

City of Willoughby Hills

Regular Council Meeting Minutes of June 11, 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.

In the absence of President Somich and Vice President Fellows the Regular Council Meeting of June 11, 2015 was called to Order at 7:00 p.m. by Law Director Thomas G. Lobe.

Pledge of Allegiance

Roll Call of Council

Members: Councilman Christopher L. Biro, Councilman David M. Fiebig,
Councilman Christopher Hallum, Councilman John Plecnik

Absent: President Raymond C. Somich, Vice President Nancy E. Fellows,
Councilwoman Jennifer Sommers Greer

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

MOTION WAS MADE BY COUNCILMAN PLECNIK, seconded by Councilman Hallum to excuse President Raymond C. Somich, Vice President Nancy E. Fellows and Councilwoman Jennifer Sommers Greer from the Regular Council Meeting of June 11, 2015.

Roll Call: 4 AYES – unanimous

MOTION PASSES

Law Director Lobe stated that President Raymond C. Somich, Vice President Nancy E. Fellows and Councilwoman Jennifer Sommers Greer have been excused from the Regular Council Meeting of June 11, 2015.

MOTION WAS MADE BY COUNCILMAN HALLUM, seconded by Councilman Fiebig to appoint Councilman Christopher L. Biro to serve as President Pro-tem for the Regular Council Meeting of June 11, 2015.

Roll Call: Biro-abstain, Fiebig-yes, Hallum-yes, Plecnik-yes

MOTION PASSES: 3-AYES/1-Abstention

Law Director Lobe stated that Councilman Christopher L. Biro has been appointed to serve as President Pro-tem for the Regular Council Meeting of June 11, 2015.

Law Director Lobe stated that he would now turn the gavel over to Councilman Biro who will serve as Chairperson for tonight's meeting. While President Pro-tem Biro gets ready to assume the position of President Pro-tem, the Law Director recommended a Motion to appoint a Vice President Pro-tem for the June 11, 2015 Regular Council Meeting.

MOTION WAS MADE BY COUNCILMAN HALLUM, seconded by Councilman Plecnik to appoint Councilman David M. Fiebig to serve as Vice President Pro-tem for the Regular Council Meeting of June 11, 2015.

Roll Call: Biro-yes, Fiebig-abstain, Hallum-yes, Plecnik-yes

MOTION PASSES: 3-AYES/1-Abstention

Law Director Lobe stated that Councilman David M. Fiebig has been appointed to serve as Vice President Pro-tem for the Regular Council Meeting of June 11, 2015.

Law Director Lobe declared that this meeting was now under the direction of President Pro-tem Biro.

President Pro-tem Biro: Okay thank you, I appreciate the vote of my fellow colleagues to serve as President Pro-tem. At this point I would like to say something first, I want to announce and I know that many people know about the passing of Tim Manning, one of our former Councilmen and a wonderful citizen from this community and a great father. I am not sure if people knew that he was a guy that served our City and he struggled for a long time with health issues but what impressed me the most was his ability to stay positive; it just amazed me whenever I saw him even though he was in a wheelchair, he embodied just a great person. So I just want to put that out there and we can hopefully reflect, myself, I hope that I can be as strong and as good as him. And once again our hearts go out to his family for his passing, he was a great guy and we will miss him.

Councilman Fiebig: I concur with your analysis. Tim Manning was a great man, a good father and he certainly served his community not only as a Councilman and as a Council President and he was an acting Mayor for a short period of time. I would like to see us even as a Council, I would like to see us recognize him by a moment of silence.

Disposition of the Journal

Regular Council Meeting of May 14, 2015

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to adopt the Regular Council Meeting Minutes of May 14, 2015 as submitted.

Roll Call: 4 – AYES – unanimous

MOTION PASSES

President Pro-tem Biro stated that the Regular Council Meeting Minutes of May 14, 2015 have been approved as submitted.

Regular Council Meeting of May 28, 2015

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to adopt the Regular Council Meeting Minutes of May 28, 2015 as submitted.

Roll Call: 4 – AYES – unanimous

MOTION PASSES

President Pro-tem Biro stated that the Regular Council Meeting Minutes of May 28, 2015 have been approved as submitted.

