

City of Willoughby Hills

Regular Council Meeting Minutes of May 28, 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 John Plecnik, President Raymond C. Somich,
Councilman Christopher L. Biro, Councilman David M. Fiebig,
Councilwoman Jennifer Sommers Greer, Councilman Christopher Hallum**

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 BIRO, seconded by Councilman Hallum to excuse Vice President Nancy E. Fellows from the Regular Council Meeting of May 28, 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 28, 2015.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to appoint Councilman John Plecnik to serve as Vice President Pro-tem for the Regular Council Meeting of May 28, 2015.

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

MOTION PASSES: 5-AYES/1-Abstention

President Somich stated that Councilman John Plecnik has been appointed to serve as Vice President Pro-tem for the Regular Council Meeting of May 28, 2015.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to amend the Agenda for the Regular Council Meeting of May 28, 2015 to allow for the presentation of Resolution No. 2015-4 to Eagle Scout Andrew Higgins.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich stated that the Agenda for the Regular Council Meeting of May 28, 2015 has been amended.

PRESENTATION

At this time we have a very special presentation; it is always a great honor to have an Eagle Scout with us and we have a member of our community who has obtained that and we will have Councilman Fiebig make the official presentation.

CORRESPONDENCE

City Engineer's Report dated May 21, 2015 (Emailed: May 21, 2015)

FINANCIAL REPORTS FOR THE MONTH ENDING APRIL, 2015 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS (Emailed: May 19, 2015)

NOTIFICATIONS

Civil Service Commission Meeting of May 28, 2015 (Emailed: May 18, 2015)

Planning & Zoning Commission and Architectural Board of Review Meeting of May 21, 2015 (Emailed: May 18, 2015)

Recreation Commission Meeting of June 3, 2015 (Emailed: May 22, 2015)

Rules and Legislation Committee Meeting of May 28, 2015 (Emailed: May 20, 2015)

MINUTES

Charter Review Commission Meeting Minutes of May 4, 2015 (Emailed: May 20, 2015)

MAYOR'S REPORT – Robert M. Weger

Projects:

Eddy Road – from Rt 271 to Rockefeller Road has been started

Pleasant Valley – working on today and tomorrow

Knecht-O'Brien – waiting for the pre-cast designs

Lamplight – work is underway; coordination of gas company, CEI is working on the electricity; looking to start next Wednesday to put culverts in.

Pavement Markings Program – preconstruction meeting was held and they are due to start 2nd week of June

Acknowledgements:

Thanks to Veterans Memorial Commission Member Larry O'Donnell for planning a great Memorial Day Ceremony.

Condolences to the Cendrowski and Cover families on the passing of four-year old Julian Cendrowski this week.

A Celebration of Life Ceremony has been planned at the Community Center for Thursday, June 4th from 5-8pm for our Economic Development Director Steve Roszczyk. Everyone has been invited to attend.

Events:

Charter Review Commission Meetings – Monday, June 1st and Monday, June 15th at 7pm at WH Community Center; all are welcome to attend.

United Day of Caring – Wednesday, June 17th from 9 to 1pm – volunteers are welcome to help with the project

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

175th Anniversary for Lake County – Saturday, May 30th from 10am-2pm. Please come out and meet the Judges, the County Officials and share some cake with them.

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

One matter on the Law Director's Report is the real estate in question, 8.9401 acres on West Miller. The County Prosecutor finally and formally filed a Motion to correct the legal description which I have been waiting for, as I have told you before it is the first hurdle that we needed to get over for the interim tax disclosure matter on the one pertinent, now limited to one permanent parcel number that ending of 030. I prepared and formally filed the motion and the petition to accept the property in question. I probably did it prematurely because the Court hasn't even ruled as to whether it is going to amend the matter but in my petition I specifically only asked for that property that the County Prosecutor is amending it to be limited to. So I probably filed it prematurely but in law I can always file it again. It is always better to be early than late and we have a real tight window so I filed it probably way too early. It is up to the Judge now to determine what he is going to do with that first Motion and then whether or not if he is going to accept my petition on your behalf. The cost of the exam was under a \$1,000; the cost of the title exam and everything, insurance, etc was under a \$1,000. I'll give Frank some details on that; I'm delinquent on getting that to him. That will be paid for hopefully, the insurance and title search, as close as we can to the date of the acceptance but I

would rather get that earlier than later also. So again, it's up to Judge Collins at this time and I will keep you advised.

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

Happy to report that the Fire Department received a \$1,000 Community Grant from Wal-Mart Corporation to finance the acquisition of bullet proof vests for the Firefighters/Paramedics to be used when they respond in hazardous situations. Currently it is a significant upgrade for employee safety as currently the firemen have no bullet-proof vests. I put written notification of the acceptance of the gift in the Clerk's mailbox this afternoon as required by Section 135.30 of the Codified Ordinances of the City.

President Somich: So we will need to pass an Ordinance to initially accept that? **Finance Director:** No, I have the authority to accept the gift.

President Somich: Very good, that's great news. Do you know how many vests that purchases? How many does that allow us to have? **Finance Director:** Just one.

