

# City of Willoughby Hills

## Regular Council Meeting Minutes of July 23, 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 7:05 p.m. by President Raymond C. Somich*

### *Pledge of Allegiance*

### Roll Call of Council

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

**Absent:** City Engineer Pietro A. DiFranco

**Also Present:** Finance Director Frank J. Brichacek, Jr., Mayor Robert M. Weger, Law Director Thomas G. Lobe, Clerk of Council Victoria Ann Savage

**President Somich:** All present and accounted for. We would like to apologize to those at home; we had a special guest with us for a meeting that just concluded with State Senator John Eklund and that ran a few minutes late so we apologize for the delay here this evening in getting started.

### **Disposition of the Journal**

### **Regular Council Meeting of June 11, 2015**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to approve the Regular Council Meeting Minutes of June 11, 2015 as submitted.

**Roll Call: Fiebig-yes, Greer-abstain, Hallum-yes, Plecnik-yes, Somich-abstain, Biro-yes, Fellows-abstain**  
**MOTION PASSES: 4 AYES/3-Abstentions**

**President Somich stated that the Regular Council Meeting Minutes of June 11, 2015 have been approved as submitted.**

### **CORRESPONDENCE**

City Engineer's Report dated July 16, 2015 (Emailed: July 16, 2015)

**FINANCIAL REPORTS FOR THE MONTH ENDING JUNE, 2015 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS** (Emailed: July 16, 2015)

WH Community Center Rental Summary Report for June 2015 (Emailed: July 21, 2015)

### **NOTIFICATIONS**

Finance Committee Meeting of July 20, 2015 (Emailed: July 10, 2015)

Planning & Zoning Commission and Architectural Board of Review Meeting of July 16, 2015 (Emailed: July 13, 2015)

Rules and Legislation Committee Meeting of July 20, 2015 (Emailed: July 10, 2015)

Special Meeting of the Working Committee of Council scheduled for July 23, 2015 (Emailed: July 18, 2015)

## **NOTIFICATION OF SERVICE COMMITTEE MEETINGS SCHEDULED FOR 2015 (Emailed: July 21, 2015)**

### **MINUTES**

Board of Building & Zoning Appeals Meeting of April 14, 2015 - Posted on City Website (Emailed: July 15, 2015)

### **MAYOR'S REPORT – Robert M. Weger**

#### **Projects:**

**Eddy Road & Pleasant Valley Road** – They are both complete now and they have been striped.

**Knecht-O'Brien Culvert Project** – Has been fully piped and they are raising the manholes 4 feet so the swale won't be as deep and then to haul out all the extra dirt which will be less because they are filling more in. But the pipe is in.

**Lamplight Project** – Is going as fast, they have all the culverts there; however they're going to start Monday putting the headwall in.

We got a **\$2,000 donation from Swagelok**, their Foundation. A \$1,000 goes to the Police and a \$1,000 to the Fire Department.

The **\$40,000 Workman's Compensation Grant** for the cot that we were talking about at the last Council Meeting it was approved and we got that.

We got **\$54,000 from the Lake County Storm Water Management to finance the Timberline Cross-Over Drainage Replacement Project.**

We got **\$81,000 from the Lake County Storm Water Management to finance Pine Valley Outfall Dredging Project.**

#### **Acknowledgements:**

Congratulations to Fire Chief Richard Harmon and the WHFD on acquisition of the Bureau of Workers Compensation Grant.

Best Wishes for a speedy recovery to Timberline resident Laurie Feltham who is recovering from a broken leg.

Thanks to all of those who attended the Fall Corn Fest 2<sup>nd</sup> Summer Concert. It was a great evening and the Willoughby Hills Boy Scout Troop 562 earned funds for their scout activities.