CORRESPONDENCE

WH Community Center Rental Summary Report for May 2015 (Emailed: June 2, 2015)

City Engineer's Report dated June 4, 2015 (Emailed: June 4, 2015)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month Ended May 2015 (Emailed: June 9, 2015)

Memo from Assistant Director of Finance dated May 27, 2015 re: New Hires (Emailed: May 27, 2015)

Memo from Assistant Director of Finance dated June 5, 2015 re: New Hire (Emailed: June 5, 2015)

NOTIFICATIONS

Civil Service Commission Meeting of June 11, 2015 (Emailed: May 29, 2015)

Planning & Zoning Commission and Architectural Board of Review Meeting of June 4, 2015 Cancelled due to no pending business (Emailed: June 1, 2015)

MINUTES

Civil Service Commission Meeting of February 26, 2015 (Emailed: May 28, 2015)

Civil Service Commission Meeting of March 5, 2015 (Emailed: May 29, 2015)

ON FILE

Chagrin River Watershed Partners, Inc. Draft Meeting Minutes of May 28, 2015 along with Power Point Presentation (Emailed: May 28, 2015)

WH Senior Center Newsletter for June 2015, Issue Number 86

MAYOR'S REPORT – Robert M. Weger

Projects:

Eddy Road & Pleasant Valley Road – waiting to lay the final layer

Knecht-O'Brien – Woodford is waiting for fabrication of the precast concrete manholes, headwall and pipe to be complete; expecting confirmation any day now and then will begin project

Lamplight – Longo Construction is waiting for fabrication of the precast concrete culvert sections – hoping to start construction either the week of June 15th or June 22nd

Pavement Markings Program – due to begin work soon – waiting on our Service Department to complete some of the road repair prior to the striping

School Zone – W-E School of Innovation – working with Willoughby-Eastlake Schools to get signage and pavement markings as soon as possible so motorists can get used to speed limit changes when school starts August 13th

Airport Report – has been received and is available for viewing in our Finance Department or check it out through a link on the City website

Acknowledgements:

Condolences to the Manning Family on the passing of Tim Manning, who had served as a Willoughby Hills Councilman

Events:

Kids Fun Day this Saturday, June 13th from 11 to 3pm – Mayor will be doing Kids Prints for Kids ID cards at this event

Garfield School Reunion at Campbell Park – Sunday, June 14th from 1 to 5pm

Charter Review Commission Meeting to be held at the Willoughby Hills Community Center on Monday, June 15th at 7pm

First Fall Corn Fest Concert set for Wednesday, June 17th from 7 to 9pm; food provided by Nick's Gyros – rain or Shine

Lake County United Way Day of Caring – Wednesday, June 24th (the wrong Date was reported previously). All welcome to volunteer in the community.

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

No formal report was given.

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

Reported that the City received a donation from AT&T in the amount of \$2,000 for the City's WHISPER Program.

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

No formal report was given.

COMMITTEE REPORTS

There were no Committee Reports were given.

OTHER COUNCIL REPRESENTATIVE REPORTS

There were no other Council Representative Reports presented.

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 7:15pm

1. Frank Cihula
Dixon Road

Re: Thanked Road Superintendent for the great job he and his crew are doing on the SOM Center patching; it looks as if it will last at least through the winter which is the most important thing. Keep up the good work! Can't wait for the last part to be done.

