

City of Willoughby Hills

Regular Council Meeting

Minutes of May 14, 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 7:00 p.m. by President Raymond C. Somich

Pledge of Allegiance

Roll Call of Council

Members:

Councilman Christopher Hallum, Councilman John Plecnik,
President Raymond C. Somich, Councilman Christopher L. Biro,
Councilman David M. Fiebig, Councilwoman Jennifer Sommers Greer

Absent:

Vice President Nancy E. Fellows

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 FIEBIG, seconded by Councilman Biro to excuse Vice President Nancy E. Fellows from the Regular Council Meeting of May 14, 2015.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich stated that Vice President Nancy E. Fellows has been excused from the Regular Council Meeting of May 14, 2015.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Hallum to appoint Councilwoman Jennifer Sommers Greer to serve as Vice President Pro-tem for the Regular Council Meeting of May 14, 2015.

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

MOTION PASSES: 5-AYES/1-Abstention

President Somich stated that Councilwoman Jennifer Sommers Greer has been appointed to serve as Vice President Pro-tem for the Regular Council Meeting of May 14, 2015.

Disposition of the Journal

Regular Council Meeting of April 9, 2015

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adopt the Regular Council Meeting Minutes of April 9, 2015 as submitted.

Roll Call: 6 – AYES – unanimous

MOTION PASSES

President Somich stated that the Regular Council Meeting Minutes of April 9, 2015 have been approved as submitted.

Special Council Meeting of April 23, 2015

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to adopt the Special Council Meeting Minutes of April 23, 2015 as submitted.

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

MOTION PASSES: 5-AYES/1-Abstention

President Somich stated that the Special Council Meeting Minutes of April 23, 2015 have been approved as submitted.

President Somich: Before we go any further I would like to take a moment and have us recall the tragic loss just recently within the last couple weeks of our Economic Development Director Steve Roszczyk. He served our City for just about three years in that capacity and many of us have had the opportunity of working with him, being in meetings with him. Know that we have had a lot of discussion about the economic development of our community and certainly all of us wanted it to be brighter and more developed than ever and at a faster pace but I had worked with him and know that Steve; his heart was really in that job, he really did care about our City in that short period of time. He really came to love Willoughby Hills and the people of Willoughby Hills and he really worked hard to try to improve it for all of us. So it is a tragic loss, it was a very unexpected and sudden illness and sudden passing and we do certainly extend our sympathies and our thoughts and our prayers to Steve's family, Janice and the grand-children and everybody else that he leaves behind. So at this time, please if you would, allow a moment of silence for Steve Roszczyk. Thank you very much.

CORRESPONDENCE

WH Community Center Report for April 2015 (Emailed: May 12, 2015)

City Engineer's Report dated May 7, 2015 (Emailed: May 7, 2015)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month of April 2015 (Emailed: May 11, 2015)

FINANCIAL REPORTS FOR THE MONTH ENDING MARCH, 2015 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS (Emailed: May 1, 2015)

NOTIFICATIONS

Planning & Zoning Commission and Architectural Board of Review Meeting of May 7, 2015 (Emailed: May 4, 2015)

Recreation Commission Meeting of May 6, 2015 (Emailed: May 5, 2015)

Recreation Commission Parks Subcommittee Meeting of May 6, 2015 (Emailed: May 1, 2015)

Rules and Legislation Committee Meeting of May 12, 2015 (Emailed: May 4, 2015)

MINUTES

Charter Review Commission Meeting Minutes of April 13, 2015 (Emailed: April 30, 2015)

Rules and Legislation Committee Meeting Minutes of April 20, 2015 (Emailed: May 11, 2015)

CHARTER REVIEW COMMISSION MEETING APPROVED MINUTES OF APRIL 27, 2015 (Emailed: May 13, 2015)

ON FILE

WH Senior Center Newsletter for May 2015, Issue Number 85

MAYOR'S REPORT – Robert M. Weger

Internet Auction closed on Tuesday on www.publicurplus.com for surplus vehicles and equipment. Two vehicles (estimated value of \$120,000 were not sold); \$25,000 received on other vehicles. The Roller was sold for \$1,200; the Power Paver for \$2,000; the 2009 Charger for \$5,500, that's the black one; the 1999 Sterling Plow Truck for \$6,900; the Dodge Charger, one of the black and whites for \$4,100 and the other Dodge Charger for \$4,501.

The other two, the Dump Truck, the dually, and the Arm Mower, we are procuring other bids from Cities surrounding us and we are anticipating those to be sold too.