Councilman Fiebig: Did we ask for that or was it just awarded? **Finance Director:** the Fire Department applied for it.

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

You may recall last, ODOT informed us of a project that they were doing in Richmond Heights that would involve some temporary signal improvements at the intersection of Bishop and White Road. The project would not start until 2017 and we had asked ODOT to investigate an alternate bid to put in a permanent signal that the City of Willoughby Hills could pay the difference of. They gave us their Stage 1 Plans this week and they are very preliminary but the cost of that signal is currently estimated at about \$100,000 for the City of Willoughby Hills. Again, it is very preliminary and construction wouldn't be until 2017, but I just wanted to make you aware of that.

We also requested a letter of support from the City of Kirtland to resurface Worrell Road as part of Ohio Public Works Grant. We requested the letter in early May and we are still waiting for it and I am going to follow up with them soon.

This week we also received a draft agreement from the City of Willoughby for the resurfacing of State Route 91 and the Mayor and the Law Director and the Finance Director and myself are reviewing that. We just received it this week and their estimate was a little higher than we had anticipated so we are looking into that.

I also had a meeting with Tim Miller and Mark Grubiss on Tuesday. We are trying to have these meetings quarterly and Tim notified us that they recently passed a rate hike so encouraged us to not get compliance with our Stormwater Projects. Mark has a few maintenance and repair items that we went to look at; we are going to put together some estimates and see the best way to approach those with your approval.

Councilman Fiebig: Two questions, do you know roughly the cost to operate the signal for on-going electric cost, do you have a rough idea of that? **City Engineer:** No, I do not. **Councilman Fiebig:** Because they changed the technology to lower electric use. I would be curious what we would be looking at long term, you know year-to-year to put in a light. It's a nominal cost and obviously safety is the number one thing. But, I would just be curious if you ever run across that number.

Councilman Fiebig: I attended the Chagrin River Watershed Partners and they did indicate that availability of 319 Grants and I don't know if that would apply but also the Clean Ohio Green Space Project that they have too, if that fits in to any of these projects that we are thinking about. They do have Grant Funding available for that too and we could...especially with 319 we could maybe marry some creative work with the County and work out things because there is a 40% match but they were encouraging creative thought on that.

President Somich: One more follow-up to that traffic signal. We had talked about a \$100,000 in the past as being the estimate of cost if we paid the entire thing. Are you saying now, did I hear you say correctly that overage or the

excess amount would be a \$100,000 or were you giving the total gross amount? **City Engineer:** I would have to go back and verify that.

President Somich: I am hoping that it is the total cost. Isn't that, Mayor, what we had talked about in the past?

Mayor: \$138,000 was the estimate and \$96,000 was our cost to upgrade. **President Somich:** For this time, right now? **Mayor:** yes. **City Engineer:** It is still very preliminary. **President Somich:** Okay, that doesn't sound like very much of a deal.

Law Director: Just as a further...I want Council to be aware of, the last time that we did one of these major joint ventures, like he is talking about SOM Center, we did that on Bishop Road and the big issue is going to be the lead City on it and how the money goes in and out on it. Those are always the issues, I just wanted to raise your awareness on this particular matter and how the money comes in and how...who gets reimbursed and when it gets reimbursed; it gets tricky, it truly gets tricky. They only do these things once every ten years when you have a real major project like that. But, it can affect the cash flow in our City so you have to watch out; just wanted to give everybody a heightened awareness on that. That's why we are meeting with the Finance Director and with the Engineer and I expect Council to scrutinize it, but those are the major issues.

President Somich: If my memory is correct, I think it had to do something with the "No Turn on Red" situation that we are still enduring the last time we shared a project like that.

COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

RULES & LEGISLATION – Nancy E. Fellows, Chair

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

COMMITTEE MEETING OF MAY 28, 2015
<u>Members Present:</u> Councilman David M. Fiebig, Servicing as Chair, President Raymond C. Somich
<u>Also Present:</u> Councilman Christopher Biro, Councilwoman Jennifer Sommers Greer, Councilman Christopher Hallum, Councilman John Plecnik, Law Director Thomas G. Lobe, Mayor Robert M. Weger
Purpose of the Meeting was to discuss <u>Pending Legislation</u> and any other business.
Meeting convened at 6:45pm
<i>Order of Business</i>
<u>Ordinance No. 2015-25</u> – Ordinance to approve the editing and the inclusion of ordinances as parts of the various component codes of the Codified Ordinances of the City of Willoughby Hills. This is a routine updating; this took care of legislation from 2013 up until May of this year. It is routine to do this so that all the ordinances are codified in our official laws. Committee recommended leaving Ordinance on First Reading as there was no emergency nor were there any pending issues regarding immediate passage.
<u>Resolution 2015-5</u> – 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. This Resolution was amended to specifically add the use of a hush hut when having engines tested on the airport runway. Committee recommended that the Caption reflect that the Resolution had been amended as the changes were substantive. Committee requested that the Resolution – As Amended remain on Second Reading.
Public Portion opened at 6:53pm. With no one coming forth from the public sector, Public Portion was closed at 6:53pm.
Meeting adjourned at 6:53pm