2. John Webber
Tall Tree Trail

Re: First of all I'd like to say "Go Cavs!" Obviously living on Tall Tree my major concern is with the Airport. We have a few people here that represent the area there and there is a lot of concern over there that hasn't been met. We don't agree with the agreement right now that we have with the Airport. They are currently turning out way too soon, the airplanes. I have video today of planes consistently over my house. We are dealing with one person at the Airport and I think that he holds a personal grudge. I complained yesterday, today I get planes consistently. You can see them if you want, I can show them to you now, later, whatever. They come right over my home. Bob was out today he can attest to that probably. Our street is probably 500 yards from the center of the runway if not more. They consistently push the traffic over to our area. When we moved there planes took off down the center of the runway, they would fly two miles and then they would turn. In the meantime they have built plenty of expensive homes that are in the runway, or use to be in the runway path, Camelot, Istra, Canterbury, Lamplight; there are a lot of expensive homes there and that is where the planes use to fly. When we bought our homes, we were nowhere near the center of that runway; they're just pushing that over. There is a lot of influence in that area, Istra, Lamplight and Camelot whether that's part of it or not, I don't know but they are definitely pushing the airport traffic over our way; they don't want to admit that, they never have. It's like pulling teeth to talk to those people. Thanks to John Plecnik, we might have a little light here at the end of the tunnel in dealing with the one entity in the airport. He takes things very personally, I believe. There is not enough checks-in-balance there; every time you go to one of those meetings you only get five minutes to speak and they cut you right off. They try to tell you which way the wind is blowing and which way this is going and things that the average Joe will or probably doesn't understand it. Fortunately, I have had to educate myself and the things that they tell me are not correct. I think that there needs to be more open discussion with the airport. And I also think that there also needs to be possibly another group looking at the flight path coming in and out of; it is just subject to one person's view and the people on the outside have no say whatsoever. I can show you right here, they consistently fly over my home probably because I complained yesterday and when Maria complains they'll go over her house. Are we paranoid or crazy, I don't know. I've lived there thirty years, you know, I've never...this traffic has never been like that. The Administration here probably doesn't like...they are dealing with it, I know that it is a sore subject. They would probably rather put it under the table but it gives us headaches over there and there is no reason for it; I've given suggestions for it and what they can do, they can fly out longer, they can fly higher. At 1300' when the small planes are turning, they are only 600' feet off the ground, it is very close to the tree tops, tree tops maybe a 150'. They are allowed to turn now at 1300'; those jets are 1300' haven't even hit White Road before they are turning; hence they are turning right over our homes. You know, we are asking them to turn...get in their pattern, fly further out straight on the runway like they use to do and then turn. **President Protem Biro: I hate to cut you off; I know this has been a concern, for many years we have been dealing with this...**

John Webber: We're here to show our concern. John has been very helpful; I hope that this Administration will now help us. We don't agree with what was signed in that agreement. We think that planes should fly out two miles and then turn like they use to do. They hood-wigged Dave Reichelt into signing that and the entities that signed that from the County are no longer with them; I think that at the very least it needs to be reviewed.

3. Marie Ratino
2959 Tall Tree Trail

Re: I'm also here because of the Airport issues and I want to thank Council for having that City Council Meeting where people could come; we had about fifty people there and I want to thank them for all coming. I was hoping that we would get more people to show here tonight. This is just a small list of the jets that came by my house so closely that you could hear those piecing jet engines today. I could practically see their faces that's how close they are. I urge City Council to all band together and to make this a City issue that someone looks into this. We are part of the City, we pay taxes, and we've been here thirty years. We have very few people coming or going, we

have been here a very long time. A lot of you people know, our kids grew up here and we love the City. So I urge Council to please announce meetings maybe on the TV, we don't see any meetings announced because of the Airport; one's coming up July 9th now for the Noise Abatement. We go out in the morning people and smell horrible, horrible jet smells. We have noise issues, we can't sit in our backyard when some of the planes continuously go over, and over, and over, ten, twenty times in a day. Training planes taking off, touchdown, touchdown and that....it is an issue, please I urge Council to help our street and the neighborhood streets; and also for those people that got notices, their houses or part of their homes will be taken. I also want to thank our maintenance guy because finally after three years I got my street fixed, it was falling into the ground and we finally got some people working on it, so I want to thank you too.

Public Portion was closed at 7:22pm

UNFINISHED BUSINESS

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

LEGISLATION

ORDINANCE NO. 2015-25 – SECOND READING

1st Reading: May 28, 2015

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO AND DECLARING AN EMERGENCY.

Law Director requested that this Ordinance be kept on Seconded Reading due to the fact there are not enough Members to vote to pass the Ordinance as an emergency measure; encouraged the Members to consider passage at the next Regular Council Meeting. President Pro-tem Biro declared that **Ordinance No. 2015-25** would remain on Second Reading.

ORDINANCE NO. 2015-26

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

President Pro-tem Biro declared that **Ordinance No. 2015-26** would remain on First Reading.