Projects:

Eddy Road – starting first week of June then Pleasant Valley will follow

Knecht-O'Brien – starting next week or following week

Lamplight – work is underway; coordination of gas company, CEI and Longo Construction ongoing

Pavement Markings Program – preconstruction meeting with Pat Flowers, Inc. next week

Gas Station Robbery – Remised to inform you that we had an arm robbery at the gas station at the Shell at Bishop Road; it is still under investigation

Acknowledgements:

Our condolences to the family of Economic Development Director Steve Roszczyk who passed away unexpectedly last week. A Celebration of Life Ceremony is being planned at the Community Center for Thursday, June 4th.

Congratulations to Eagle Scouts Michael Dolinar and Andrew Higgins – both well-deserved recognitions.

Congratulations to residents Mary Ellen and Ray Buzanski who were recognized by the Lake County Council on Aging for their 5 years of service as Meals on Wheels volunteers

Congratulations to my Executive Assistant Gloria Majeski. She was honored by the Lake County Council on Aging with the “Helping Hands” Award. This was in recognition of her work with WHISPER and her recent assistance to a displaced resident with the Trailard Road flooding.

Events:

Opening Day – Willoughby Hills Softball/Baseball – Saturday, May 16th – Mayor throwing out first pitch at 11:30 a.m.

Ribbon Cutting – American Heritage Motorcycle – Saturday, May 16th at Noon

Memorial Day Ceremony – Monday, May 25, 2015 at 11:00 a.m.

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

Requested an Executive Session at a time most convenient for Council. Purpose will be for the discussion of Pending Litigation. Please invite all Members of Council, including himself, the Mayor, the Finance Director and the Police Chief.

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

No formal report was given.

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

No formal report was given. City Engineer’s Report can be found on the City’s Website.

Councilman Hallum: Mr. DiFranco, should the residents on Lamplight during the electric movement expect any outages at any time?

City Engineer: No, there should be no outages.

COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

FINANCE – Raymond C. Somich, Chair

Committee Members:

Christopher L. Biro, Nancy E. Fellows

Chair Somich stated that he had the minutes from the Finance Committee Meeting of April 20th which he didn’t have finished just before that last Council Meeting.

COMMITTEE MEETING OF APRIL 20, 2015	
Members Present: President Raymond C. Somich, Chair, Vice President Nancy E. Fellows	
Also Present: Councilman David M. Fiebig, Councilwoman Jennifer Sommers Greer, Councilman Christopher Hallum, Councilman John Plecnik, Finance Director Frank Brichacek, Mayor Robert M. Weger.	
Purpose of the Meeting was to discuss <u>City Finances</u> and any other business.	
Meeting convened at 6:02pm	
<i>Order of Business</i>	
First discussion was on the need for a new truck and Roads Superintendent was present to explain why we do. One of our	

current trucks will be sold as surplus because it is unsafe. Another one is in poor condition but we think we can nurse one more year from it. Recommends the new truck will be a stainless steel body to last 15+ years, then can rebuild for a relatively small amount instead of total replacement. No good used trucks are available. We previously estimated \$150k in the budget, but total cost may approach \$180k. We reviewed all trucks in service. **All questions were answered and consensus supports purchase of the new vehicle asap.**

The Chair then asked if there were any other thoughts on budget cuts for 2015. Councilman Plecnik expressed his desire to cut the Economic Development Budget. Councilmen Hallum and Somich spoke in favor of the progress that Steve and the Department were making. When Cloverleaf was stated as an e/d success, Councilman Plecnik wanted to note that he did not agree that this development adds value to the City. **The Mayor agreed to meet with Steve regarding the 2015 Budget.**

Councilman Fiebig talked about the new program introduced by the Lake County Treasurer, which would sell defaulted properties and provide cities with unpaid taxes. The Mayor said he is following this closely and expects to know after May 8th which properties in the City may be included. There is a county-wide limit of \$8m, and we have no idea how much our City could potentially receive.

Councilman Biro said that Lyndhurst registers all rental properties for control purposes but also as a funding source to offset city expenses rendered to this group of residents. We had discussed whether we could enforce this for individual homes, and we also agreed it may be time to review the current registration fees charged to apartment dwellers and rentals of single-family dwellings, which have not been changed since 1978.

No one had any other ideas to discuss for possible areas of budget cuts or revenue increases.