#### **Events:**

**Charter Review Commission Meeting** to be held at the Willoughby Hills Community Center on Monday, July 27<sup>th</sup> at 7pm

**Customer Appreciation & Kids Day at WH Auto on Saturday, August 1 from Noon to 4pm. All are welcome. Proceeds benefit Hospice.**

Put on your calendar now for the fall – **Sunday, October 4<sup>th</sup> at 9am – 5k run sponsored by Cleveland Clinic, Classic Lexus and the City of WH – all proceeds benefit St. Noel Food Pantry and WHISPER – Sign up now! Applications are in the Lobby.**

**Council have a good recess in August!**

**President Somich: Next up is our Law Director's Report, as Mr. Lobe takes a seat.**

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

If anybody on Council has any questions concerning our litigation please don't hesitate to see me. Ms. Fellows today had a question, we got back to her and I had promised you some papers and of course I forgot them tonight but I promise that I will deliver them to her. But if anybody has a question on any of that stuff don't hesitate to give me a call; if you have any questions pertaining to the procedure, where we're at in the case, what's going on, things of that nature I will gladly get back with you. I don't want to report too much on the dais. If anybody has anything such as Ms. Fellows did, I will get back with you, I will try to email you, I'll call you, I'll meet you, I'll do whatever you need to get you the documents and some of the information just so you know. I don't think that I've ever said that formally; I've said it privately but not publicly.

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

No formal report was given.

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

City Engineer was not in attendance; therefore, no formal report was given. City Engineer's Report is available on line.

## COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

### FINANCE – Raymond C. Somich, Chair

#### Committee Members:

Christopher L. Biro, Nancy E. Fellows

**President Somich:** I would like to report that the Finance Committee also met on the evening of July 20<sup>th</sup>; I regret that I do not have the complete minutes to share with everyone this evening. We basically gave a mid-year review with our Finance Director of where our finances are at, income and expenses and basically, to summarize very simply they are both on track with what we had anticipated. So we will have a complete report for you, and we also discussed some of the other ordinances that were already discussed by Mrs. Fellows in her report....at the very next meeting.

### RULES & LEGISLATION – Nancy E. Fellows, Chair

#### Committee Members:

David M. Fiebig, Raymond C. Somich

#### COMMITTEE MEETING OF JULY 20, 2015

**Members Present:** Vice President Nancy E. Fellows, Chair, Councilman David M. Fiebig, President Raymond C. Somich

**Also Present:** Councilman Christopher L. Biro, Councilwoman Jennifer Sommers Greer, Councilman Christopher Hallum

Purpose of the Meeting was to discuss **Pending Legislation** and any other business.

**Meeting convened at 7:27pm**

#### *Order of Business*

**Ordinance 2015-28** – An Ordinance consenting for a uniform allowance for the new Community Service Officer. This is the 3<sup>rd</sup> Reading. **Rules and Legislation recommends Adopting this Ordinance.**

Just circling back around:

**Ordinance 2015-31** as amended – Was the Ordinance directing the Mayor to purchase two power lift cots and one power load system if we were awarded a Grant from The Ohio Bureau of Worker's Compensation. The Fire Department received the Grant in reference to **Resolution 2015-6**, therefore this project can move forward. Funds would be received in 6-8 weeks.

**Ordinance 2015-32** – An Ordinance authorizing and directing the Mayor to accept the bid of Henderson Truck Equipment (Ohio), for a new Henderson snow plow and salt spreader. First Reading was at the Council meeting of July 9<sup>th</sup>. To finance the budget shortfall of \$35,434 over the money borrowed for the project, monies will be reallocated by cancelling the records management system project and decreasing the allocation for the design of Rt. 91. This would be the 2<sup>nd</sup> Reading, however, **Rules and Legislation recommends that the 3 Reading Rule be Waived and the Ordinance Adopted.**

Discussion took place concerning **Ordinance 2015-33** and breaking out this Ordinance into 3 separate Ordinances so appropriations and projects will be linked together. **Rules and Legislation Committee agreed to three Ordinances, then Waiving the 2 Day Notification, Waving the 3 Reading Rule and Adopting.**

