

# City of Milloughby Hills

Council  
CHRISTOPHER L. BIRO  
DAVID M. FIEBIG  
FRANK A. GERMANO  
CHRISTOPHER HALLUM  
JOHN PLECNIK

## Regular Council Meeting Minutes of January 23, 2014

*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 Present:** President Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Christopher Hallum, Councilman John Plecnik, President Raymond C. Somich, Councilman Christopher L. Biro

**Absent:** Finance Director Frank J. Brichacek, Jr.,

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

**President Somich** opened the meeting by stating that he would like to let everyone here know that we do operate here the most formally and officially that we can but he, himself for one is not an expert of these rules although he has been attending these meetings for ten years. We do ask that everyone here at this table will work together to be as harmonious as possible and to be as proper as we can and we of course call upon our Law Director to keep us in line at any time we get out of line that is unintentional and we will do our best to stay accordingly to all the proper rules. Secondly, he would also like to ask, at all times, everyone continues to operate as we have for many years with the real atmosphere of respect and trust for each other and that includes calling everybody properly, respectfully by our elected titles. **President Somich** at the same time, wanted to acknowledge, that at sometimes, he will be the worst offender of this and probable will use a first name, as opposed to a Councilman, or Mayor, Law Director, whatever it might be. If that does happen, please do not take that as a term of disrespect, but one more of friendliness and informality, but we should try to do that and the one thing that we won't do is to simply use a last name, he asks everyone to try to reframe from that because he doesn't think that it shows respect that we do deserve and want to show to each other.

**Disposition of the Journal** Regular Council Meeting of November 14, 2013  
Special Council Meeting of November 20, 2013  
Special Council Meeting of December 2, 2013  
Regular Council Meeting of December 12, 2013  
Special Council Meeting of December 30, 2013

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Germano to approve the Regular Council Meeting Minutes of November 14, 2013 as submitted.

**Roll Call:** Fellows-abstain, Fiebig-yes, Germano-yes, Hallum-yes abstain, Plecnik-Abstain Somich-yes, Biro-yes

**POINT OF ORDER:** Councilwoman Fellows questioned Councilman Hallum's vote of "yes" when he was not in attendance. Councilman Biro stated that unless he read the minutes. The Law Director stated that unless he read the minutes and listened to the tape, if you go to those extremes you can still vote on them, but if you didn't you probably shouldn't. Councilman Hallum requested to abstain from approving the minutes.

**MOTION PASSES: 4-AYES/3-ABSTENTIONS**

President Somich declared that the Regular Council Meeting Minutes of November 14, 2013 have been approved as submitted.

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Fiebig to approve the Special Council Meeting Minutes of November 20, 2013 as submitted.

**Roll Call: Fellows-Abstain, Fiebig-abstain, Germano-yes, Hallum-abstain, Plecnik-abstain Somich-yes, Biro-yes**

**MOTION PASSES: 3-AYES/4-ABSTENTIONS**

The Law Director ruled that the Motion passes with the abstentions going with the majority of the motions, not on an Ordinance, let's get this straight on an ordinance you need affirmative votes. President Somich declared that the Special Council Meeting Minutes of November 20, 2013 have been approved as submitted.

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to approve the Special Council Meeting Minutes of December 2, 2013 as submitted.

**Roll Call: Fellows-yes, Fiebig-yes, Germano-yes, Hallum-abstain, Plecnik-abstain Somich-yes, Biro-yes**

**MOTION PASSES: 5-AYES/2-ABSTENTIONS**

President Somich declared that the Special Council Meeting Minutes of December 2, 2013 have been approved as submitted.

**MOTION WAS MADE BY COUNCILMAN SOMICH**, seconded by Councilman Biro to approve the Regular Council Meeting Minutes of December 12, 2013 as submitted.

**Roll Call: Fellows-yes, Fiebig-yes, Germano-yes, Hallum-abstain, Plecnik-abstain Somich-yes, Biro-yes**

**MOTION PASSES: 5-AYES/2-ABSTENTIONS**

President Somich declared that the Regular Council Meeting Minutes of December 12, 2013 have been approved as submitted.