Opened 6:50pm. Frank Cihula asked if economic development directors could be paid on an incentive basis. He also said he suspects the Lyndhurst building department is not as busy as ours. Linda Fulton asked if we do regular vehicle maintenance (yes) and suggested that we freeze all wages in the city. **Closed at 6:53pm.**

Meeting adjourned at 6:34pm

RULES & LEGISLATION – Nancy E. Fellows, Chair

Committee Members:

David M. Fiebig, Raymond C. Somich

COMMITTEE MEETING OF MAY 12, 2015

Members Present: Councilman David M. Fiebig, Servicing as Chair, President Raymond C. Somich

Also Present: Councilman Christopher Hallum, Councilman John Plecnik, Mayor Robert M. Weger

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

Meeting convened at 6:54pm

Order of Business

Resolution 2015-5 – 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. We moved this to the front of discussion as we noted the presence of Scott Huth, Airport Traffic Manger at Cuyahoga County Airport. Members discussed the Resolution, the rationale and history, then we opened public portion to hear from Mr. Huth. We gave a wide berth to his comments and asked many questions of him regarding airport noise, pollution over Willoughby Hills, this Resolution regarding exemption of single engine planes, and a noise suppression system (hush hut). His testimony revealed there are no plans for a hush hut. Complaints about noise have risen dramatically in the last two weeks. There is a vote to be taken at the next meeting of the Noise Abatement Council to not follow the Voluntary Noise Abatement Council's Agreement actually makes for less noise effecting Willoughby Hills and other areas. His contention is that it does based on the lack of residents complaints being registered at this office. Mr. Cihula was given the opportunity to comment in Public Portion and gave a history of the airport and its impact on the residents, of which he has been one for more than 65 years. The dialogue on this was approximately an hour long, and the **Committee requested that the hush hut and safety concerns be included in the Resolution and recommended that the Resolution be left on First Reading to review those changes.**

Ordinance 2015- 21 – An Ordinance fixing the compensation for the position of Community Service Office (CSO).

There are no provisions in our Charter for this position. We are mixing and matching Classified versus Unclassified. 2nd reading. A protracted discussion on this topic ensued when the Chair Mr. Fiebig proposed an amendment of new legislation that simply creates the position and sets the salary range. Law Director urged and advised against it. Extensive dialogue on the history of the proposal. **The Committee recommended that the Ordinance remain on**

Second Reading.

Ordinance 2015- 23 – An Ordinance authorizing and directing the Mayor to procure by and through forfeiture real property, a parcel of land at or near West Miller Road. To discuss fees...question directed to the Finance Director that he is comfortable expanding for the property. What is the total cost to procure the property? 1st Reading or Suspend the Three Reading Rule. Discussion on this centered on the protection of the fees for to add sewers to the land, and the low cost of procuring the property, and the legal ramification, if any, that might impact the City. **Law director suggested we move forward with this and to facilitate his work, the Committee recommended to Waive the 3-Readings and Adopt.**

Ordinance 2015-24 – An Ordinance authorizing and directing the Mayor to accept the bid of R.W. Sidley for a new MACK 2016 Single Axle Dump Truck and Chassis. This does not include the bed/box that will be applied to the chassis or any other accessories such as the stainless steel salt spreader and snow plow. Plus to Suspend the 3-Reading Rule...The question as to the 2nd bid being the one selected to Mayor – he felt the bid was best due to unknowns in the lowest bid. Road Superintendent urged we get the Mack truck over the lowest bid. We asked the Mayor to report on the bid results. **The Committee recommended to Waive the 3-Readings and Adopt to expedite the purchase for the Winter Season.**

Resolution 2015-2 – A Resolution authorizing the submittal of an application to participate in Lake County's 2015 Community Development Block Grant Program to seek funding in the amount of \$10,000 for the installation of ADA accessible doors for the City Hall Police Department entrance. This project would only be done if 100% of the grant funding was received. These are the doors to the police department and it appears to make sense to apply for the grant. **The Committee recommended Waiving the 3-Readings for deadline reasons and Adopted.**

Resolution 2015-3 – A Resolution congratulating Michael Dolinar on attaining the Prestigious Rank of Eagle Scout awarded by the National Boy Scouts of America. With any potential corrections, **the Committee recommended to Waive the 3-Reading and Adopt.**

Resolution 2015-4 – A Resolution congratulating Andrew Nomis Higgins on attaining the Prestigious Rank of Eagle Scout awarded by the National boy Scouts of America. With any potential corrections, **the Committee recommend to Waive the 3-Readings and Adopt.**

Public Portion opened at 7:58 p.m. Frank Cihula, airport issue – encouraged passage of the Resolution on airport – we have 3 new members who were not present during the previous issues of the airport; Suggested the deletion of the Classified title in the legislation for the new officer. We cannot legislate over the Charter. Only voters can change the Charter. You cannot make positions classified. He has the opinion that if a Law Director gives you (Council) legal advice and you don't follow it you become personally liable. **Public portion closed at 8:00 p.m.**

Meeting adjourned at 8:00pm

Councilman Hallum: I have a few things, one, I don't believe Councilwoman Greer was there for that meeting, you had mentioned that she was and number two with regard to the hush hut, I just want to make clear that he said that he was unaware of any plans for a hush hut, it doesn't mean that the Airport side of things doesn't, might have some plans, that was my understanding of that, he doesn't really know what the Airport side of the house is doing necessarily; but to his knowledge, he is unaware of any hush hut. And the third thing was with regard to the truck that we approved... that was the lowest bid to his recollection was that the reason it was not the lower bid, the lower bid that we didn't go with was that there were things that were not on there that we would like to have, that we need and secondly that there was some flimsiness about the front end I believe the suspension or something like that the axle, and the wiring was also substandard for what we needed and those were the reasons just so everyone knows, understands. While it seems like a higher number to get the other truck up to what we would need would have cost us at least that.