**Ordinance 2015-33** – An Ordinance to comply with budgetary laws in maintaining a positive account balance for 2015 by providing for revisions, specifically for:

- (33) Curtis Wright Parkway storm sewer catch basins - \$8,800, not covered by LCSWM, Fund 250, Street Construction, Maintenance and Repair

- (34) Timberline Drive crossover drainage pipe replacement - \$5,400 – submitted LCSWM (approved)
- (35) Pine Valley outfall dredging - \$8,100 – submitted LCSWM (approved)

**Resolution 2015-7** (with a revised Exhibit) – 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 striping and verbiage has been completed. School signs will be posted as according to the revised exhibit. This would be the 2<sup>nd</sup> Reading. However, the **Rules and Legislation Committee recommends that the 3 Reading Rule be Waived and the Resolution Adopted.**

**Proposed Resolution** - Initiated by Councilman Fiebig for Mr. Hainrihar a resident that was highlighted in the News Herald. A lengthy discussion followed with suggestions that this information be shared in For the Good of Order and/or kudos being individually shared by Council Members to resident's accomplishments.

#### **Additional Business:**

#### **Motions:**

Motion to authorize the Mayor to seek bids for General Liability/Auto Insurance. Actually, Mayor has the authority to do this without a Motion since we are working with a Broker, and they are getting bids.

Motion to declare the antiquated Speed Lasers as surplus from the Police Department.

**Service Superintendent, Mark Grubiss** presented several Storm Water Projects that he would like to have completed before year end. He is hopeful that all will be funded by the Lake County Storm Water Management Department, but does not want to approach the County until the Lamplight and Knecht-O'Brien projects are completed. It was suggested that a Motion be made to authorize the Mayor to request grant monies from Lake County Storm Water Management for these projects. **Councilwoman Fellows** indicated that this is not necessary, however, the **Finance Director** indicated that "they are trying to do things right" and keeping Council informed.

**Councilwoman Greer** asked to address a complaint from a resident concerning the display of a political sign. And suggested that a "gentlemen's agreement" be made with candidates determining when yard signs should be displayed. **Councilwoman Fellows** responded that this is a form of freedom of speech supported by the U.S. Supreme Court and can be displayed all year round. A discussion followed.

#### ***Public Portion***

#### **Public portion opened at 8:00 p.m.**

**Frank Cihula** spoke to his knowledge concerning zoning and signs: 1) that they should be maintained, 2) they should not be obscene, and 3) concerning yard signs there should be a guide as to when they should be displayed and then how soon after an election they should be taken down.

**Linda Fulton** – commented on Council Members using their cell phones, apparently to text messages back and forth to each other, she feels that this is a distraction. She also indicated that **Councilman Plecnik** has a right to display his yard signs.

**Frank** commented that he agreed with Linda on the use of cell phones to text messages.

**Dale Fellows** – commented on how candidates what to get their signs out early especially in light of absentee voting. He stated that he feels that our City does not enforce our own Sign Ordinance anyway.

#### **Public portion closed at 8:13 p.m.**

**Councilwoman Greer** added some additional thoughts concerning yard signs and the aesthetics of the City.

**Councilman Biro** indicated that as servants of the City we need to respond to complaints.

#### **Meeting adjourned at 8:15pm**

**President Somich:** Are there any other Committee Reports? Are there any other Council Representative Reports this evening?

#### **OTHER COUNCIL REPRESENTATIVE REPORTS**

There were no other Council Representative Reports presented to the Members.