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to approve the Special Council Meeting Minutes of December 30, 2013 as submitted.

**Roll Call: Fellows-yes, Fiebig-yes, Germano-yes, Hallum-abstain, Plecnik-abstain Somich-yes, Biro-yes**

**MOTION PASSES: 5-AYES/2-ABSTENTIONS**

President Somich declared that the Special Council Meeting Minutes of December 30, 2013 have been approved as submitted.

**CORRESPONDENCE**

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month Ended December, 2013 (Emailed: December 10, 2013)

City Engineer's Report dated January 16, 2014 (Emailed: January 16, 2014)

**FINANCIAL REPORTS FOR THE MONTH ENDING NOVEMBER 2013 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS** (Emailed: December 12, 2013)

**NOTIFICATIONS**

Board of Building and Zoning Appeals Meeting of January 14, 2014 (Emailed: January 8 2014)

Civil Service Commission Meeting of December 18, 2013 (Emailed: December 16, 2013)

Civil Service Commission Meeting of January 17, 2014 (Emailed: January 9, 2014)

Finance Committee Meeting of December 18, 2013 (Emailed: December 13, 2013)

Finance Committee Meeting of January 14, 2014 (Emailed: January 9, 2014)

Planning and Zoning Commission and Architectural Board of Review Meeting of December 19, 2013 had been cancelled for there were no pending projects (Emailed: December 16, 2013)

Planning and Zoning Commission and Architectural Board of Review Meeting of January 2, 2014 (Emailed: December 30, 2013)

Planning and Zoning Commission and Architectural Board of Review Meeting of January 16, 2014 had been cancelled for there were no pending projects (Emailed: January 13, 2014)

Recreation Committee Meeting of January 20, 2014 (Emailed: January 17, 2014)

Regular Council Meeting of December 26, 2013 had been cancelled (Emailed: December 19, 2013)

Regular Council Meeting of January 9, 2014 had been cancelled (Emailed: January 7, 2014)

Working Committee Meeting of Council held December 18, 2013 (Emailed: December 13, 2013) **along with the Working Committee Meeting of Council held December 21, 2013 and on December 23, 2013. Clerk stated that these two meetings are not listed on this evening's Agenda; however, she is reading the notification of the meetings into the Record.**

## **MINUTES**

### **FINANCE COMMITTEE MEETING MINUTES OF DECEMBER 18, 2013 (Emailed: January 23, 2014)**

## **ON FILE**

WH Senior Center News Letter for January 2014, Issue No. 69

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

AARP not coming to Willoughby Hills as a site for tax assistance this year – Call City Hall or visit the website for other area locations

RITA – just notified us that they will not be coming to City Hall for tax assistance this year. Help is available by contracting RITA by phone

Snow Removal – Reminder to keep streets clear of snow when you snowplow your driveway

### **Acknowledgements**

Thanks and best wishes to Joan Motuza who resigned as BZA Clerk and Recreation Commission Clerk this week

Condolences to the families of residents Tom Shimrock and Winnie Sbrocco who recently passed away

### **Years of service commemorative Coins issued to City employees:**

Sgt. Brian Jackson – 20 years

Sgt. Duane Petrovich – 15 years

Police Officer Jamie Onion – 10 years

Police Dispatcher Ashley Onion – 5 years

### **Events**

Boys League Super Bowl Raffle – Saturday, February 1, 2014

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

Request for three separate Executive Sessions: (1) Actual Litigation, (2) Threaten or Eminent Litigation and (3) Union and Collective Bargaining Issues – Executive Sessions to be called at a time most convenient for Council, presumably after "For the Good of the Order".

Law Director requested invitation to include: Members of Council, Law Director, and the Mayor.

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

The Finance Director was not in attendance; therefore no formal report was given.

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

**Maple Valley Subdivision** – Construction began about two weeks ago; proceeding slowly due to weather and ground water issues. Plan is to have the road built come May and/or June.

**Stream Restoration Project (Knecht/O'Brien) Collapsed Culvert** – Working on design; hope to have project out to bid later this year.

