

City of Willoughby Hills

Regular Council Meeting Minutes of July 9, 2015

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 whenever possible.

Meeting Called to Order at 7:01 p.m. by President Raymond C. Somich

Pledge of Allegiance

Roll Call of Council

Members:

Vice President Nancy E. Fellows, Councilman David M. Fiebig, Councilwoman Jennifer Sommers Greer, Councilman John Plecnik, President Raymond C. Somich, Councilman Christopher L. Biro

Absent:

Councilman Christopher Hallum, Finance Director Frank J. Brichacek, Jr.

Also Present:

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

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Biro to excuse Councilman Hallum from the Regular Council Meeting of July 9, 2015.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich: The Motion carries and we will not need to excuse Councilwoman Jennifer Sommers Greer because she is with us.

PRESENTATION

President Somich: If there are no objections from my colleagues here this evening, we have a special presentation that is coming to our City and our Fire Chief Richard Harmon is with us to accept that on behalf of City along with our Mayor, but we have two distinguished gentleman who are with us in the audience and they are Dan Ellenberger, he is the Director of the University Hospitals EMS Training and the Disaster Preparedness Institute and along with him we have the President of the University Hospitals Richmond Medical Center Mr. Robert David and they are both with us this evening with a very special presentation so we would like to have that at this time. Chief Harmon and Special Guests please come forward.

Dan Ellenberger: Tonight we would like to donate to the City of Willoughby Hills a LUCAS Mechanical Chest Compress Device.

The LUCAS Chest Compression System assists first responders and paramedics by providing effective and uninterrupted chest compressions on sudden cardiac arrest patients. With automated CPR the fatigue, individual variations or psychological factors are removed from CPR and there is no longer a need for shifting CPR providers every two minutes. Rescuers are freed up to focus on other critical life-saving tasks, such as ventilation, medication and defibrillation, which leads to an increased focus on cardiac arrest management.

The LUCAS facilitates the transportation of cardiac arrest patients with ongoing compressions, not only from the scene to the ambulance, but also inside a fast-moving ambulance. It is well established that effective CPR is very difficult to achieve manually in these situations. In addition, rescuers will no longer have to compromise their own

safety by providing compression during transportation. With LUCAS consistently performing the compressions, rescuers are still able to sit firmly, belted and watch over the patient.

This medical device comes to the City on behalf of Robert David President of UH Richmond Medical Center, he was able to make this gift possible and it is all about building life saving communities. University Hospital's Mission is that we are imbedded, entrenched in the communities and supporting the communities; this is just part of our partnership to build life saving communities and it starts with providing great CPR.

Robert David: Thank you very much for having us and Dan is really the one that deserves that credit for this; he does a fantastic job with respect to the EMS and things like that. I just wanted to give you a real quick idea of what's going on at the hospital. I have been there for about sixteen months now and have been working on rebuilding the Medical Staff; the quality is impeccable. We won a National Award from the Joint Commission last year for being one of the top third hospitals in the entire country for quality of care. So those are just some of the things that we are doing at the hospital, and things like this are our pleasure to be able to do that. So thank you for having us.

Chief Harmon: Obviously, on behalf of the Mayor and UH we have had a long partnership, we're about fifteen years into that; they have done wonders for our community in so many other areas besides EMS, it really is a community based approach which has benefited all of us.

Mayor Weger: I want to thank both you and Dan for the opportunity to have this device and I am sure that it will save many lives and I am very proud to have the partnership that you have with us.

Chief Harmon announced that each year there is the Ohio Police and Fire Games where there are all sorts of activities and amongst them weight lifting is one of them. Fire Fighter Bob Vencel won the Gold Medal at the State Championships for Bench Pressing and for Push-Pull and then Bob went on to the World Competition this past week held in Fairfax Virginia; thirty-two competitors and brought home two gold medals.

President Somich thanked Fire Fighter Bob Vencel and stated that we acknowledge our other fire fighters who are in Council Chambers this evening.

President Somich went on to say that we have a lot of special guests here tonight in our audience. And along with the medical experts that we just had from University Hospitals he also wanted to acknowledge two guests here this evening that are now covering this area from the Cleveland Clinic, that's another great partner for us, and we would like to welcome Ann Coughlin, MBA, BSN, RN, Outreach Program Manager for Cleveland Clinic and Natalie Rudd, RN, BSN, Senior Director Regional Community Outreach. **President Somich** thanked the two ladies for being with us and he welcomed them to our community.