Councilman Fiebig: I concur that was effectively what was said.

Councilman Plecnik: If I could just add, although it is certainly true that all Mr. Huth did was to state his opinion as to whether or not if there were plans for a hush hut, I did speak with the Chairman of the Noise Abatement Council who is also the Mayor of Richmond Heights and his impression is that there is absolutely no plans for a hush hut which for the crowd is a sound suppressed jet engine testing facility that effectively reduces the noise of an airport that is testing jet engines whether they're being refurbished or brand new before they are actually used to fly

a plane or to repair a jet engine for that matter. And also from reviewing all the newspaper articles going back to 2010 there were several comments from Airport officials saying that they decided not to go with a hush hut because their studies showed that there is so little noise impact on surrounding communities that it's not necessary. I think that we are all a little bit doubtful of that but I think that Huth's impression was correct, that there is no plans for a hush hut and it's something that we should continue to push for as a community.

Law Director: As long as we are talking about that, let's talk just initially big picture, expansion of the airport is dead. It is absolutely legally dead. That is at least my opinion and I think that it was proven back in 2009 based upon the Ohio Constitution and how the County Prosecutors, etc essentially came... so that should be off the table, at least as a concern. The next thing was that they did go to Alternative 23 which was like they had 40, 50 or 60 alternatives, they went with Alternative 23 back in 2008, 2009 and 2010. Those alternatives, 23 did not have the hush hut in it which we discussed at the meeting and I did check it out, now that we brought it up, I thought that I'd cleared it. So it wasn't in Alternative 23. The extension for EMAS which is an extension, allegedly of the runway but it is not for a longer runway, it is a safety feature so that they can't take off, it doesn't allow bigger planes or anything else like that. There is because our Clerk found it, not me, I'd like to report that I had found it, but I told you I worked with the Clerk on that, there is in Exhibit I of the Joint Conference Agreement there is one or two words of a hush hut, not that it's going to be, that it is a possibility and it seemed remotely in the future. Just so you know and we'll be bringing that to you in greater detail. So I hope that puts a little perspective on that. What we discussed at the meeting and what I had promised you that I would look for and find for you. But the expansion issue is not on the table. Let me assure we have the Ohio Constitution and an Ohio Supreme Court Case on point and I know that is the direction that they went in. That is definitely, absolutely a dead issue. We are only in favor of renovation for safety, not of expansion at all. And that is the resolution being forward, being modified to get that intent out. Which was always the intent even back in 2008, 2009 and 2010 and it continues through 2015. No question about that.

OTHER COUNCIL REPRESENTATIVE REPORTS

Councilman Plecnik: Two Council Representative Reports, first Recreation. Many of you may have seen the new totem by the Mighty-Might Field. I know that Councilman Hallum had a great picture of it the other day where the troublesome tree that was in the way, it was cut down and actually carved to be a nice monument for our fields. But that is just the first step in the process of redoing the parks there. According to our Chairman of the Recreation Commission Dan Phillip they have committed \$15,000 from the 460 Fund of the Rec Commission and the Boys League has committed \$7,000 for renovations this year. I believe roughly \$2800 to \$4,000 is going to be spent on a trail that is going to go through the different baseball fields cutting across the full park and very likely that could be done as early as June according to the Chairman depending on when our Street Superintendent is available because that work will be done in house to do essentially a crashed limestone path that could eventually be converted into an asphalt path if we decided to in the future. After the end of the sports season, the Rec Commission intends to commit more of the money, more of the \$15,000 to re-grading to deal with the drainage issues on those fields and \$3,000 of the \$15,000 has been allocated to a re-do of the tennis courts. So you should see a lot of things happening to our public parks in our City within the next couple of months.

