

# City of Willoughby Hills

## Regular Council Meeting Minutes of November 12, 2015

*All Council Meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened whenever possible.*

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

### ***Pledge of Allegiance***

### **Roll Call of Council**

**Members Present:** 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 Hallum to excuse Vice President Nancy E. Fellows from the Regular Council Meeting of November 12, 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 November 12, 2015.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Fiebig to appoint Councilman Christopher Hallum to serve as Vice President Pro-tem for the Regular Council Meeting of November 12, 2015.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich stated that Councilman Christopher Hallum will serve as Vice President Pro-tem for the Regular Council Meeting of November 12, 2015**

**President Somich:** We have rearranged our Agenda here this evening to take care of some very important business that we would like to handle as soon as possible so at this time we would like to call upon our Mayor Bob Weger with a special presentation.

### **PRESENTATION**

**Mayor:** I would like to call Kathy and Linda up here and Chief. We want to present these Proclamations to you and they are on behalf of the City. We are very proud to have you in our City and with the diligence that you did, you searched for the gentlemen and with you I don't think that it would have been a happy ending if it wasn't for you. But that's the Proclamation and here's a coin for outstanding citizen and uh Chief would you like to say a few words.

**Chief Collins:** Obviously we are very grateful for the outcome and for your efforts in finding this young man. Everybody worked very hard and on top of everything that I've said before all the Law Enforcement Agencies, the Community certainly rallied behind our efforts to help find this young man and the urgency that was involved in trying to locate him and to make sure that he was okay. So we are very grateful that you found him in the time that

you did and it was already said, I think that it was critical that we found him at that time, or that you did, but boy we would have had a different ending, so we are grateful that you did. Thank you.

**Linda Skolaris:** Kathy and I feel very humble by this and we truly feel that we are very close friends, we live on the same street together and I woke up that morning and said that we're going to find this boy, and my husband said, okay and then we went down the street and we prayed and like I had said we felt that this was God driven but what I think is a bigger story here too is the sense of community. Everybody was out there looking and searching for this young man and we feel proud to be a citizen here in Willoughby Hills.

**Kathy Siath:** I've lived here in Willoughby Hills for thirty-nine years and this is pretty big that we were able to find Matt and that he is getting the care that he needs and we went out on a mission to find him and we found him. So we thank the Law Enforcement; they were there immediately, they were so wonderful and they were kind to Matt and his Dad and got him the help that he needed and just thank everybody and we're glad that he's okay.

**Mayor:** Now there's two guys that aren't here tonight that were with you when you found him, you're two dogs, so share that with them.

**President Somich:** On behalf of the Members on City Council we would like to thank Kathy and Linda and of course we want to thank our Police Department, Detective Jim Vitale whose not with us here today, he's on vacation, but Chief Collins and the entire staff and you know ladies so many times, people in the community just turn to Law Enforcement, they turn to the government, if you will for help and while they did their best job and they were certainly very committed to it, it takes the entire community, it really takes each one of us to step up to help each other, to help neighbors in times of distress whether it's because of bad weather and different tragedies that happen, natural causes or unusual circumstances like this so you are not only to be commended for doing but also for being the example, the inspiration to our whole community to help each other out. We need to relay on each other as much as we rely on our government and our Law Enforcement Officers to help through difficult times, so thank you so much on behalf of all of us for setting a great example and for really coming through this time for Matt and his family, thank you.

#### **Disposition of the Journal     Regular Council Meeting Minutes of October 8, 2015**

**MOTION WAS MADE BY COUNCILMAN FIEBIG,** seconded by Councilman Biro to adopt the Regular Council Meeting Minutes of October 8, 2015 as submitted.

**Councilman Plecnik:** I would just note that our County Engineer Jim Gills name is misspelled in the minutes, if it could be amended so that his last name is spelled G-i-l-l-s. **President Somich:** So noted, thank you. Any other discussion?