CORRESPONDENCE

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month Ended June, 2015 (Emailed: July 7, 2015)

City Engineer's Report dated July 2, 2015 (Emailed: July 6, 2015)

Memo from Building Commissioner to Members of Council dated June 24, 2015 re: Tall Grass complaints (Distributed to Members via City Hall Mailbox)

NOTIFICATIONS

Board of Building and Zoning Appeals Meeting of July 14, 2015 for Case No. 2015-2 (Emailed: July 2, 2015)

Planning & Zoning Commission and Architectural Board of Review Meeting of July 2, 2015 Cancelled due to the July 4th Holiday Weekend (Emailed: June 15, 2015)

Rules and Legislation Committee Meeting of July 6, 2015 (Emailed: June 26, 2015)

Safety Committee Meeting of July 6, 2015 (Emailed: June 26, 2015)

ON FILE

Willoughby Hills Senior Center Newsletter for July 2015, Issue Number 87

MAYOR'S REPORT – Robert M. Weger

Projects:

Eddy Road & Pleasant Valley Road – They are waiting to do the final coat. If the weather ever cooperates with us...when it dries they will put the final coat on these two streets.

Knecht-O'Brien Culvert Project – Is progressing; they have about eighty feet of pipe to go and then the headwall at the beginning; but that's in process and again, if it stops raining we'll get that project done.

Lamplight – Put a temporary road in; they took down the headwall on the west end. It's very tenuous trying to do this with all this rain because it floods when it rains a lot so they are very careful not to do it too soon but they will get going very soon cause all of the utilities were moved.

School Zone on Chardon Road – It's going to go in; the markings on the road are going to be done by our striper and then the signs are being made by the School Board and they will be put up as soon as they are ready.

Shred Day was a huge success with many residents bringing their shredding to City Hall. It also served to dispose of City Hall records in accordance with our Records Commission procedures. We will plan to do this on a yearly basis.

Safety Town is Underway – Approximately 30 youngsters in the class. We have two classes one in the morning and one in the afternoon and tomorrow is Graduation Day.

Dunkin Donuts – Advised that they will open the first or second week of September. They were put back a little bit by the rain also.

CCA Noise Abatement Council Meeting Recap – Some of the highlights are they had 127 complaints in the second quarter of 2015. None of the complaints were in violation of the Voluntary Noise Abatement Policy which states "1900' or 2 miles". Of the 127, sixty-one of them were from one person. They also had a discussion about making a list of the violations first and then when they get a complaint they can go and see who violates it and it will save a lot of time and it was a motion passed by the Noise Abatement Council. We got to remember that the Noise Abatement Council is just that; it is a Noise Abatement Council it's nothing to do with the Airport. All of the minutes of the meetings are posted on our Website with the attachments; they're already on the Website.

Acknowledgements:

Condolences to the family of Bob Rolan who passed away this week

Special thanks to University Hospital on the donation of the CPR lifesaving equipment. It will be a valuable resource to the residents of WH.

Events:

Charter Review Commission Meeting to be held at the Willoughby Hills Community Center on Monday, July 13th at 7pm

Free Summer Concert sponsored by Fall Corn fest on Wednesday, July 15th from 7 to 9pm. Band is "Light of 2 Moons". WH Boy Scout Troop 562 will provide hotdogs, chips and soda with all proceeds going to the Troop activities.

LAW DIRECTOR'S REPORT – Law Director Thomas G. Lobe

Two points on the Law Director's Report tonight. The first one is really the Finance Director's but he asked me to say it for him in his absence tonight. He highly recommends of Ordinance No. 2015-26 the Ordinance adopting a Tax Budget for the fiscal year 2016 for the Willoughby Hills. It needs four votes because for immediate passage as a matter of law and pursuant to the Charter. This is on Third Reading and I know that it has been through many Committee Meetings, it has also had a Public Hearing. If this doesn't pass tonight we don't have time to have any more meetings because it would take another Public Hearing so that would be a significant loss of about \$2,000,000 from the County if we don't get this tonight, okay. Basically this is for the real estate taxes, our portion is really only 10%, roughly and there are some nuances to it. Although the real estate taxes the School Board gets about 80%; 10% to the County; 10% to the City and there are some other factors and....but that's just a really generalized review so this must pass tonight and I hope that it does and I highly recommend it.