## **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 7:21pm**

1. David Reichelt

Former Councilman At Large and President of Council  
300 Pebblebrook Drive

Re: I've been following the activities of this Council and have heard some new concerns related to the Cuyahoga County Airport. Many of these have surfaced as a result of Mr. Plecnik assuming the role of our delegate on the airport's Noise Abatement Council. Just a few years ago, Noise Abatement council meetings were held yearly, at best. When they were held, they were poorly attended and accomplished little. During my service on the NAC, we changed to quarterly meetings, improved the process of tracking complaints, achieved record participation by the airport tenants, and formally reaffirmed the voluntary noise abatement agreement. We also improved the means by which the airport disseminates its information regarding the voluntary noise program to both local and transient pilots. Prior to that, the City Council and Mayor were heavily involved in the fight against airport expansion and worked with both local and federal officials to achieve an agreement regarding the airport's future and to find a master plan option that was suitable for the airport and acceptable to the residents of its neighboring communities, including Willoughby Hills. I recently saw a video of the "Town Hall" meeting that was held several weeks ago at one of our neighborhood churches. I was shocked at some of the gross inaccuracies that were stated at that meeting. In my opinion, this meeting was the confluence of political opportunism and aviation ignorance. Despite the past efforts and victories by this Council over the years, it would seem that a new "stir" has been created to unduly raise resident's fears and concerns and offers solutions that cannot be attained. Further, it attempts to diminish the past achievements of this City in its fight against airport expansion. For what purpose, I ask? Political posturing perhaps? Well, the truth is that there is no such crisis, there's nothing that the citizens need to be saved from and even though it is inferred that the City now has some sort of new power to change flight procedures at the airport, the truth is that they are operating within their legal rights and authority and no individual, or the City for that matter, will stop them from continuing that practice. The battle that is trying to be re-ignited was actually won and put to rest by this Council back in 2010. We won the battle, we won the war, and for anyone to assert that there is still a concern about airport expansion is preposterous. The idea of going to Washington at our own expense was also perfected by this Council years ago. One difference, however, was that when we went and were meeting with the FAA officials, we published legal meeting notices as required by law. However, earlier this year a few of you met in Washington at what can clearly be constituted as a meeting without lawful notice. This was an infraction of Ohio's Sunshine Law and the participants should have known better than to attend under those circumstances. Secondly, even though he was present in Washington at the time, nobody had the decency to invite the Mayor, the City's top administrative office, to that meeting. The citizens of this City deserve the unbiased truth and it is my interest to deliver simply that. If anyone wants to learn more, I would be happy to discuss the issue with them. My home number is 440-585-9686. I believe it is of the utmost importance that our officials and residents know the true facts regarding the airport.

2 Linda Fulton

2990 Marcum Boulevard

Re: I was part of that group several years ago that went downtown to express our opinions on the Airport and yes we did win. We won that battle but it doesn't mean that the battle is over and if any of you and I know that it was videoed but there were a lot of people who are affected by the noise by possibly the safety of their houses; I was at that meeting and it was nothing but, not even, far from being political. If anybody was there you would of heard the complaints by the people who are most affected by this airport. Including Richmond Heights. So to say that it preposterous that there's nothing to worry about that is totally untrue.

3 Loreto Iafelice

38650 Florence Drive

Re: From naturally, Willoughby Hills, I've been a resident since 1990, land owner since the late 70's. I wasn't coming here tonight to talk about an airport scenario but one thing that I have a question for is, two questions, who are the three that were at the meeting? Which Council Members were at the meeting that the Mayor was not at?