**Lamplight Culvert Project** – Received verbal approval from Lake County Stormwater Management Department; hoping to start the survey when the weather breaks.

**The Law Director** wanted to add, for he is not sure if the Members are aware, the YMCA Dream House is not going to be a part of the Maple Valley Subdivision. Administration met with developers, representatives of the YMCA, contractors. Really was more of a timing issue, just couldn't get together, not a result of the City, the developers and the YMCA couldn't get together. The City Engineer and the Building Commissioner were involved. Again, just really came down to a timing issue. Perhaps the City will be considered next year.

## COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

### **FINANCE – Raymond C. Somich, Chair**

**Finance Committee was held on January 14, 2014 and at such time Chair Somich announced that Councilwoman Fellows and Councilman Germano would be serving on the Finance Committee.**

**President Somich** did not have his complete minutes with him to give a full report; however, several of the ordinances that were discussed are relative for consideration this evening. Chair Somich quickly covered that portion of the meeting with complete minutes to be provided to the Council Clerk.

The Committee spent time discussing increasing the amount the Mayor needs to have, setting of an amount before going out for public bid, currently the amount is \$25,000 with the discussion centering on increasing the amount to \$50,000. There was not a total consensus of the Members; therefore this Ordinance (Ordinance No. 2014-1) will remain on First Reading this evening. The Committee also discussed increasing the spending limit; without a total consensus of the Members an Ordinance has not been prepared at this time.

The major discussion pertained to the refinancing of the City debt which needs to be done the first quarter of 2014. The Committee collectively discussed various options, (1) take approximately a million and roll it over into refinancing, the alternative to that was to make it 1.1 million and include putting a \$100,000 into basically rebuilding an existing ambulance. There was much discussion on whether we should do it now or use the \$100,000 that we could encumber that is currently in the Capital Fund. Because the Committee could not come to consensus, Ordinances have been prepared for both scenarios and they have been brought forth for Council's consideration this evening. **President Somich** stated that he has spoken with the Finance Director, the Law Director and the Mayor. Administration has recommended that Council does not take the extra hundred dollars, right now in the bank loan; but that we leave it at the million dollars and that we do encumber the \$100,000 dollars that is available in the Capital accounts, so at that point it would reducing the amount that would be borrowed; for that to be considered, Ordinance No. 2014-3 would be for the refinancing of the million dollar and the Ordinance corresponding that would be Ordinance No. 2014-5; and that would mean, we would not approve Ordinance No. 2014-4 and Ordinance No. 2014-6. President Somich stated that he knows that it sounds a little bit tricky, but hopefully it made sense.

**Clerk of Council** questioned if the President could restate for the Members. **President Somich** stated that if we consider the passage of Ordinance No. 2014- 3 and Ordinance No. 2014-5 and in so doing would not approve Ordinance No. 2014-4 and Ordinance No. 2014-6.

Yes vote for Ordinance No. 2014-3 and Ordinance No. 2014-5; No vote for Ordinance No. 2014-4 and Ordinance No. 2014-6.

**Councilman Fiebig presented the Finance Committee Meeting of December 18, 2013. Councilman Fiebig had the honor of serving as Chair of Finance during this meeting.**

COMMITTEE MEETING OF DECEMBER 18, 2013	
<b>Members Present:</b> David M. Fiebig, Chair, President Nancy E. Fellows	
<b>Also Present:</b> Councilman Christopher L. Biro (arrived 6:04pm) Councilman Frank A. Germano, Mayor Robert M. Weger, Councilman-elect John Plecnik, Finance Director Frank Brichacek, Law Director Thomas G. Lobe	
Purpose of the Meeting was to discuss <b><u>2014 Proposed Budget and the Schedule of 2013 Appropriations – Revisions 8</u></b> and any other business.	
<b>Meeting convened at 6:00pm</b>	
<i>Order of Business</i>	
<b>Agenda: Allocation of Appropriations for End of Year and Review the 2014 Budget</b>	
<b>Brichacek:</b> WH will have a better carryover than we budgeted due to overestimate of healthcare (HC) costs. 2013-54. \$6.6 million – clean up appropriations Income tax was 200k higher than projected. Safety forces fund has to be	

made up from general fund. Loss of 2<sup>nd</sup> largest employer (Eaton). Other business paid more.