**President Somich declared that the Regular Council Meeting Minutes for October 8, 2015 have been adopted.**

#### **CORRESPONDENCE**

Willoughby Hills Community Center Rental Report for October 2015 (Emailed: November 3, 2015)

City Engineer's Report dated November 5, 2015 (Emailed: November 5, 2015)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month Ended October 31, 2015 (Emailed: November 10, 2015)

#### **NOTIFICATIONS**

**CANCELLATION** of the Planning & Zoning Commission and Architectural Board of Review Meeting of November 5, 2015 due to no pending business (Emailed: November 3, 2015)

Recreation Commission Meeting of November 4, 2015 (Emailed: October 26, 2015)

**CANCELLATION** of Service Committee Meeting scheduled for November 2, 2015 rescheduled for November 9, 2015 (Emailed: October 27, 2015)

**CANCELLATION** of Service Committee Meeting scheduled for November 9, 2015 (Emailed: October 28, 2015)

## **MINUTES**

Recreation Commission Meeting Minutes of October 7, 2015 have been posted to the City's Website as of November 4, 2015 (Emailed: November 5, 2015)

## **ON FILE**

Willoughby Hills Senior Center Newsletter of November 2015, Issue Number 91

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

City Hall will be closed for Thanksgiving Holiday on Thursday, November 26, 2015 and Friday, November 27, 2015.

Thanks to the voters for coming out on Election Day and thanks to all the candidates for taking down their signs immediately after, it was so gratifying to see them down the next day.

Seniors are reminded that they are able to use the services of Lake County Council on Aging to sort out the health insurance Open Enrollment. They can call 440-205-8111 for an appointment.

### **Acknowledgements:**

Thanks to Veterans Commission Chairman Larry O'Donnell for planning a fine Veterans Day Ceremony and to Superintendent Steve Thompson on a great job as Key Note Speaker. Thanks to all who participated and attended.

Welcome to our new Art Gallery Curator, Mrs. Lee Tobin. She replaces John Davis as our volunteer curator.

### **Events:**

**Winter Fest – Sunday, December 6, 2015 at 5pm**

**Breakfast with Santa – Saturday, December 12, 2015 – begins at 8:30am**

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

Two points on the Law Director's Report tonight, the first one is just basically clarification or an update and this has to do with surplus property just so that everybody on Council understands these matters. On April 9<sup>th</sup> Council adopted Ordinance No. 2015-16 declaring various equipment and vehicles with an estimated value of \$1,000 to be surplus property and making surplus property available for disposition through the sale or the internet auction. Initially it was valued at \$80,000 we didn't get that so the Tandem is not sold so the Administration is now looking to place it back on the Internet with an estimated value of \$70,000. The Internet Sale of the Tandem will be conducted in accordance with the City's Conditions for Internet Sales as outlined in Ordinance No. 2015-16. So it is going to be back up on the Website, it will be up for 21 days but you don't have to advertise it again for that particular matter, just so you know how that works. We wish that we had got \$80,000, we didn't. There's been a few of these, just so everybody knows how that works. If you have any questions you can get back with me.

Number two, I will be asking for an Executive Session tonight probably after "For the Good of the Order" when everyone on Council determines it so to be best; inviting all Members of Council, myself, the Mayor, the Finance Director and the Chief of Police if he is still here for a matter involving filed litigation, specifically the Tanner Gates Matter. Okay, I'm open for questions. Did I say, for twenty minutes?

**President Somich:** No you didn't.

**Law Director:** Well I'd like to limit it to twenty minutes too, if I can.

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

Just one item tonight, I'd like to report that after our final debt payment is made, in December, the City's total debt outstanding as of December 31, 2015 will be 12.7 million dollars. On December 31, 2007 the City's total debt was approximately 16.9 million dollars. That means that the 2015 debt balance will be 4.1 million dollars less than it was on December 31, 2007 which is approximately a twenty-five percent decrease.

**President Somich:** Thank you Mr. Brichacek, I know that you also passed that information out, I believe yesterday, it was emailed yesterday or the day before.

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

No formal report was given; the Engineer's Status Reports can be found on the City's Website.

## COMMITTEE REPORTS

**President Somich:** Are there any Members of Council who have a report for their Committee this evening? It has been a busy time with elections and such so we haven't had too many Committee Reports or Committees meeting, no activity to report from anyone?

## OTHER COUNCIL REPRESENTATIVE REPORTS

**President Somich:** How about other Council Representative Reports, are there any other reports for other activities that Council is involved with?

There were no other Council Representative Reports brought forth by the Members.

## PUBLIC PORTION

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

(a) All meetings of any municipal body are declared to be public meetings open to the public at all times. All meetings shall provide a reasonable opportunity to hear public opinion.