**President Somich:** Again we'll answer your questions in a few minutes....**Iafelice:** Again, if this meeting is not political then why wouldn't the Mayor be invited in Washington? I'm here for the sign and what I call political graffitied that is through Willoughby Hills. I know that there is a political process, I respect it. When we came to Willoughby Hills in the late 70's and developed in the late 80's and moved here in the 90's we came here for a reason. Willoughby Hills is, I think is a very special place. When we started developing our building here in 91 and 6 we bought some blighted areas, the old Rendina houses, knocked those down, took the Sahara Club and knocked it down, took Sid Harvey's and knocked it down, we really take pride in everything that we own, whether it's our River's Edge Development, whether it's where I live and whether it's what we are creating here at 91 and 6. I am speaking here from my heart, I love Willoughby Hills and I am grateful for everyone that takes time out of their day to be here on a Thursday night when we could be home with our families; that being said the political process I think there is a time and place for everything. I'm not here to talk about free speech or compare a political sign to a for lease sign or for rent sign, I'm here to say that the political, anything political has just gotten overboard whether it's the signage, whether it's the feuding, whether it's the arguing and you know to have these signs up almost all year I think is not fair to us as residents. I have other residents that have called me when some of these signs have go up in the last month and they have said we live here, we see the sign everyday; how many times do we need to see it, do they think that we are stupid or we have to see the sign for almost a year to know who is running. And then I get another call, I have children that have seen these signs and say wow, do we have to look at these until November. All I'm asking is for Council isn't to talk about freedom of speech, I'm here to talk, to ask, just as we take pride in our building, you take pride in the City. We shouldn't have to pull out of our drive way and see the sign at our neighbors or wherever from May until the end of November. Everyone that is running against each other should be professional and lay down the rules and say that this is our plan let's start the signs September 15<sup>th</sup> and go from there...so I understand that must mean that my time is up. All that I can ask from this Council is for everyone to please try to get along and please do something about not having to look at these huge signs for any longer than we have to.

**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 7:31pm**

## **UNFINISHED BUSINESS**

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

**President Somich:** I know that there were some questions asked is there any answers forth coming this evening?

**Councilwoman Greer:** I do have a question, as we all know that I am new to this Council, if Council does come to an agreement is that something that we would be able to do at this Table or is that something that we would have to do outside of this Table. I know personally I would certainly agree to restricting times that I would put up a sign; I would commit to that right now. Is that something that we are able to do here? Can we say "yes" I 'm willing to do that or is that something that must take place outside of this forum? It must be in this room?

**President Somich:** We can let our Legal Director answer it; as far as, any Member of Council is free to talk to any other single Member of Council at any time. Once you get into a position where you have three Members of Council or even if it is two that happen to be part of the same Committee, now we do endanger, or we risk violating the Sunshine Laws of the State of Ohio, so there is that concern depending on how many people you do have coming in at one place at one time and what that conversation consistence of.

**Law Director Lobe:** Just to follow, Ms. Greer, if you are talking about doing something with your fellow Councilmen, I get it, if you are looking for a Councilmatic Policy... we have a Sign Ordinance in place and the laws have been very, the Courts have been very tough against the enforcement of sign ordinances but if you guys want to do something voluntarily and have like a policy of Council I would suggest that it be done on this Council Table. If you want to privately do something then you privately do it, then don't expect it to be a Councilmatic Policy. So I listened to your question and I thought that you were implying or maybe I listened to the wrong...my ears are old, but I thought that you were looking for a Councilmatic Policy, if that is what you are looking for it should be at this Table, if it is a private one, you can sit down hammer out your own policy,

you don't have to put any signs or do anything else you can do that on your own, that's correct...**Councilwoman Greer:** Council can get together and agree with that outside of this forum? **Law Director Lobe:** No not the majority of this Council. I would not suggest it. **Councilwoman Greer:** So if we are going to heed our resident's suggestion and come to some type of Gentlemen's Agreement it must be done in this forum.

**Law Director Lobe:** Please don't get four people together and try to get a Councilmatic Policy. Okay, so now you're getting into the Sunshine Issues. If you want to do something privately, you can say what you want to do privately, you can say it up here, you could say it out in the streets, you could scream it but if you think that you are going to have a Policy of Council, just like we have Policies of Council, they should be talked about in the Sunshine. If you want to do something private, that's fine. I hope that I am making a clear enough distinction for you; trying to draw a line in the sand for you.

**Councilwoman Greer:** I appreciate it, thank you very much.

**President Somich:** And it is our policy if during "Unfinished Business" or afterwards to answer any questions of the residents so I know that there were two unanswered questions there that I would urge the Members of Council that were involved in those meetings to please get back to Mr. Iafelice with those answers at another time.