RESOLUTION NO. 2015-5 – As Amended – THIRD READING

1st Reading: May 14, 2015

2nd Reading: May 28, 2015

A RESOLUTION IN OPPOSITION TO THE EXEMPTION OF SINGLE ENGINE AIRCRAFT FROM THE VOLUNTARY NOISE ABATEMENT PROCEDURES FOR USE AT THE CUYAHOGA COUNTY AIRPORT FOR THE DEPARTMENT OF DEVELOPMENT/AIRPORT DIVISION, EFFECTIVE JUNE 17, 2010 AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN PLECNIK, seconded by Councilman Fiebig to adopt Ordinance No. 2015-5.

Councilman Hallum: Can we, with the emergency tag on that, can we do that? **Councilman Plecnik:** It just wouldn't take effect until thirty days.

Law Director Lobe: Again, same issue, to have it done in two weeks if we have enough people at tonight's meeting or in thirty days, I get what you want Mr. Plecnik, I think that everybody wants it but I would like to get it there as fast as we can; if we vote on it tonight it is not going to take effect until thirty days. Just so everybody is aware of that; maybe you just want to get it done and I get that and I think that everybody wants it done so maybe that's the better course of action; but if you want it done sooner you would really have to wait.

Councilman Plecnik: I think that it is time to have the vote on this Resolution; it's important to give a statement. As we have seen a lot of people on the Westside of Willoughby Hills have been affected by this issue and many on Council have personally experienced the noise and safety issues from the Airport. I think that it is important for us to make a strong statement at this time.

Law Director Lobe: Again, my position is only to the procedural issues not the substantive whatsoever; it's for time issues. I think that everyone is in favor of it anyway, so let's at least get it done.

Councilman Plecnik: If I could just add a lot of our residents have repeatedly expressed difficulties with one particular person who has been less than understanding on the Noise Abatement Council and Mr. Scott Huth has come to one of our meetings as well and had an outburst and I have nothing against Mr. Huth but we need to remember that the Airport and their representatives have one set of interests and we in Willoughby Hills have another set of interests so I completely understand his opposition to our policy of no airport expansion and our opposition to single engine aircraft but we do not want to be listening to the devil's talk about salvation or the airport's talk about noise abatement, we need to be concerned with our neighbors and residents who experience this noise each and every day so it is a pretty powerful statement but I think that we need a powerful statement at this time because Mr. Huth has repeatedly advocated against this Resolution and I think that Willoughby Hills needs to stand up to the airport when they said that there is no real noise problem and anyone who is concerned with noise or safety is being selfish, no the airport is sometimes selfish and I don't blame them for their job is to make money and to get as many flights in and out as possible, my job is to represent my neighbors and we have had just about enough.

Councilman Hallum: Just would like to ask a question because there have been some comments made here tonight that make me wonder if this Resolution says enough with regard to how far out before they are turning. And so before we pass this, is there any thought of adding or having a conversation about adding the requirement of having them go out further, I don't know just asking.

Councilman Plecnik: Well, Councilman Hallum to make a change along the lines that have been discussed tonight would require not only a vote of Willoughby Hills but the County and each of the cities parties to the agreement. While I agree we need to start that discussion the first thing that we need to do is to reaffirm the protections that we currently have and that we don't want to go lower. So I certainly support having more protections but at this point we've got to draw the line because the Noise Abatement Council will be voting on this issue at their next meeting and we want to be able to show that Willoughby Hills is on the record.

Councilman Hallum: Fair enough, thank you. Just wanted to make sure before....

Law Director Lobe: It is a voluntary agreement, it really doesn't have that much tooth in the tiger that we want anyway (microphone not on)....The agreement is a voluntary agreement...that's one of the other parts of even enforcing it, it is all voluntary; which is part of the problem that they don't really have to follow...so I think that we are looking for something that is consistent since '08 you know that the Mayor even filed some things and in '10 and this is a continuation of that, now even a stronger expression from Council and I assume that the Mayor is going to sign it also and get it out there sooner than later. It can't hurt.

Roll Call: 4 AYES – unanimous

MOTION PASSES

President Pro-tem Biro declared that Ordinance No. 2015-5 – As Amended has been adopted.

Law Director Lobe: Just for the record, because it has an emergency tag, as a matter of law because we got four affirmative votes, it passes but not as an emergency. Just so everyone is clear on that; it passes but not as an emergency as a matter of law and general principal. It's not going to be effective until thirty days as a matter of formable law.