### **Public Portion was opened at 7:15pm.**

1. Florine O’Ryan  
35400 Hanna Road

Re: I think that you all know that I have a pet project going, I know that it's a dream...I had a dream and we built the Community Center but it took us a long time to get there and so extension of that dream to include a gym, I don't want to wait twenty years until we get another one or get there but I'm working hard and I have already donated \$10,000 to the Gym Fund and tonight I am going to donate \$15,000 to the Gym Fund.

**President Somich:** Florine, I think that you have floored us, we knew that there would be a presentation this evening but normally through your efforts of selling all the different products and strudels and things like that it's much smaller domination than that so we had no indication, at least I didn't, I don't think that other Members here had any idea, so thank you so very much for your continued support and generosity. You and your husband, of course, former Mayor have just been such a vital part of our community for so long. Thank you so much.

- 2 Kristen Mortensen Hasasnen  
30325 Chardon Road

Re: I'm having a little bit of an issue with the Cuyahoga County Airport. The conversations between myself and the people there are not being responded to very nicely. I send my notifications that the planes have awakened me at 1:00 in the morning. I have learned through the Noise Abatement Meetings that I have gone to and I know that there are voluntary hours but I don't know who is holding them to task on that, if anybody cares. My house is right in the flight path of these jets, oh my God, I mean my daughter has been woken up, I've been woken up; I have a hard time sleeping right now due to my age but when I finally get to sleep I can't stand this when those things go over. The small planes don't bother me, our house is insulated, it's not a problem with that, it's these big jets and I don't hear a response back from them. They say you have 72 hours to notify them of these infractions and I tell them and today I had one that I notified them of on October 19<sup>th</sup> and my times are pretty much right on skew, if I'm telling you it is at 6:03, it's at 6:03 I'm sleeping with a phone next to me because it's just driving me nuts here. On November 10<sup>th</sup> I had three separate jets come over the house at 6:02, 6:06 and 6:08 when I went to the Noise Abatement Meeting the gentleman from Eaton was kind enough to tell me that those are for their meetings most of the time but a couple of the planes have like come in real late at night, coincidently like kind of coincide with the Browns games from the east coast when we were playing someone like out towards California. I don't know if anybody is following up what their responsibilities are to the community. Meetings I can understand and what not, but it just doesn't seem like they care and that is just what I would like to ask you guys, does anybody have any ideas with what we can do, I'm game, I don't know what to do.

3. Linda Fulton  
2990 Marcum Boulevard

Re: I think that's wonderful for Florine O’Ryan to donate \$25,000 so far; it's incredible but I don't hear

anyone talking about the future of the gymnasium. When we passed the Community Center, one of the stipulations was to have a gymnasium and evidently, I don't know what happened to the plans or anything but it wasn't being built and nothing is being said about it. So what is going to happen with the \$25,000, all her hard work and I think that it's time to start talking about it. And the other thing, I want to know, does Council have a ruling on Committee Reports as far as Council Members giving a Committee Report? I'm still waiting for a report on Safety which should have been back in September and I would like to know why we haven't received one.

**Public Portion was closed at 7:21pm.**

### **UNFINISHED BUSINESS**

**Councilman Plecnik:** If I could just say, to the best of my knowledge there is no rule on when Council Members have to submit Committee Reports, we all, I think do our best to get them out as quickly as we can but I don't believe that there is anything in the Council Rules which we have adopted over the years that say you have to have your minutes done by a certain time. Sometimes there are reasons why it can be difficult to finish the minutes or things that need to be clarified but I don't think that the rules require a certain date or deadline.

I would also say I think that it is incumbent on all of us to be vigilant with respect to the Cuyahoga County Airport. It's true that the Noise Abatement Procedures are voluntary because they have to be under the Federal Law, you can't refuse a plane that needs to land but the agreement that we signed with them almost forty years ago does say that their employees, their people are suppose to use best efforts to comply and I think that it's incumbent on all elected officials in Willoughby Hills to hold their feet to the fire and make sure that they do their absolute best so that our residents aren't woken up in the middle of the night.

**Councilman Hallum:** Just one question, Councilman Plecnik, I think that it was the last Council Meeting that we had you had reported on the Noise Abatement numbers that came out and I had asked if you had an opportunity to go through and figure out how many residents those complaints were made of because it was a pretty large number of complaints and I was curious if it was as drastic as it seemed or if it was just several complaints from the same one or two people and you were going to get back with me and I was just wondering if you had an opportunity...