Moving on to legislation, before we do begin legislation this evening, the Chair will entertain a Motion to amend the Agenda. As you heard from Councilwoman Fellows we had discussed in the meeting (Rules and Legislation Committee) to take what was originally Ordinance No. 2015-33 and to divide it into three components that took some additional time and it also took some additional information and meeting with our Finance Director to make that happen so we just actually, just earlier today were officially given three new Ordinances and so I will entertain that Motion to amend the Agenda accordingly.

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to amend the Agenda of the Regular Council Meeting of July 23, 2015 to include Ordinance No. 2015-33, Ordinance No. 2015-34, Ordinance No. 2015-35.

**Councilman Fiebig:** Each one individually will need a 2 Day Notification Waiver. **President Somich:** That is correct.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that the Agenda for the Regular Council of July 23, 2015 has been amended to include Ordinance No. 2015-33, Ordinance No. 2015-34 and Ordinance No. 2015-35.**

**President Somich declared that the Agenda has so been amended.**

## **LEGISLATION**

### **ORDINANCE NO. 2015-28 – THIRD READING**

**1<sup>st</sup> Reading: June 25, 2015**

**2<sup>nd</sup> Reading: July 9, 2015**

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**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.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Hallum to adopt Ordinance No. 2015-28.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2015-28 has been adopted.**

**President Somich:** The next Ordinance is Ordinance No. 2015-32 and I believe all Council Members are aware of the ongoing discussions that we have had; although the Rules and Legislation at the time of the meeting did recommend that this be Waived and Adopted this evening subsequently and we want to thank Councilwoman Fellows for initiating the research that determined that we do need, the City does need to go out and rebid for the items that were involved in this Ordinance. So Ordinance 2015-32 properly should be voted upon this evening and we are not in a position to accept or to approve this Ordinance and make this purchase on this Ordinance so the recommendation of our Law Director is to vote no on Ordinance No. 2015-32 accordingly. And then a new bidding process already has been laid out by our City with a new timeline and a new Ordinance will be presented when that bid gets accepted. So what are the wishes of Council at this time on Ordinance No. 2015-32?

**Councilwoman Fellows:** I was going to make a motion just to Table it. And the reason, if I may would be it could be a different vendor, it could be the same vendor, it could be a different price, it could be the same price so I think instead of Tabling it because it then sits on the docket as a no vote. After doing the investigation that I did I make a Motion to Table it.

**President Somich:** I would like input on that from our Law Director.

**Law Director Lobe:** We have had this before to turn it down or Table it down, it really doesn't matter to me legally it could go both ways; it's the style of how you want to do it. If this thing is Tabled and it does get vote on for a year, it automatically dissolved as a matter of law and I just thought it would be cleaner to turn it down and start a brand new but either one is okay. So we've done this before; Council has done it both ways I've argued it both ways so it's just a stylistic thing and I understand Mrs. Fellows thinks so whatever the majority of Council wants to do, it won't be illegally either way.

#### **ORDINANCE NO. 2015-32 – SECOND READING**

**1<sup>st</sup> Reading: July 9, 2015**

**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.**

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**MOTION WAS MADE BY COUNCILWOMAN FELLOWS,** seconded by Councilman Fiebig to Table Ordinance No. 2015-32.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2015-32 has been Tabled.**

#### **ORDINANCE NO. 2015-33**

**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2015-15 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2015 OPERATING BUDGET REVISIONS TO PROVIDE ADDITIONAL FUNDING FOR THE CURTIS WRIGHT PARKWAY STORM SEWER CATCH BASIN REPLACEMENT PROJECT AND REPEALING CONFLICTING LEGISLATION.**

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**MOTION WAS MADE BY COUNCILWOMAN FELLOWS,** seconded by Councilman Hallum to suspend the Two Day Notification for Ordinance No. 2015-33.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that the Two Day Notification for Ordinance No. 2015-33 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG,** seconded by Councilman Biro to suspended the Three Reading Rule for Ordinance No. 2015-33.