Number 2 is really my report and that is the property on West Miller Road consisting of the approximately 8.99 acres that went through the foreclosure. I have in fact all but secured it. The Judge did in fact amend his

order to correct the confusion in the legal description. We are going to receive that 8.99 acres for free except for the cost of the title insurance and the title insurance will kick-in once it is absolutely in our name when the deed transfers. The process in this is that it has gone from the Court that has corrected its deed to the Auditor who has to put some conveyance fee and we paid the gross some of fifty cents for that and then it goes to the Recorder's Office from the Auditor's to be filed. So I know that it is somewhere in the Auditor's Office if not in the Recorder's Office and as soon as I get my grabby hands on it I will be running to the title company and once it's named in the City of Willoughby Hills and I will get the title insurance and we are to have that property insured at least up to the amount of \$80,000 which is the tax evaluation as done by the County and we can then do what we want with it and I have discussed it in general at times with this Council and it will be interesting what we can and will do with that property; it's almost nine acres potentially free and clear. So I think that it is a nice coo for the City and I look forward to working with Council on it; it's the majority of what it wants to do with it. I don't think that anybody has a definitive plan yet. But let's get it first and have some fun deciding what we are going to do with it.

FINANCE DIRECTOR'S REPORT – Frank J. Brichacek, Jr.

Finance Director Brichacek was not in attendance; therefore, no formal report was given.

CITY ENGINEER'S REPORT – Pietro A. DiFranco, P.E.

No formal report was given. City Engineer's Report is available on line.

President Somich: Thank you Mr. DiFranco. That is a very lengthy report. I took the time today to print it and actually see what it looks like, not just on the screen as I normally read it but it is full six pages of information. So I do urge anybody who wants to know what the status is of any of the different projects in the City not only the ones that are actively going on but the ones that are in discussion or have been in discussion for the last few years such as the proposed signal at the Bishop and White Intersection and there are about six to eight different updates on different work that has been done in that process. So I urge you to take a look at that and just because you don't hear it discussed at these meetings doesn't mean that a lot of work isn't happening behind the scenes.

COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

RULES & LEGISLATION – Nancy E. Fellows, Chair

Committee Members: David M. Fiebig, Raymond C. Somich

COMMITTEE MEETING OF JULY 6, 2015	
Members Present: President Raymond C. Somich, Councilman Christopher L. Biro	
Also Present: Councilman David M. Fiebig (late), Councilwoman Jennifer Sommers Greer, Councilman Christopher Hallum, Finance Director Frank Brichacek, Mayor Robert M. Weger, Law Director Thomas G. Lobe.	
Purpose of the Meeting was to discuss Pending Legislation and any other business.	
Meeting convened at 6:40pm	
<i>Order of Business</i>	
Ordinance 2015-26 – An Ordinance adopting a Tax Budget for the fiscal year 2016 for the City of Willoughby Hills. 3 rd Reading. Rules and Legislation Committee recommended to Adopt.	
Ordinance 2015-27 – An Ordinance recommending that the emergency call fees (example: for basic and advanced life support, traffic control and investigation, vehicle extrication and clean-up) managed by Life Force Management be increased. 2 nd Reading. The majority of the Rules and Legislation Committee recommended Suspending the 3 Reading Rule and Adopt.	
Ordinance 2015-28 – An Ordinance consenting for a uniform allowance for the new Community Service Officer. 2 nd Reading. Rules and Legislation Committee recommended this stay on 2nd Reading.	
Ordinance 2015-31 – An Ordinance directing the Mayor to purchase two power lift cots and one power load system for the Budget Year 2015 through the State of Ohio Cooperative Purchasing Agreement. 1 st Reading. Rules and Legislation recommends...If the grant has yet to be awarded, then the Ordinance needs to be Amended to indicate that the	

Mayor will not go out for purchase until the grant has been awarded... Suspend the 2 Day Notification, Suspend the 3 Reading Rule, then Adopt.

Concerning - **Resolution 2015-6** – A Resolution to accept a safety grant in the amount of \$40,000 from the Ohio Bureau of Worker's Compensation (identified to be used to purchase two power lift cots and one power lift load system). Where the City "(employer) must contribute \$13,333 in order to receive the maximum grant amount of \$40,000." **Passed as Amended on June 25th. Two questions:**

- 1. Has the Safety Assessment been forwarded to the Clerk for attachment to the Resolution?**
- 2. Have we been awarded the grant?**

NB: Resolution amended at the last Council meeting of June 25th, for the Resolution to include as attachments:

1. The Agreement between the Ohio Bureau of Worker's Compensation and the Willoughby Hills Fire Department
2. The results of the public Safety Assessment needed for completion prior to grant review/award. (attached on July 9, 2015).