**Councilman Plecnik:** No I wasn't going to get back to you on it. I had showed you the map that accompanied it...actually you could look at it, all those complaints are publicly available on the Cuyahoga County Website so if you want to look at the full pdf report with each individual complaint you can. There are quite a few from a handful on residents, just scanning through it quickly that live directly in the flight path and obviously their most impacted. And residents who have retired and tend to live at home also tend to report more violations than those who are at work and who obviously aren't experiencing violations when they are not at home; but if you want to see for yourself, it's all available publicly, it's usually published the day of or the day after the Noise Abatement Council Meeting.

**Councilman Hallum:** Thank you, I had misunderstood, you said that you hadn't had a chance to look at that in-depth yet, so I took that to mean that you were going to say something about it, so thank you.

**President Somich:** I would like to make just one comment to....Councilman Plecnik is our Representative of Council on the Noise Abatement Committee, I'm sure that you are aware of that so we'll ask him as he has been dutiful in reporting back and forth from complaints of our residents and reporting to Council if you do need assistance here with this particular resident's issue, please let us know but I'm sure that you will be communicating on her behalf and on our behalf to that Committee at the next meeting.

**Councilman Plecnik:** Absolutely.

## **LEGISLATION**

### **ORDINANCE NO. 2015-40**

**AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE NINE – TAXATION, BY THE ESTABLISHMENT OF A NEW CHAPTER 186 – INCOME TAX EFFECTIVE FOR TAX YEARS BEGINNING JANUARY 1, 2016 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Plecnik to adopt Ordinance No. 2015-40.

**Councilman Plecnik:** We're going to have to take steps relatively quickly after passing this to appoint the new members of the Income Tax Board of Review. Previously it has been our Law Director, our Finance Director, and one Member of Council, myself but under the new rules there're different individuals and I believe that they cannot be elected officials. So we'll have to take steps after this to formalize that.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2015-40 has been adopted.**

### **RESOLUTION NO. 2015-10**

**A RESOLUTION ACCEPTING REIMBURSEMENT FROM THE LAKE COUNTY STORMWATER MANAGEMENT DEPARTMENT IN THE ESTIMATED AMOUNT OF \$42,900 FOR THE EAGLE ROAD DRAINAGE AND SLOPE EROSION CONTROL PROJECT AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Fiebig to suspend the Three Reading Rule for Resolution No. 2015-10.

**Councilman Fiebig:** Question about the method that we have done this in the past for accepting money from them, I don't believe that we have used Resolutions before, is there some reason that it was changed; why are we using a Resolution to accept money, or maybe, Frank do you...

**Finance Director Brichacek:** Section 135.10 of the Codified Ordinance requires Council to gifts in excess of \$10,000. **Councilman Fiebig:** It's not a gift.

**Law Director Lobe:** We are construing it as if we are getting money back in, not as a gift but money is being received so we are taking it under the same process and program. So we are following the same dictates as that because it's not money that we're changing; we're getting money. So we're following the same process similar to the gift aspect that's why it's a Resolution and we don't need an Ordinance but we wanted to bring it to your attention because we need Councilmatic approval of it.

**Finance Director Brichacek:** It's a good business practice that Council be aware of grants or gifts that the City receives and in addition it's required by the State Auditor's Office, they do look for authorization to apply for and to accept grants or gifts.

**Councilman Fiebig:** Was there any sort of hold up on the project waiting for Council's action?

**Finance Director Brichacek:** No.

**Councilman Fiebig:** In the future then and going forward you would like to have a Resolution when we're accepting money that's coming in to the City just from Lake County Stormwater.

**Finance Director Brichacek:** Yes.

**Councilman Fiebig:** If it is not an appropriation?

**Finance Director Brichacek:** If it hasn't been included in either in the original operating budget submission or in a prior appropriation.

**Councilman Fiebig:** All right, that's something new, just wanted to discuss it and wanted to ask the question publicly.

**Finance Director Brichacek:** Yah, you have to recall virtually every gift or grant that we've received, brought to Council either for an appropriation change or to accept the grant.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that the Three Reading Rule for Resolution No. 2015-10 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Hallum to adopt Resolution No. 2015-10.

**Mayor:** Mr. Westerman sent a letter to Council last week and he urged you to pass this Ordinance because of the serious slope erosion he is having on the side of Eagle. It is now happening in two places so he appreciates, I thought that he would be here tonight but he was unable to come, but he would appreciate it being passed. We hope to get this project done this year.

**Councilman Fiebig:** As I asked before, this project wasn't held up based on a Resolution, this is not an Ordinance, I'm not sure why...

