hach-Otis that you won't see too many other places within our City and perhaps even within the County. So just the action of acquiring more land that's going to be preserved and yet opened to the public is, I think, really exciting especially given that I'm a District 2 Councilperson and always seem to be talking about Loehman's and development and what to do with areas like that and my true passion is with the projects like this and so I'm glad that you've come tonight, I'm glad this is happening.

Brett Rodstrom: I just want to add a couple of other things: (1) it's not going to cost the City anything; (2), it's in line with the Master Plan; the Chagrin River Watershed Partners' Watershed Plan as well as the Balanced Growth Initiative Plan too. So we're trying to make sure that you know essentially these are all flood plains and flood areas, so these are all protected by ordinances as well I believe with the Riparian Setback Ordinances, and Steep Slope Ordinances that Willoughby Hills has so we feel that it is very much in line with the intentions and wishes of the City and we looking for your support on this. We do need a resolution tonight, we actually got an extension. The grant was due yesterday we got an extension of 24 hours so the grant has already been submitted and this is required by the grant, not to put pressure on anybody. Thank you.

President Fellows: Thank you, thank you so much. So we have a motion on the table to adopt Resolution No. 2016-1. Any more discussion?

Roll Call: **YEAS: Fellows: yes, Fiebig: yes, Greer: yes, Majka: yes, Plecnik: yes, Biro: yes**

Motion passed.

Resolution No. 2016-2

A resolution acknowledging Police Officer Leonard Kratochvil for 33 years of dedicated service to the City of Willoughby Hills.

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

YEAS: Unanimous.

Councilman Fiebig moved for passage. Councilman Biro seconded.

President Fellows: I just want to say that the Mayor is going to be delivering a Proclamation to Officer Kratochvil on the 11th of February so if we pass this Resolution we can then also present it that evening as well.

Roll Call: **YEAS: Fellows: yes, Fiebig: yes, Greer: yes, Majka: yes, Plecnik: yes, Biro: yes**

Motion passed.

NEW BUSINESS

Councilman Plecnik: Madame President, we didn't have a chance to go through other Council Representative Reports and so if I could under New Business just briefly layout my report for the Noise Abatement Council Meeting 10am this morning.

President Fellows: Certainly.

Councilman Plecnik: This was actually the Noise Abatement Council's Organizational Meeting for the year and Cathy Murphy the Council President of Highland Heights was elected to Chair. Mayor David Roche of Richmond Heights was elected Co-Chair person, I'm honored that I nominated them both and they were elected unanimously. From there we set the meeting dates for the rest of the year: April 14th, July 14th, and October 13th all at 10am in the Airport Conference Room Area B; these meetings are opened to the public and for anyone who is concerned with the Airport and its project for expansion, they're very educational. Along those lines there is also a very special public meeting that is going to be called by the Airport on January 27th so it is coming up quickly, it's January 27th, 5 to 7pm to discuss Phase I of the Airport Runway Safety Improvements and Expansion. So this will be a program to explain to residents what's going to be going on, construction is scheduled to begin February of this year and hopefully completed in July. There will be temporary impacts to Richmond Road, construction as well as trucks will be crossing the road to access the airport property on both sides of the roadway and there will be a far more detailed layout of those impacts at this meeting for the public.

There was also a discussion of drones believe it or not kind of lightly apparently one of the Priests at St. Noel crashed a drone on Christmas Eve in Church but using that as the intro we discussed the official Federal Rules for drones. Apparently if you have an unmanned flying device that weighs between ½ a pound and 55 pounds you must register it with the FAA and I know that a lot of people were getting drones for Christmas with cameras on them. Even to fly a relatively informal piece of equipment if it's ½ a pound or more it needs to be formally registered and there are restrictions on how close you can fly them to the airport. Commercial operators are not allowed barring exceptions to fly within 5 miles but even hobbyists are restricted they have to be at least 2 miles away from the center of the airport to legally fly even a registered drone. There is going to be a detailed power-point on these requirements posted very shortly to the Noise Abatement Council's website for residents who are concerned with whether or not their Christmas present is legal.