Resolution 2015-7 – A Resolution establishing a school zone for the Willoughby-Eastlake School of Innovation located at 32500 Chardon Road, providing the proper signage and pavement markings. Street Stripping and verbiage need to be completed as well as the installation of school signs. **1st Reading. Rules and Legislation recommends that the 3 Reading Rule be Waived after the 2nd Reading on July 23, 2015 and to Adopt before our August 2015 break.**

Public Portion

Opened 6:55pm. Cheryl asked if our City was part of the lawsuit against the road salt providers for alleged price-fixing, and the Mayor responded that we are. No one else spoke. **Public Portion closed at 6:56pm.**

Meeting adjourned at 6:56pm

SAFETY – Jennifer Sommers Greer, Chair

Committee Members:

Christopher L. Biro, Christopher Hallum

COMMITTEE MEETING OF JULY 6, 2015

Members Present: Councilwoman Jennifer Sommers Greer, Chair, Councilman Christopher L. Biro, Councilman Christopher Hallum

Also Present: Vice President Nancy E. Fellows, Councilman David M. Fiebig, President Raymond C. Somich, Mayor Robert M. Weger, City Engineer Pietro DiFranco, Superintendent Willoughby-Eastlake City Schools Steve Thompson and Representing the Willoughby-Eastlake City Schools John Urbanick of Greenland Engineering

Purpose of the Meeting was to discuss **School Zone Signage for WE School of Innovation** and any other business.

Meeting convened at 6:00pm

Order of Business

ESTABLISHING A SCHOOL ZONE FOR THE WILLOUGHBY-EASTLAKE SCHOOL OF INNOVATION LOCATED AT 32500 CHARDON ROAD IN WILLOUGHBY HILLS, OHIO BY PROVIDING THE PROPER SIGNAGE AND PAVEMENT MARKINGS

City Engineer Pietro DiFranco explained that the Ohio Revised Code establishes school zone but not a crossing zone. Willoughby Hills intends to establish a school zone from property line to property line for the School of Innovation. **John Urbanick of Greenland Engineering, representing Willoughby-Eastlake City Schools,** explained that Willoughby-Eastlake is retrofitting a building for school use and alerting passersby is necessary. This will be accomplished with signage on each side of the property line indicating that there is a school zone and reduced speed.

Councilman Hallum inquired if there will be flashing lights and/or time restrictions. **City Engineer Pietro DiFranco** indicated that the reduced speed will be during the hours of 7:00-9:00 am and 2:30-4:00 pm.

Councilman Hallum asked if the School of Innovation would have the same schedule of operations as the rest of the Willoughby-Eastlake City Schools. **Superintendent Thompson** affirmed that the schedule would be the same.

Council President Somich inquired if there should be flashing lights for the safety of students. He also inquired about who pays for the services. **Mayor Weger** responded that the payment is negotiated between the City and the school, but that the school did not want flashing lights. **Superintendent Thompson** said that flashing lights are unnecessary because there are no walkers to the School of Innovation.

Councilwoman Fellows inquired about who paid for the signage in front of Willoughby Hills Friends Church. **Mayor**

Weger responded that the cost was negotiated between the City and the school, but they are maintained by Willoughby Hills.

Councilman Hallum inquired how the traffic pattern would work at drop-off and pickup. **Superintendent Thompson** said that traffic would loop on this property in a double lane to keep traffic off Chardon Road. **John Urbanick** reiterated that no walking will be permitted and the school will continue to monitor traffic and that it will be a dynamic process that the district will continue to monitor. **Councilman Hallum** asked if Willoughby Hills could widen the road to make a separate lane for the school. **John Urbanick** responded that widening the road has not been considered and would involve ODOT and be very expensive.

Council President Somich asked if Willoughby Hills planned on having a police car present for the first week and **Mayor Weger** responded that there would be police present.

Councilman Fiebig asked if we could change the speed limit around the school. He indicated that there is a lot of foot traffic in the area. **City Engineer Pietro DiFranco** responded that the speed limit is already 30 after the bridge and **Mayor Weger** said that Willoughby Hills already successfully petitioned to the state to change the speed limit to 30 MPH in that area.

Councilman Fiebig commented that it would be helpful to have a 3-grade phase to work out any issues. He also inquired if there should be a school zone during any recesses. **Superintendent Thompson** answered that the recesses will take place far away from Chardon Road so it would be unnecessary to have a midday speed decrease.

Councilman Hallum said it would be a good idea to notify residents of the opening of the school and the creation of a school zone. **Superintendent Thompson** responded that there are plans to put notification in his newsletter, which is distributed to 9,000 people in the WE City Schools District. He also plans on including notification that the School of Innovation is on schedule and on budget, will have approximately 225 students, and there will be an Open House in the fall. **Mayor Weger** also plans on putting the information on the Willoughby Hills website, television channel and in the fall newsletter.

PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 141 – FIRE DEPARTMENT, SECTION 141.05 – EMERGENCY CALL FEES, SUB-SECTION (d) – FEES OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS

Willoughby Hills Council Ordinance 2015-27 proposes raising rates for emergency calls to the reimbursement amount allowed by Medicare. **Councilwoman Fellows** questioned why the rates haven't been raised for 7-8 years. She said that in the future Administration should review rates more frequently.

Councilman Biro said that Council should also examine other fees including rental fees. **Mayor Weger** reminded Council that they should consider if raising fees would cover the cost of an inspector. **Councilman Fiebig** agreed. **Councilman Fellows** said that an inspection should include a safety component. **Council President Somich** agreed that we should look at City fees and should also look at having a point of sale inspection. The Council Clerk will look at any rates Council has approved and put a schedule together so Council can evaluate all current fees.

PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS, SECTION 157.18 – UNIFORM ALLOWANCE FOR SAFETY FORCES, SUB-SECTION (a) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS

Council agrees that the newly created Community Service Officer should have a uniform allowance for 2016, but he has already received a uniform allowance for 2015 so it is not necessary to waive the Three Reading Rule.

Public Portion

Opened 6:35pm.

Linda Fulton: "Do we have an ordinance relating to how property is kept?" **Mayor Weger** responded that Willoughby Hills does have an ordinance relating to how property is kept. He stated that there have been many warnings sent recently. He also stated that some of the warnings have resulted in properties being cleaned up but others have gone unanswered mostly rentals where the owners are out of state. **Linda Fulton** responded that there is a house owned by Willoughby Hills that is not being maintained.

Cheryl Ota added that the lawn is taken care of but the flowerbeds need attention.

Public Portion closed at 6:40pm.

Meeting adjourned at 6:40pm

OTHER COUNCIL REPRESENTATIVE REPORTS

Councilman Plecnik: As the Mayor eluded there was a meeting of the Noise Abatement Council to the Cuyahoga County Airport earlier today, 10:00am at the Airport itself. And it was our quarterly meeting to go over complaints as well as to discuss proposal by the Noise Abatement Council. Although it is true that the Co-Chair of the Council had noted several times that there were 127 complaints, actually the complaint log showed 117 complaints total from all jurisdictions and of those 117 complaints 97 of them were from Willoughby Hills. That's juxtaposition to the previous quarter where there were seven total complaints, 5 from Willoughby Hills so I think that the work that we have done in reaching out to the community and sharing the information on how to effectively log a complaint has taken into account and born some fruit in giving important data to the Noise Abatement Council as it realizes the actual impact of the Airport on our residents. From a discussion of complaints we went into the only real substitutive proposal that was discussed and something that we have discussed at this Council the proposal by the Co-Chairman of the Noise Abatement Council who doubly serves as the Manager of the Air Traffic Control Tower to exempt all single engine planes from Noise Abatement Procedures at the Airport. And he had the same tenor as when he joined us, he was fairly irate to be questioned and at one point directing to the residents of Willoughby Hills, he said "You don't know how good you have it" with respect to noise issues; but it was good to see so many residents come out as well as Councilman Dave Fiebig to really make the point that the Airport has had a grave impact on our residents and I think that the Noise Abatement Council heard those concerns because while they plan to vote on this exemption for single engine airplanes at this meeting they ended up deferring even further decision of it at the next quarterly meeting on October 8th once again at 10:00am at the Cuyahoga County Airport. So we went from pushing through a recommendation to the County Executive and County Council at this meeting to having more deliberations planned and I think that this is a very positive step given that according to the Co-Chairman himself, about half of all the flights in and out of the Cuyahoga County Airport are single engine aircraft so to exempt them really would open an enormous hole. I presented on behalf of Council our Resolution opposing the exemption for single engine planes to the entire Noise Abatement Council so they heard the message loud and clear that Willoughby Hills is not on board with exempting single engine planes. One thing I think that we all can appreciate as students of Political Science was that Mr. Huth did not actually modify his proposal in anyway shape or form but he did in response to the great deal of criticism he has received rename it from "Exemption from Single Engine Planes" to "Airport Safety and Environmental Improvement Proposal" so he must have watched too much C-Span when a law is passed to cut jobs it is called a "Job Creation Act" so it was rather amusing but fortunately we were able to push this off for more discussion at the next meeting. And it is critical because the Noise Abatement Council while it does not have the ability by itself to amend the Joint Statement or change a policy it is tasked by the County Executive and the County Council to advise them in all matters with respect to the Airport particularly with respect to noise impact on communities. So thank you to all the residents in Willoughby Hills and Dave Fiebig for coming out to really make the point that we are concerned about these issues and we are watchful as a community.

President Somich: Was the Administrative Assistant also present, Gloria Majeski, was she there today?