OTHER COUNCIL REPRESENTATIVE REPORTS

Councilman Fiebig: Serving as Trustee, I attended the Chagrin River Watershed Partners Meeting; I forwarded to the Members of Council a copy of their Meeting Minutes and a copy of their Slideshow Presentation. Everyone should have that in their "Inboxes" as soon as the email is working. There were some routine things like Election

of Officers and Finance Reports but as I also mentioned to our City Engineer, Mr. DiFranco, there were two things that caught my ears, the Ohio Green Space Funding that could potentially be available to help the City and also the Ohio EPA 319 Grants which are difficult to go through, they do take a couple of years to go through and our match is 40% but it does leverage some funding from the State of Ohio and for any of our long range planning purposes, I think that it would be helpful to at least look at that and at least know that is in our toolbox that we could draw on if we need to. Also, finally the last thing was their updating the Model Codes for Stormwater Management and coming up in June of this year we should be seeing something from them. I asked Pete if we could review those and see where we are with them and hopefully we'll be up to speed with the proper and strong Stormwater Management and best management practices for managing our greatest resources which is our water.

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 7:27pm

1. Frank Cihula
Dixon Road

Re: With respect to Ordinance No. 2015-25; the re-codification of the Traffic Code and General Offenses. If that goes three full readings will that cost us any money in traffic fines waiting for it to get adopted?

Public Portion was closed at 7:28pm

UNFINISHED BUSINESS

Law Director: As you know those are just comprehensive matters to keep us in line with the State Codes, okay and there may be some crimes under the State Code that we cannot charge under the City Code...but we can always....if those crimes may be new crimes as defined a lot of times under drug paraphernalia it is amazing how we have to keep up with pharmacists on the street. It is very difficult, it is amazing how many loop holes they have. We can always charge them under State Code and there is plenty in the codes already. So this really just the sharpening of the pencil on these matters and I don't think that it is going to be any great loss, if anything, it will be very negligible. We in Willoughby Hills do it a lot faster than most of the other cities so that is all I can tell you on that particular point. If we had to charge them, we can always charge them under the State anyways. We get a little more of the fines under the City Code, if we charge them under the City Code. That's the point. There is a possibility of that, correct; it's negligible.

LEGISLATION

President Somich: We do have two pieces of legislation; we do not anticipate that there will be any voting this evening.

ORDINANCE NO. 2015-25

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.

President Somich: If the Chair didn't hear any objections, Ordinance No. 2015-25 would remain on First Reading.

RESOLUTION NO. 2015-5 – AS AMENDED – SECOND READING

First Reading: May 14, 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.

President Somich declared that Resolution No. 2015-5 – As Amended would remain on Second Reading as we discussed in the Rules and Legislation Committee.

NEW BUSINESS

There was no new business brought forth for consideration by the Members.

FOR THE GOOD OF THE ORDER

Councilman Biro:

Recognized the passing of long time resident Jackie Zupan. Wonderful woman, worked with her for many years as a nurse and a great family. Just wanted to let them know that our thoughts and prayers are with them.

Councilman Plecnik:

Letter of Commendation from Chief of Police Chris Collins commending K-9 Officer Tony Mino for responding on April 19th to call of a male choking on food and unable to breath and in the Chief's opinion, he very likely saved the man's life. I just wanted to extend Council's gratitude for Tony Mino for working so hard to keep us safe and that particular instance literally being a life saver.

President Somich:

Wanted to congratulate our many graduates of Willoughby Hills whether from High School or College, it is that season so wish you all the very best and congratulate you.

It is also National Arm Services Month and there have been a number of activities in addition to Memorial Day that have taken place throughout the Country and it is a time when we honor all veterans, all those who are active in the Military, all the families of the Military and of course through Memorial Day those who have made ultimate sacrifices so we wish to publicly acknowledge all of our veterans and all of those serving and their families in accordance with this being National Arms Services Month.

Received more calls this year as Councilman than I have in all twelve years relative to peoples' yards in their neighbors not getting cleaned up and cut as quickly as they think that they should be. I would just like to remind everybody that up until about two weeks ago we've had a miserable spring and a long winter so I would just ask people to have patience. I've checked into a couple of those situations where people's lawn mowers didn't start, landscapers haven't showed up, etc., etc. So I would ask everyone to be patient with their neighbors a little bit longer through this period of time and if they are still not cutting the grass after another couple of weeks maybe it is time to complain by just going over there and talking with your neighbor and asking them to please help clean up the neighborhood. But I will follow up with the people who have called me but I just ask everyone to be a little more patient during this time. And some people are mentioning the City's work in the same regard and obviously we are working as quickly as we can now that the weather is good to take care of all of the different clean-up jobs and lawn cutting that needs to get done. I just ask you to have patience please.

ADJOURNMENT

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

Roll Call: **6 AYES - unanimous**

MOTION PASSES

President Somich declared the Regular Council Meeting of May 28, 2015 to be adjourned at 7:34pm.

APPROVED: June 11, 2015
Date

Christopher J. Biro
President of Council, Pro-tem

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