The airport has gone for about a year without an airport manager. Fortunately the Cuyahoga County Council has just passed its budget including an airport manager position so we anticipate that within a year sometimes the wheels of the law turn slowly, within a year an airport manager will be selected. I'd say the last, there were two more topics of interest to discuss; we talked about the exemption for single engine planes at some length at

this Council, Willoughby Hills City Council passed a resolution against giving an exemption to single engine planes. Although we were able to water down the exemption so that it no longer applies to all the Noise Abatement procedures there was a vote which passed with my descent I would add to submit as a recommendation to Cuyahoga County to exempt single engine planes from the Noise Abatement flight path. There are still subject to voluntary flight hours and as such would try to observe the quiet hours for the airport but they would exempt from the flight path. Now along those lines we were given the updated statistics for complaints and I would just briefly note that for the last quarter there were a 104 total complaints, 22 of them were for daylight hours, 82 were quiet hours so it's certainly the case that a majority of residents are concerned with being disturbed during the voluntary quiet hours at the airport. One other item of concern that was discussed briefly we all remember the crash on Bishop Road, not August of last year but now August of the year even before that there is a formal official report for residents who are concerned that was updated last as of December 9, 2015 it's National Transportation Safety Board Identification Number is CEN14FA453 and just the briefest of summaries they concluded that the plane was probably at least 60 or 90 pounds, I should say overweight. So I don't want to speculate on the cause of the crash but the official report for the National Transportation Safety Board did state that the plane appeared to be overweight and for residents who are concerned with the safety issues around that crash you can get the entire report on the National Transportation Safety Board's website. I stand open to questions and corrections, thank you.

President Fellows: Thank you Councilman Plecnik. Other new business, we have a couple of motions.

Councilman Biro moved to authorize the Mayor to seek bids for the City's requirements of Asphalt and Limestone for 2016. Councilman Fiebig seconded.

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

Councilman Plecnik moved to adjourn into Executive Session pursuant to Section 107.08(b)(1) inviting all Members of Council, Law Director, Finance Director, and the Police Chief for a period not to exceed thirty minutes and excusing the City Engineer from the remainder of the Regular Council Meeting. Councilman Majka seconded.

Law Director Lobe: I don't expect any action to be taken just for the record.

Councilman Fiebig: Madame Chair, I wanted to mention prior to moving into Executive Session, should we perhaps stay back and sign Resolution No. 2016-1 for the gentleman who is here from the Audubon Society?

Clerk of Council: We need the Mayor's signature.

Councilman Fiebig: Okay, so he cannot get it tonight, so Brett we will deliver it tomorrow, okay.

President Fellows: We'll contact you Brett to make sure that you get it.

Councilman Fiebig: So apparently the Mayor's on vacation...

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

FOR THE GOOD OF THE ORDER

President Fellows: Any "For the Good of the Order" tidbits?

Law Director Lobe: I understand that we have a Birthday Boy at the table, our Finance Director.

President Fellows: Shall I whisper Happy Birthday, Frank?

Councilman Fiebig: No singing.

President Fellows: We hope that you had a nice Birthday.

With no further items being brought forth, President Fellows declared that the Members, the Law Director, the Finance Director, and the Police Chief would adjourn into Executive Session pursuant to 107.08(b)(1) for the specific purpose of addressing disciplinary action; time of adjournment 7:40pm.

With all Members present, the Regular Council Meeting of January 14, 2016 reconvened at 8:13pm. Also present were the Law Director and the Finance Director.

ADJOURNMENT

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

YEAS: Unanimous.

The Regular Council Meeting of January 14, 2016 was adjourned at 8:14pm.

APPROVED: Jan. 28, 2016
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

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