Councilman Plecnik: Yes, she was. **President Somich:** Okay, thank you.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies of the Codified Ordinances of the City of Willoughby Hills:

(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.

Public Portion was opened at 7:37pm

1. Linda Fulton
2990 Marcum Boulevard

Re: The Eddy Road Project, I will say is a 100% better than what it used to be, even without that final coat. But I would like to know about the bridge. The bridge is deployable state and the fencing is so totally rusted, you know I don't think that could stand another year. Is there a way you can talk with ODOT like they did on 91 to replace the fencing?

Mayor replied yes.

President Somich: I neglected to say also that we may quickly get into dialogue like that with a one word answer but preferably we'll address more specifically any long questions with long answers in either under "Unfinished Business" a little bit later in the Agenda or at another time after we do the research for you.

Public Portion was closed at 7:39pm

UNFINISHED BUSINESS

There was no unfinished business to be addressed by the Members.

LEGISLATION

ORDINANCE NO. 2015-26 – THIRD READING

1st Reading: June 11, 2015

2nd Reading: June 25, 2015

AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR 2016 FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilwoman Fellows to adopt Ordinance No. 2015-26.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2015-26 has been adopted.

ORDINANCE NO. 2015-27 – SECOND READING

1st Reading: June 25, 2015

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 141 – FIRE DEPARTMENT, SECTION 141.05 – EMERGENCY CALL FEES, SUB-SECTION (d) – FEES OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2015-27.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Ordinance No. 2015-27 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilwoman Fellows to adopt Ordinance No. 2015-27.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2015-27 has been adopted.

ORDINANCE NO. 2015-28 – SECOND READING

1st Reading: June 25, 2015

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS, SECTION 157.18 – UNIFORM ALLOWANCE FOR SAFETY FORCES, SUB-SECTION (a) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2015-28 has no urgency and will remain on Second Reading.

ORDINANCE NO. 2015-31

AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO SECURE THE PURCHASE OF TWO POWER LIFT COTS AND ONE POWER LOAD SYSTEM FOR BUDGET YEAR 2015 THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING AGREEMENT CONTRACT WITH SAID PURCHASE BEING EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 125.04 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY.

Councilwoman Fellows: I move that we amend Ordinance No. 2015-31 to say that the Grant has yet to be awarded then the Ordinance needs to be amended to indicate that the Mayor will not go out for purchase until the Grant has been awarded. **Councilman Biro** seconded the motion.

President Somich: We have a motion, I would just like to see if that could perhaps capsulize a little bit shorter; do you have it written down just for the benefit. I know all we are trying to say is that we have to have it approved...

Councilwoman Fellows: I make a motion to amend to indicate that the Mayor will not go out to purchase until the Grant has been awarded. **President Somich:** That's fine, thank you very much and we have a second on that.

President Somich: **THE AMENDMENT WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Biro to amend Ordinance No. 2015-31 that the Mayor will not take any action until or unless the Grant has been awarded.**

Councilman Fiebig: Clarify the status of the Grant at this time. **President Somich:** We have not been notified as of now if it has been received or not. They were making the decision today and we have not received notification either way.

Councilwoman Fellows: If I may, I spoke with Chief Harmon this morning, this afternoon and he indicated that everything is in and everything has been accepted, they just haven't issued it.

Councilman Fiebig: So it is potentially forthcoming in, let's say the next 24 hours.

Law Director Lobe: We said that two weeks ago, so...

Councilman Fiebig: I did hear that the date was today. So just a matter of notification then, so it could be a letter in the mail, it could be anything like that, correct? Okay, thank you, I'm in favor of this.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2015-31 has been amended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to suspend the Two Day Notification for Ordinance No. 2015-31 – As Amended.

President Somich: Which is required because normally you can't make a change and vote on it without having a notification period to allow us to look at it, so the amendment that we just made requires this particular step in the process.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Two Day Notification for Ordinance No. 2015-31 – As Amended has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2015-31 – As Amended.

Councilman Fiebig: This just puts the ability to go out to purchase it at the earliest possible time to give our fire fighters and our EMS crew every possible tool that they can possible have at their disposal, at the earliest possible time.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Three Reading Rule for Ordinance No. 2015-31 – As Amended has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adopt Ordinance No. 2015-31 – As Amended.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Three Reading Rule for Ordinance No. 2015-31 – As Amended has been adopted.