With respect to my second report for the Airport, I had the opportunity to go to the Burke Lake Front Airport Public Information Session today which was essentially an update on their Master Plan. They're far ahead of where Cuyahoga County Airport is in their plan in that they basically finished their redevelopment and expansion. So I was able to see what Burke has achieved and it was interesting to note that they expanded their main runway, their larger runway by 600 feet for a length now of 6,603 feet. Their secondary runway is 5,199 feet. The airport has on site EMS and Fire which Cuyahoga County no longer does. I think probably the most interesting thing for our residents is we often hear that Cuyahoga County is operating at a loss, Burke is operating at a loss, Lost Nation is operating at a loss, irony in that name, and so I asked the Commissioner of the Airport, Burke Airport, do you have, do you think that there is excess capacity do you have excess capacity and he responded "there is excess capacity" and told me that Burke has the capacity for 222,000 operations per year where they currently average 65,000 to 75,000 operations and to put that into perspective to the Cuyahoga County Airport, according to its website they average 43,000 operations a year. So just doing the rough math Burke County could easily absorb not only all of the flight of Cuyahoga County Airport but it could absorb its flights three and a half times over the flights that they currently have so I think as we are talking about it potentially exempting single engine aircraft the debate should really be focused on is it responsible for Cuyahoga County Airport to ask for \$43,000,000 from the County and the

FAA to redevelop an Airport that even if their runway is modernized and extended would still be drastically smaller than Burke's and would be competing in a field where all the airports have too much capacity and they are operating at a loss so I think that it was interesting to see from the perspective of a Willoughby Hills resident that Burke could easily absorb all of Cuyahoga County's operations and then some.

Law Director: What Mr. Plecnik said is consistent with what we learned back in 2008, 2009. I don't remember the numbers specifically, I would have to dust them off, but my memory which may be faulty is that Burke is operating at about 35% of its capacity and Cuyahoga County is operating at around 35% and Lost Nation was operating at about something even less. Those were the same arguments we made back then. Why are we spending all this, whatever it is, I don't care if it's in Willoughby, in Highland Heights, technically Richmond Heights, or Downtown when we have all these airports that are under achieving, okay and underutilized and only operating at around 30 to 40, none of them are working well over 50%; and that they could have, and even we argued, that they could combine all of them and they still wouldn't be a 100% but there is three of them. So those arguments that I am hearing now, refresh my memory exactly or comparatively, those are the same thing and I am not surprised because they are what they are so those numbers probably haven't changed and I hope that puts a perspective in addition to what Mr. Plecnik said that they're all underutilized about 35%. So that goes on and they are spending these types of money and the only good thing is that our other argument for stopping expansion was that they always had a longer runway at Burke. And now they got an even longer...that's why we stopped them here on the runway thing; we have them confined. We have them confined.

Councilman Plecnik: To underline Mr. Lobe's point, currently our runway is almost a 100 feet shorter than the smaller of the two runways at Burke. So their smallest runway is longer than our runway.

Law Director: Correct. And again that EMAS, let nobody get nervous about that it's an extension of the runway, that's totally a safety feature not for helping get bigger planes or anything out; it stops them, it is similar to a sand thing on trucks where they have a runway that goes into the sand. That EMAS stops the plane from taking off. So I hope everybody is even...all the residents understand that EMAS thing and we're not against the EMAS.

Councilman Plecnik: I would just close by saying that given that Burke is not next to any residential properties so it has virtually no noise impact on their surrounding communities, that they are larger, that they are safer, they have on site EMS where we no longer have it and the Highland Heights Fire Department has actually stressed concern in the papers that they don't have direct access to the Cuyahoga County Airport and if a crash or other emergency were to happen on site, they question whether or not if they would be able to get on to the airport in an emergency in time. I think that it would be so prudent to reconsider the decision to put \$43 million dollars into the Cuyahoga County Airport and for all the residents who suffered so much in Willoughby Hills I think that it is really stark that over all these years it has always been the same. You know as Mr. Lobe said, 1/3 capacity that is roughly what the Commission of Burke relayed to me today. We are operating at a third capacity; one airport could potentially do the work of all three. What we have endured in Willoughby Hills really isn't necessary and it is government agencies competing with one another and losing money while they are at it.

President Somich: Thank you Mr. Plecnik. We will certainly stay diligent. We have expressed for many, many years our opposition to expansion and to any other growth there other than safety purposes and we will continue with that pledge.

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 7:35pm

1. Linda Fulton
2990 Marcum Boulevard
Re: Concerning Ordinance No. 2015-21; I do believe that this employee, that this position should be unclassified according to our Charter and Council you need to adhere to our laws of the Charter. And the Resolution No. 2015-5; a couple weeks ago I had a jet that flew over my house, going towards my front window and it was just above

the trees which was quite low. My tallest tree in the front could be maybe 800 feet. It is pretty scary when you look out, when you are sitting on your couch and you see a jet that low. And I don't think that they are suppose to be that low and I don't even know why....it looks like it was going in for a landing according to how the plane was. But it is a frightening situation. And the other is, I don't know who should be looking into it but I would like to hear the City...at that meeting there was couple of people from Tall Tree Trail that indicated that fuel is being dumped right before they land and I would think that it is an EPA situation also. But for those people on Tall Tree they should not be smelling the fuel. I can't believe that it is not a health hazard. So I hope that the City looks into that. Thank you.