**Councilman Fiebig:** Just to comment on this legislation and the following two, there're relatively small Stormwater Management Projects that do affect the safety, health and welfare of our community and we do want to move forward as quickly as possible on these.



**Roll Call: 7 AYES – unanimous** **MOTION PASSES**  
**President Somich declared that Three Reading Rule for Ordinance No. 2015-33 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Hallum to adopt Ordinance No. 2015-33.

**Roll Call: 7 AYES – unanimous** **MOTION PASSES**  
**President Somich declared that Three Reading Rule for Ordinance No. 2015-33 has been adopted.**

#### **ORDINANCE NO. 2015-34**

**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2015-15 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2015 OPERATING BUDGET REVISIONS TO PROVIDE ADDITIONAL FUNDING FOR THE TIMBERLINE DRIVE CROSSOVER DRAINAGE PIPE REPLACEMENT PROJECT AND REPEALING CONFLICTING LEGISLATION.**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to suspend the Two Day Notification for Ordinance No. 2015-34.

**Roll Call: 7 AYES – unanimous** **MOTION PASSES**  
**President Somich declared that the Two Day Notification for Ordinance No. 2015-34 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN HALLUM**, seconded by Councilman Biro to suspended the Three Reading Rule for Ordinance No. 2015-34.

**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: 7 AYES – unanimous** **MOTION PASSES**  
**President Somich declared that Three Reading Rule for Ordinance No. 2015-34 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilwoman Fellows to adopt Ordinance No. 2015-34.

**Roll Call: 7 AYES – unanimous** **MOTION PASSES**  
**President Somich declared that Three Reading Rule for Ordinance No. 2015-34 has been adopted.**

#### **ORDINANCE NO. 2015-35**

**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2015-15 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2015 OPERATING BUDGET REVISIONS TO PROVIDE ADDITIONAL FUNDING FOR THE PINE VALLEY OUTFALL DREDGING PROJECT AND REPEALING CONFLICTING LEGISLATION.**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Hallum to suspend the Two Day Notification for Ordinance No. 2015-35.

**Roll Call: 7 AYES – unanimous** **MOTION PASSES**  
**President Somich declared that the Two Day Notification for Ordinance No. 2015-35 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Hallum to suspended the Three Reading Rule for Ordinance No. 2015-35.

**Roll Call: 7 AYES – unanimous** **MOTION PASSES**  
**President Somich declared that Three Reading Rule for Ordinance No. 2015-35 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN HALLUM**, seconded by Councilman Fiebig to adopt Ordinance No. 2015-35.

**Roll Call: 7 AYES – unanimous** **MOTION PASSES**

President Somich declared that Three Reading Rule for Ordinance No. 2015-33 has been adopted

**RESOLUTION NO. 2015-7 – SECOND READING**

**1<sup>st</sup> Reading: July 9, 2015**

**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.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Hallum to suspended the Three Reading Rule for Resolution No. 2015-7.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

President Somich declared that Three Reading Rule for Resolution No. 2015-7 has been suspended.

**MOTION WAS MADE BY COUNCILMAN HALLUM**, seconded by Councilman Biro to adopt Resolution No. 2015-7.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

President Somich declared that Three Reading Rule for Resolution No. 2015-7 has been adopted

**NEW BUSINESS**

- **Motion to authorized the Mayor to seek bids for General Liability/Auto Insurance**

**MOTION MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to authorize the Mayor to seek bids for the City's General Liability/Auto Insurance.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

President Somich declared that the Mayor is hereby authorized to seek bids for the City's General Liability/Auto Insurance.