President Somich: We have an item, an ordinance that has been added to the Agenda that was not prepared in time for the meeting on Monday. It is being...hopefully everyone has had a chance to review it and it is not a surprise; we were well aware we had directed the Mayor to send out bids for the new salt spreader as part of our new snow vehicle and service vehicle and when we opened the bids there was only one vendor that had

submitted a bid and it came in at approximately what we had expected to receive. So it has been added to the Agenda because we have known about the process, we only have one option at this time unless we go out and start the bidding process entirely again and there is no reason to believe that there would be any different results the second time. It is a little bit different because we normally do go through the process of going into a Committee but I would like to ask what the wishes are of Council this evening. Our Service Department and our Roads Supervisor has asked that we please adopt this as quickly as possible so that we can actually make the purchase and make sure that we get this into queue and have the equipment as soon as possible.

MOTION WAS MADE BY COUNCILMAN BIRO to suspended the Three Reading Rule for Ordinance No. 2015-32.

President Somich: We have a motion from Councilman Biro is there a second? Hearing none, that motion dies for lack of a second and Ordinance No. 2015-32 will remain....did you read that, did I have you read that...Clerk: No. **President Somich:** Please read it and it will remain on First Reading.

ORDINANCE NO. 2015-32

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ACCEPT THE BID OF HENDERSON TRUCK EQUIPMENT-OHIO FOR A NEW HENDERSON MUNIBODY FULL SNOW AND ICE CONTROL SINGLE AXLE PACKAGE AND DECLARING AN EMERGENCY.

President Somich: That again will remain on First Reading. Our Road Supervisor is with us, you obviously know that we support your needs and because of the quickness of this I am sure that the Members of Council would like a little more time to make sure that they read it properly.

Councilwoman Fellows: I would just recommend since we will have a Finance Meeting before the next Council Meeting that you include that on the Agenda because the total package now is \$35,500 over what we borrowed money for. We borrowed \$150,000 for it, so we are 23% over budget on this package. I support the Service Department getting a truck because it is important for our residents to be safe on the roads but after we purchased the truck for \$108,320 that left \$41,680 to stay in budget to purchase the salt spreader and plow. So we exceeded that. My hope was that we would acquire the estimated \$141,000 that we would get from selling our surplus vehicles and to date I think that we only have received \$25,000. So that makes it pretty tough when you think that you are going to get a little windfall to help with our deficit that we are running on this year. It's a little more palatable to say okay we went over 23% on the purchase of the service truck that we need; but now when we only have \$25,000 out of a suggested, estimated \$141,000 and then going over budget, so I think that we really need to discuss it in Finance. Not that we won't probably do it but I think that it is prudent for this Council to discuss it.

President Somich: It will definitely be on the Agenda. It was on the Agenda actually at the last Finance Committee Meeting. And we already did discuss that we already knew that we were going to be over budget for the total package based on paying more for the initial truck so we did know that. We also talked about the fact that there was \$35,000 in the original budget for that scanning equipment that we never officially removed but we had decided not to do it. So that \$35,000 would go directly towards this which would bring it down to....

Councilwoman Fellows: Then a little more would have to come out of...well was suggested by the Finance Director from 270, \$500 base on over-budgeting the engineering design for Rt 91.

President Somich: Just one final comment, we will discuss this further in Finance but we did discuss buying a better truck than we had originally had intended to and that was the reason, it wasn't that the bid came in much higher than we thought on the original truck, we just decided to purchase a truck that we believe will last longer, run longer for us and when we do sell it, will get a better resale value on that. We did collectively agree to that on Council, so we will discuss it again. We will certainly do that.

RESOLUTION NO. 2015-7

A RESOLUTION ESTABLISHING A SCHOOL ZONE FOR THE WILLOUGHBY-EASTLAKE SCHOOL OF INNOVATION LOCATED AT 32500 CHARDON ROAD IN WILLOUGHBY HILLS, OHIO BY

PROVIDING THE PROPER SIGNAGE AND PAVEMENT MARKINGS; AND DECLARING AN EMERGENCY.

President Somich: The plan that has been suggested by the Rules and Legislation was that we would pass this at the next meeting before going to recess and to be required to do that next time we would have to make sure that we have enough votes here, five votes to be able to waive the Three Reading Rule because we will only be at Second Reading. So as a point of caution the Chair would just like to point out that we need to make sure that we at least have the five people in order to get this done before we go on break so that while technically all of this is proceeding anyway because we are basically simply endorsing the project with this Resolution but for a show of good faith that we do fully support it and that the community is aware that Council and the Administration jointly support this it is important that we get it done before we go on break. So with that in mind I just want to ask what the wishes are of Council, do you in fact want to wait until the next meeting? Are we sure that we will have five people there for that meeting and there won't be any problem with that particular concern making sure that we have five members present?

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilwoman Greer to suspend the Three Reading Rule for Resolution No. 2015-7.