Public Portion was closed at 7:37pm

UNFINISHED BUSINESS

Councilman Fiebig: If I could respond to Ms. Fulton, we did ask that question about gas being dumped and Mr. Huth vehemently denied that any pilot, as a pilot himself, said that we would never do that but simply that was exhaust from the planes that settles. He also made the claim that the EPA has studied it and the EPA said that it is really not that significant. Which I know doesn't go well for all residents that are getting dumped on. And the other would be to make that you have the email and/or telephone number to contact the airport. Could we provide that to her and to also even maybe make an announcement again?

Ms. Fulton: Can it be put on the government channel? **President Somich** replied yes, we will do that.

President Somich: In adding to what Councilman Fiebig and I agree with what he said but in addition he told us that if there was really a "dump" going on we would know it. The dump would actually be much more than the residue that we are seeing and he said that's just common residue from the fuel. And so when you see the speckles and dots on top of the swimming pools and things like that, it is nothing more than the residue in his opinion. So a dump would be more significant.

LEGISLATION

ORDINANCE NO. 2015-21 – SECOND READING

1st Reading: April 23, 2015

AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITION OF COMMUNITY SERVICE OFFICER.

MOTION WAS MADE BY COUNCILMAN HALLUM, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2015-21.

Councilman Hallum: I just wanted to comment that Chief Collins sent out an email this week after the meeting that we had on Tuesday, stating that he is in full support of the Ordinance as written. Our Law Director has also stated that this position is not in conflict with our Charter and also Chief Collins urged that we get this position in place as soon as possible.

Councilwoman Greer: I would like to first say that I realize that this is an important position for our community. At the last meeting I was of the position that we should pass it as quickly as possible because it impacts the safety of our City and there is an Officer ready, willing and able to take this position. However, at the President's urging to keep it on the Three Reading Rule, I voted "No" to Vice President Fellows' motion to waive the Three Reading Rule and to amend the Ordinance to make it an unclassified position because I believe, please tell me if I'm misquoting you; you (President Somich) said that there is just too much controversy surrounding this and there is too much to be said so I don't know what's changed between now and then that we should waive the Three Reading Rule and not let this go to a Third Reading.

Law Director: I can answer that question. First of all, I don't see any controversy surrounding this and number two is there was a Personnel Relations Committee that was Chaired and I see the notes here today that it was attended, I think by all Council people back on April 6th and they wanted to waive the Three Reading Rule then. I was told to bring back an Ordinance that and so we didn't have this confusion that modified it here and we did that. And it was after this April 6th meeting where everybody, I think that its Plecnik, Biro, Fellows, Fiebig, even yourself, Sommers

Greer and Councilman Hallum, you guys all agreed to do it. There was some confusion after that. I don't know what the confusion was after April 6th, I'll be very frank. And then everybody has had my opinion from day one. Now other people, including in the audience they are coming up with their legal opinion. I get that, I understand that everybody's got an opinion. But you've got the Law Director's opinion on that which has been consistent since day one. To clarify it at the last meeting there was an issue that I said does, if the Chief wants it and I was told no, we're not sure that the Chief wanted. Well, now the Chief has now made it crystal clear to everybody in his email that he wants it as presented, he supports this as presented and I would not prefer to delay the appointment of this position based upon a Charter review or anything else. I would also like to tell everybody we've been talking about this for six months; this is something that the Chief started in December and we're here at the end of May. So that's all I want to say; I don't know where the confusions came. I can tell everybody this, the confusion did not come from the Law Department, I'll say that much. I've been crystal clear, let's move on it, there was some confusion and it was delayed getting the Union to agree, getting everybody else on line. We took it from Council at Mrs. Fellow's request, which I agreed, we came back and now it's been another month or two. So you got the definitive word from the Chief and I understand everybody wants to help the Chief, back the Chief and do what the Chief thinks and so I'm asking you to do what the Chief thinks. Okay, that's all I have to say, thank you.

President Somich: And I will just follow up the email from the Chief was satisfactory with me because that was a concern to me because of the length of time with the end of April and the beginning of May there has been almost three weeks here since that last meeting. And so, in that period of time, I have talked with other people and I believe that I am satisfied that this is an acceptable route.

President Somich: Is there any further discussion on the Motion? We have a Motion on the Table, it is a Motion made by Councilman Hallum, seconded by Councilman Biro to Waive the Three Reading Rule. A Waive takes a majority vote of Council which would mean five affirmative votes.

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

MOTION PASSES: 5 AYES/1 NAY

President Somich declared that the Three Reading Rule for Ordinance No. 2015-21 has been suspended.

MOTION WAS MADE BY COUNCILMAN HALLUM, seconded by Councilman Biro to adopt Ordinance No. 2015-21.