- **Motion to declare the following Speed Lasers as surplus: Kustom Prolaser III Serial No. PL11641; Kustom Prolaser III Serial No. PL21192; Kustom Prolaser III Serial No. PL23661; Kustom Prolaser III Serial No. PL23699 and Stalker Lidar Serial No. LR101528**

**MOTION MADE BY COUNCILMAN BIRO**, seconded by Councilman Hallum to declare as surplus the following Speed Lasers: Kustom Prolaser III Serial No. PL11641; Kustom Prolaser III Serial No. PL21192; Kustom Prolaser III Serial No. PL23661; Kustom Prolaser III Serial No. PL23699 and Stalker Lidar Serial No. LR101528

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

President Somich the Speed Lasers as enumerated above have been declared as surplus.

- **Motion of Council to authorize the Mayor to seek funding from the Lake County Stormwater Management Department for five (5) Storm Sewer Projects:**
  - (1) **Sink Hole on Worell Road**
  - (2) **Pleasant Valley Road Dam**
  - (3) **Dodd Road – From Cage West towards the River Heading West**
  - (4) **River Road – South of Route 6 Eastside of the Road**
  - (5) **Pleasant Valley Road – East of the Bridge**

**President Somich:** The third Motion here listed under new business I will leave to the decision of Council which way you would like to go with that. There has been additional conversation that legally this Motion is not necessary. The Mayor already has authority to seek funding from the Lake County Stormwater Management Department for Sewer Projects without the endorsement of Council. Of course we would get involved later if there is a process of having to pay and bring in contractors to do the work for these but at this time simply to seek funding is not legally

our responsibility. It was done as you heard earlier by our Administration in particular our Law Director and our Road Supervisor to keep Council informed of the process and to make sure that we are supportive of the concept from the beginning until the end when the funding and the work is done. It was brought up so that this work could in theory be done and worked on during the next month when we are on recess. So I will leave it to Council if you would like to show the support for this project and the communication accordingly or if you chose not to make a Motion.

**Councilwoman Fellows:** In initiating the conversation it was implied to me that in our Memorandum of Understanding in 2005 when we became participants at Level II of the Stormwater Project Program that give the authority to the Mayor at that time. Also I do feel that we are kept in communication on it with Committee Meetings with information from the Road Superintendent, with information from the Engineer and the Finance Director. It's a warm and fuzz but it's not in my opinion a Councilmatic action.

**President Somich:** So are there any other comments on it. So at this time, if there is interest in so, I will entertain a Motion, if not it will die for lack of interest.

### **FOR THE GOOD OF THE ORDER**

**Councilman Fiebig:**

Acknowledged twenty year resident Edward Hainrihar of Oakwood for achieving fifty years of employment with SKRLTool & Die Inc. of Eastlake, Ohio.

**Councilman Biro:**

Thoughts go out to our City Engineer's Mother who recently had surgery which went very well and she is recovering and we just hope that everything is good.

**Mayor Weger:**

Acknowledged Councilman Hallum's B-Day today!

**Councilman Fiebig:**

Wished fellow colleague Eastlake Councilwoman Cindy Quinn-Hopkins a speedy recover.

**President Somich:**

Welcomed the Willoughby-Eastlake School of Innovation to our community.

**Councilman Hallum:**

Wished all the Members a quite, enjoyable much deserved break!

### **ADJOURNMENT**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to adjourn the Regular Council Meeting of July 23, 2015.

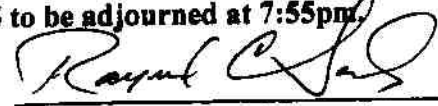
**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

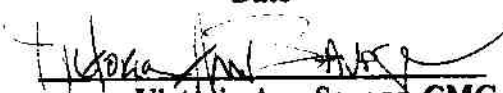
**President Somich declared the Regular Council Meeting of July 23, 2015 to be adjourned at 7:55pm.**

**APPROVED:**

  
Date

  
President of Council

**ATTEST:**

  
Victoria Ann Savage, CMC  
Clerk of Council