**Mayor:** We just got the okay from Stormwater Management to do it, probably two weeks ago.

**Law Director Lobe:** Attachment...

**Councilman Fiebig:** But you weren't holding up getting started on it waiting for a Resolution, were you?

**Mayor:** No, No.

**Councilman Fiebig:** Okay.

**Law Director Lobe:** The attachment that is dated from the Commissioners is November 3, 2015, so you really shouldn't proceed until you know that you've got the total approval so we try not to unless it is appropriated previously. It is still hot off the presses.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Resolution No. 2015-10 has been adopted.**

## **RESOLUTION NO. 2015-11**

**A RESOLUTION ACKNOWLEDGING FRANK A. GERMANO FOR HIS YEARS OF SERVICE TO THE CITY OF WILLOUGHBY HILLS AS AN ELECTED OFFICIAL.**

**President Somich stated that Resolution No. 2015-11 would remain on First Reading.**

## **NEW BUSINESS**

**MOTION MADE BY COUNCILMAN PLECNIK**, seconded by Councilman Hallum to adjourn into Executive Session immediately after for the "Good of the Order" for a period of time not to exceed twenty minutes, to discuss potential or current litigation and inviting all of Council, the Mayor, the Law Director, the Finance Director and the Chief of Police

Councilman Biro: Is it possible since we're going to do that after "For the Good of the Order" to release our City Engineer for those discussions it's not necessary to have him.

**Roll Call: 6 AYES**

**MOTION PASSES**

**President Somich: Motion carries and we will go into Executive Session in just a few minutes.**

**Finance Director:** I would request that a Resolution be prepared authorizing the City to accept a gift from Mrs. O'Ryan.

**President Somich:** Thank you very much that absolutely will be done...to our Clerk.

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

### **Councilman Plecnik:**

Two quick things, first of all as the Lion's Safety Bucket Project continues we've completed giving Safety Buckets to our neighboring City, in Thomas Elementary we received a lot of very nice thank you notes from the teachers who acknowledged that this truly helps us with their safety and anyone else who is interested in creating Safety Buckets are just Home Depot plastic buckets that have items necessary in a school lockdown or crisis and it cost maybe about \$30-\$35 to put together a completed bucket but it can make a really difference in a crisis and I want to thank our residents Linda Fulton and Cheryl Ota for really taking up that cause.

The second item is simply this, we won't have a Regular Council Meeting on the following fourth Thursday

because it's Thanksgiving so Happy Turkey Day!

**Councilman Hallum:**

I just want to again point out and thank the community for all the work that was done to help find the young man who was missing; it's very encouraging to see that kind of out pouring in our community, to see that we have such good neighbors and friends.

**Councilman Biro:**

As I have said in the past, we getting towards the Holidays, we're in a blood shortage, so please if you see a Blood Drive of any sort please stop by and give some blood and help save some lives. As I have stated in the past I'm O-negative and I feel compelled to do that so if you could that would be a great thing, a great Christmas present for someone, thank you.

**Councilwoman Greer:**

Per Denise in the Recreation Department, there are only a few spaces left for Christmas Card Lane so if everyone is hoping to participate please sign up.

**President Somich:**

Referencing the fact, it is as Councilman Plecnik said, we do not have a meeting scheduled for Thanksgiving night obviously as of this time we don't have any reason we believe to call a Special Meeting in the month of November but if that should change obviously we will make that known and get the proper announcements out there. If that doesn't happen we will be back for the first regularly scheduled meeting for the month of December.

**President Somich:** At this time then, if there are no other items "For the Good of the Order" we will adjourn into Executive Session, not to exceed twenty minutes and for all those who are here we will not conduct any other business or any other voting after that we will come back simply for the adjournment. We will now adjourn into Executive Session at 7:36pm.

With Members Hallum, Plecnik, Somich, Biro, Fiebig and Sommers Greer present the Meeting reconvened at 7:57pm.

**ADJOURNMENT**

**MOTION WAS MADE BY COUNCILMAN PLECNIK** seconded by Councilwoman Greer to adjourn the Regular Council Meeting of November 12, 2015.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Somich declared the Regular Council Meeting of November 12, 2015 to be adjourned at 7:58pm.**

**APPROVED:**

November 10, 2015  
Date



**Raymond C. Somich**  
President of Council

**ATTEST:**

  
Victoria Ann Savage, CMC  
Clerk of Council