Councilman Plecnik: As we have already discussed many times in committee meetings and in previous Council meetings so I will be brief. I take the opinion that it is more compatible with our Charter for this to be an unclassified position and I also have concerns that given how strongly we have identified the individual who will be taking this position, it would be inappropriate to hire someone with that person in mind through the Civil Service process. You hire without a process, you hire who you want in an unclassified position. You have to go through objective testing and interviews without preordained conclusions in my view. So I have to vote no on this, although I certainly support the Community Service Officer position, I support the individual for the position and I support the Chief in his endeavor to establish it and I think that it will be good for the City. I just strongly believe that it should be unclassified so I have to vote no on this Ordinance, but I do support the position and I congratulate the individual who is about to be promoted.

Law Director: Can I comment on that. It still has to go through the testing procedure. But you heard about the Chief and the criteria and so it still has to go through the interview process. That interview process is going to be done in accordance with law. The situation as it exists is that the individual in question will be undoubtedly probably a front leader because he has the experience. Now somebody else could step up there, I don't know and could really be the best. I highly doubt that because we know the individual. But for any insinuation, thought or pretext or what else anybody says, that we are not going to follow the proper rules and procedure through Civil Service that is not correct. There is not pretext. It will be followed absolutely to the letter of the law. And I am sure that the Chief, you don't have the Law Director's word on that, you'll have the Chief of Police's word on that and he and I have discussed this. So I just want to make that abundantly clear. So there is no smoke screen, no pretext, nothing done under the table. No fix, no nothing, okay, thank you.

Councilwoman Greer: I would also like to comment that I too believe that this fits more as an unclassified position but I believe that because the wording of our Charter that it legally could be either and I am deferring to our Law Director Tom Lobe on this.

Councilman Fiebig: I will support this legislation because it sets the salary range and it creates the position for our Police Department.

President Somich: I am reminding Council that there is no emergency clause on this Ordinance so it would be a simple majority meaning four affirmative votes would pass this, this evening.

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

MOTION PASSES: 5 AYES/1 NAY

President Somich declared that Ordinance No. 2015-21 has been adopted.

ORDINANCE NO. 2015-23

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO PROCURE BY AND THROUGH FORFEITURE REAL PROPERTY, PERMANENT PARCEL NO. 31A0250000030 SITUATED IN THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to suspend the Three Reading Rule for Ordinance No. 2015-23.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Ordinance No. 2015-23 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to adopt Ordinance No. 2015-23.

Law Director: Number one, I thank Council for waiving the Three Reading Rule, number two, I want everybody to make sure that this was discussed in a Committee Meeting Chaired by Councilman Fiebig that there are still some hurdles to go over; this simply gives the Mayor and the Law Director the authority, the direction to proceed. At this time, I am not 100% ready to proceed. I want to make this clear on the record, just so and we've discussed this before, I just want to put it on the record. The first issue is that the Cuyahoga County Prosecutor has to correct the legal description so that is the first hurdle and that can't even be done by me, it is being done by him. I am assisting him as much as I can to get it through as fast as I can, but that is in his bail wig and then I need the Judge, who is Judge Collins to approve it. I have filed for an additional period of time, technically through the Prosecutor's Office that they correct the legal description for the 8.9 acres and allowing me to, once this is passed, if it is passed, to on the City's behalf, through the Mayor so that we receive the property through the forfeiture process. Number two hurdle, both not insurmountable, I have since Tuesday, told the Council, that I am this close to getting the title insured, I have been told orally that it is to be coming and I followed it up with a phone call and I got more oral confirmation. I do not have it in hand yet, okay so I anticipate that it is coming, I see no delay, just so you know, I'm not talking to the agent at the Title Company, I am talking to the Underwriters in Columbus and have been providing them must documentation on this particular matter so I am talking to the decision maker and I continued even after I told Mr. Fiebig that I would, I talked with him yesterday and was told it was on its way and I am not worried about that, for the first hurdle is the legal and the second was that. If for some chance I cannot get both, I will not proceed. I want everybody to know that. And that is where I was very cautious about telling, I know that sometimes Council is a little cautious about giving someone authority to proceed when there are some contingencies still in place, for that I thank you but I want to make sure that everybody understands those contingencies that have been expressed in private now in Executive Session and also now on the record. So thank you. Okay.

Councilman Fiebig: Just ask that Mr. Lobe keep us abreast of any changes, any developments on this because we have turned this over with the understanding that this is not a done deal, this is just simply authorizing that we are trying to protect the assets of the City with this Ordinance.

Law Director: I will absolutely do so, I think that I have been pretty diligent, probably bored you guys already to tears on this one, so I will continue to bore you to tears. I promise, I promise to do good work.

Councilman Fiebig: Not me, I love real estate.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2015-23 has been adopted.