Councilman Fiebig: The discussion that we just had, this in no way stops progress from going forward. **President Somich:** Correct. **Councilman Fiebig:** And one of my concerns was that you leave this on the Agenda so that people have the opportunity to read this and review it and perhaps comment so therefore I would not be in favor of waiving the Three Reading Rule so that we could still leave it on our Agenda unless there is some information that I am not aware of, that for example, three Council Members will not be here in two weeks.

President Somich: Well, I am not aware of it but certainly, Councilman Fiebig you know how quickly illness and things can strike and that's what I'm concerned about.

Councilman Fiebig: But in no way, shape or form this Resolution stops any of the progress for the safety of the school children. So this is simply a Resolution. So it is simply out there for information sake and I would like to see us keep it on the Agenda so that people have the opportunity to read it and comment and perhaps even come back with suggestions or changes.

Law Director Lobe: I can echo that on behalf of the Administration. The work was planned and it is in progress and it is going to be done regardless of what happens on this vote here.

Councilman Fiebig: Right, this is a Resolution not an Ordinance.

Law Director Lobe: Anyone concerned about the safety of the children, this is not going to be delayed or anything else, it is absolutely not the intent of the Administration nor is it, I think, the intent of this Council. The work is going forward and it was done and we should probably give a shout out to Dr. Akins who started this a few months ago and the Administration picked it up and now Council just....this is just a Resolution, that's all it is.

Councilman Fiebig: Well, Mr. Lobe back in....back when this was first brought up in Planning and Zoning I brought up this issue and said that we should be discussing this now and that was months, and months ago. So this is kind of the final hour.

Councilwoman Greer: As a Member of Council I would like to see this passed this week. I truly believe that the School of Innovation is great for our City and it is great for the Willoughby-Eastlake City Schools and I want to be able to show my support, absolutely show my support before for this school opens. And should it not pass at our next meeting we will not be able to do that before the school opens.

President Somich: Alright we do have a Motion to waive the Three Reading Rule; Motion was made by Councilman Biro, seconded by Councilwoman Greer.

Roll Call: Fellows-no, Fiebig-no, Greer-yes, Plecnik-no, Somich-yes, Biro-yes

MOTION FAILS: 3-AYES/3-NAYES
President Somich: It does require five votes for waiving the Three Reading Rule so the Motion fails.

NEW BUSINESS

There was no new business to be addressed by the Members.

FOR THE GOOD OF THE ORDER

Councilman Biro:

I noticed some Red Cross signs out; I think that it is important that those who donate and those with rare blood types get out there and donate because it is a rough time for them because usually it seems all year they have shortages, more so in the Summer because of accidents and things like that so if you see a Red Cross sign and you are willing to donate blood please do because it is important to the Community and to these hospitals that we work for and for everyone's well being.

Councilwoman Fellows:

I would like to give you kudos for having your article in the News-Herald; sharing your visions and proposals for the Shoppes of Willoughby Hills and hopefully the new owners will take those into consideration and make that a better place for all of us.

President Somich:

We've had extensive conversations with the Managers and the Realtors and other people there and there is definitely activity happening at that part of our City so we are pleased with that.

I want to urge everyone to come out for the free concert July 15th. I happen to know many of the members of that group and if you ever know the group called the Blue Moons that were really popular back in the 70's and the 80's this is basically a lot of the members who were in that group and they are outstanding musicians; you will really enjoy the entertainment. So they cover all the music from the 50's right on till today. Please come out for a free City Concert on the 15th.

Councilman Plecnik:

As I shared last time the Willoughby-Eastlake School of Innovation was the first to have Safety Buckets donated for each of its classrooms and was so excited to deliver them along with several residents but I do want to share that the next two schools that the Lions Safety Buckets Committee has chosen is Wickliffe Elementary and Thomas Jefferson Elementary in Eastlake. So for those of you who are looking to support our children or schools I encourage you to make a donation to the Lion's Safety Bucket Committee. It costs about \$30 or so to put together one bucket which is just a plastic Home Depot bucket with items necessary in a crisis like bandages and bottled water and you can contact the Chairwoman of the Committee Linda Fulton at LindaFulton70@att.net if you would like to make a contribution of cash or items like hammers or buckets; we could certainly use your help. We are proud to make Willoughby Hills first in this effort but we've got a long way to go to cover the whole Willoughby-Eastlake School District.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilwoman Fellows to adjourn the Regular Council Meeting of July 9, 2015.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Somich declared the Regular Council Meeting of July 9, 2015 to be adjourned at 8:00pm

APPROVED:

September 24, 2015
Date

Raymond C. Somich
President of Council

ATTEST:

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