President Pro-tem Biro: Versus passing it at the next meeting and having it be effective....**Law Director Lobe:** the effective date is the real issue. Thank you.

Councilman Fiebig: Question for the Mayor, will you sign prior to the July 9th Meeting?

Mayor: I have to wait thirty days. **Councilman Fiebig:** Okay so you will not sign it prior to that, you are going to wait until July 9th? **Law Director Lobe:** No he is going to sign it; in fact it is thirty days from the date of his signature.

Mayor: Okay, then tonight I will sign it.

Law Director Lobe: But you still have to wait thirty days before it becomes law, so the sooner the Mayor signs it to get the clock running on it.

RESOLUTION NO. 2015-6

A RESOLUTION TO ACCEPT A SAFETY GRANT IN THE AMOUNT OF \$40,000 FROM THE OHIO BUREAU OF WORKERS COMPENSATION AND DECLARING AN EMERGENCY.

President Pro-tem Biro declared that Resolution No. 2015-6 would remain on First Reading.

NEW BUSINESS

President Pro-tem Biro stated that he would entertain a Motion to go out to bid for a Salt Spreader and Plow.

MOTION MADE BY COUNCILMAN PLECNIK, seconded by Councilman Hallum to authorize the Mayor to seek bids for a Salt Spreader and Plow for the new truck.

Roll Call: 4 AYES – Unanimous

MOTION PASSES

President Pro-tem Biro declared that the Mayor is hereby authorized to seek bids for a Salt Spreader and Plow for the new truck.

FOR THE GOOD OF THE ORDER

Councilman Plecnik:

Wanted to add my words to yours and the other Councilmen's and the Mayor who expressed a real sense of loss for Tim Manning. He was a great leader and a great friend to me and I know that the family must miss him an infinite amount because just as a friend I miss him dearly too. A lot of what I know about serving on City Council, Tim took the time to teach me, even though I didn't know him before I started to campaign, he invited me to his home and he said that he wanted to show me the ropes; I probably won't be sitting here at this dais without his help so I just want to add my thoughts to yours Mr. President. Tim Manning was a great man and so many people will sorely miss him.

Councilman Hallum:

Several people paid complements to me recently about the Service Department and the way that they are maintain the fields over here at Roemisch. They have noticed a notable difference over the last couple of weeks. So just wanted to thank you.

Councilman Fiebig:

Thoughts and prayers to the Lydic Family who were active in the Willoughby Hills Friends Church; thirty-nine year old father died unexpectedly last weekend leaving his wife Beth and three young children. The funeral is tomorrow.

Wanted to wish everyone a Happy Father's Day coming up soon.

Just a quick mention of the Cavs – what a series we are going through and what an economic driver Lebron James has been to this whole region as well as the City of Cleveland on an International Level. It's just been fundamental and we are all looking forward to the win tonight, I hope and anyway...Go Cavs!

Law Director Lobe:

I too, on behalf of Tim Manning, I'm probably the only person on this dais that actually served with him, got to know him, got to know Fran, got to know the boys, he was a gem. Just want it on the record so thank you.

President Pro-tem Biro:

On a side note, I attended the funeral and his son, Mr. Plecnik was there with me, his son gave a little eulogy and he should be very proud of his children because they are good kids; spoke very well. But one of the impressive things he said was that he was a guy that just loved life. Really enjoyed himself and you know even though he had health...the one comment was that every time you saw him he had a burger in one hand and a beer in the other...he just really enjoyed life. Our thoughts go out to the family because he was a great guy.

ADJOURNMENT

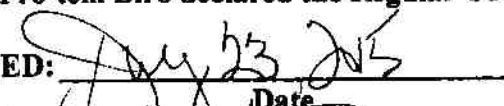
MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to adjourn the Regular Council Meeting of June 11, 2015.

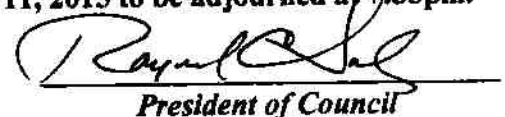
Roll Call: 4 AYES - unanimous

MOTION PASSES

President Pro-tem Biro declared the Regular Council Meeting of June 11, 2015 to be adjourned at 7:35pm.

APPROVED:


Date


President of Council

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council