ORDINANCE NO. 2015-24

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ACCEPT THE BID OF R. W. SIDLEY FOR A NEW 2016 SINGLE AXLE DUMP TRUCK & CHASSIS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Hallum to suspend the Three Reading Rule for Ordinance No. 2015-24.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Ordinance No. 2015-24 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to adopt Ordinance No. 2015-24.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2015-24 has been adopted.

RESOLUTION NO. 2015-2

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO PARTICIPATE IN LAKE COUNTY'S 2015 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO SEEK FUNDING IN THE AMOUNT OF \$10,000 FOR THE INSTALLATION OF ADA ACCESSIBLE DOORS FOR CITY HALL POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Hallum to suspend the Three Reading Rule for Resolution No. 2015-2.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Resolution No. 2015-2 has been suspended.

MOTION WAS MADE BY COUNCILMAN PLECNIK, seconded by Councilman Biro to adopt Resolution No. 2015-2.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Resolution No. 2015-2 has been adopted.

RESOLUTION NO. 2015-3

A RESOLUTION CONGRATULATING MICHAEL DOLINAR ON ATTAINING THE PRESTIGIOUS RANK OF EAGLE SCOUT AWARDED BY THE NATIONAL BOY SCOUTS OF AMERICA.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Plecnik to suspend the Three Reading Rule for Resolution No. 2015-3.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Resolution No. 2015-3 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Plecnik to adopt Resolution No. 2015-3.

Roll Call: 6 AYES – unanimous

MOTION PASSES

Councilman Fiebig: There were minor corrections and additions that were made on both of these Resolutions since Tuesday. And they were noted and not substantive.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Resolution No. 2015-3 has been adopted.

RESOLUTION NO. 2015-4

A RESOLUTION CONGRATULATING ANDREW NOMIS HIGGINS ON ATTAINING THE PRESTIGIOUS RANK OF EAGLE SCOUT AWARDED BY THE NATIONAL BOY SCOUTS OF AMERICA.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Plecnik to suspend the Three Reading Rule for Resolution No. 2015-4.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Resolution No. 2015-4 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Plecnik to adopt Resolution No. 2015-4.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Resolution No. 2015-4 has been adopted.

RESOLUTION NO. 2015-5

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.

President Somich declared that Resolution No. 2015-5 would have some modest changes made to it and therefore would remain on First Reading.

Councilman Plecnik: If I could add one more modest change, when the Cuyahoga County form of government was altered from a County Commission to an Executive of the County Council a lot of the departments were re-shuffled and the Airport, it is my understanding is no longer under the Department of Development, it is now under the Department of Public Works. So if we could change that in the caption.

NEW BUSINESS

MOTION MADE BY COUNCILMAN HALLUM, seconded by Councilman Biro to adjourn into Executive Session immediately following “For the Good of the Order” inviting all Members of Council, the Mayor, the Law Director, the Finance Director, and the Police Chief for the purpose of discussing pending litigation. Councilman Fiebig added to excuse City Engineer Di France at that point.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Motion has carried and we will adjourn into Executive Session immediately after “For the Good of the Order”.

FOR THE GOOD OF THE ORDER

Councilman Plecnik:

Sincere condolences to the Oravec family of Willoughby Hills. The Oravec family of Willoughby Hills recently suffered the loss of their beloved grandson and nephew, Jim McGinnis, at the far too young age of 26. Suzi will be the opening act for Frankie Ballard at the Willoughby Rib Cookoff from 6:30-7:30pm on Saturday, May 16th, and she is dedicating her performance to the loss of her nephew Jimmy.

Councilman Hallum:

Remind everyone, please when they get time when you are at the Community Center or nearby, to please stop by and check out the new sculpture it is really nice.

President Somich:

Again, a final thanks to our students here, we hope that you can see how government moves and how we can handle serious issues but also we can do it with moments of levity and comradery at the same time. Thank you for being with us; if there are any students that need to have their sheets signed, we don't want to make you wait until we are done, so grab us quietly afterwards and we can sign those so that you can turn those in to your

teachers.

President Somich stated that we will now go into Executive Session at 8:03pm and we are excusing City Engineer Di Franco from the remainder of the meeting.

With all Members of Council present as well as the Mayor, the Law Director, the Finance Director and the Chief of Police the Regular Council Meeting of May 14, 2015 reconvened at 9:02pm.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN PLECNIK, seconded by Councilman Fiebig to adjourn the Regular Council Meeting of May 14, 2015.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Somich declared the Regular Council Meeting of May 14, 2015 to be adjourned at 9:03pm.

APPROVED: _____

Date

ATTEST: _____

Victoria Ann Savage, CMC
Clerk of Council

Christopher J. Bir
President of Council, Pro-tem