Individual tax was down, Net Profit was a little up.

\$500M-600M carryover balance projected.

Budgeted real estate purchase was not done, therefore, Capital Fund has \$355M carryover.

No new estate tax revenue.

2014 budget, Frank worked hard to balance the budget but was not able to do so.

No built in allowance for raises, very, very lean budget. Had Department Heads in. General fund was almost \$900,000 in red to begin. No Capital Programs, Street Program slashed. We will have to come back to it. Radio Systems needs, Operating Systems need upgrade to be acceptable. 20% increase proceed in HC. ACA worries. Internet Cafes \$93,000 not going to be received in 2014.

Property tax approval – no reappraisal this year. Valuation appeals but not significant. Must revisit these numbers. Grants, Lake County will clean up this year as they arrive.

Next week, will receive the property tax estimates. Handout by Finance Director with updated numbers. Proposing a \$92,300 deficit. Will cut into the carryover of \$550K

Roads, Q. Maplegrove? No roads, only \$100K for road resurfacing this year. No Police cars. Ambulance chassis is in the budget, a note to finance it. (100K)

Increase in police wages, \$340m? 2014 has 1.92M, 2013 has 1.87M. dispatch, 6 positions

A few more police/dispatch have waived benefits, so it is actually lower than previous year. Fund 320- big drop in special assessments. Fund 800-200k reduction, used up police forfeiture money. Law enforcement purposes only.

**Lobe:** Brought 2 cares out of trust fund money. High producers.

All Department Heads met with you? Only happened in Director's Meeting. Even in 2013, Frank harped on reducing expenditures, at every staff meeting, with Department Heads. **Brichacek:** "Need to have discussions about new revenues or change the way we do business." "Absolutely troubling to me, we can't have a Police Department without cars."

The question is Council comfortable with this budget or should we pass a 1/12 version to get us through the first month? We need a longer discussion about the particulars in this.

**Biro:** Looks very lean. We discussed this, but it is a living document. Can revisit. Think very lean but hopeful for things getting better. My determination, comfortable for now.

Fellows: This is a \$92,300 deficit, includes contract for police. Not for Fire or Service unions. Reserve balance \$2.8 million for all funds; general fund is \$883,000. November 2013.

Snapshot of the City. Comfortable doing things differently, we have had temporary budgets. Only 3 years out of 10 have we done a full year. What is the benefit of the whole year vs. a temp budget? Frank, doe not see that temp is god. Full year sends message, cuts will happen. Clarify Weger when last time no raises? Maybe 3-4 years ago. Task Force projected no raises in 2011. Recommendation was no adopted.

**Weger:** Fact finding, might find 2 times amount.

**Brichacek:** Experience, risk with arbitration, can be irrational. Doesn't take all our employees into consideration. Takes either one's offer.

**Fellows:** Monthly meetings needed for Finance.

#### *Public Portion*

The following people came forth at 6:39pm with questions/comments:

**Linda Fulton:** Frank, when realized this deficit? A. Last year, Did Council know this? A. It's public knowledge. If you knew this, last year, why continue spending – hire Economic Development Director, for \$50k, or \$43k for building expenditure (gazebo)?

**Lobe:** Yes there was projected deficit, but we have not cut services. Fire has not cut, we have lived within our means. We have not cut services, but we have increased them. We were supposed to start under Frank's budget, we are starting with \$600,000 we should have 10%. Other cities have dipped into their funds. But we have maintained and we ended up "less in the red".

**Fiebig:** I don't feel comfortable passing a budget that is a projected \$100,000 deficit. I know we can adjust it next year, but have a philosophical problem affirming it.

**Linda Fulton:** don't want to see our city put into danger. Why still continue to spend when in the red?

**Frank Cihula:** Are we budgeting more for Richmond Hts. Department are we budgeting more for mutual aid calls?

**Brichacek:** No.

How are we going to deal with that? **Brichacek:** you are going to have to ask Chief Harmon.

**Public Portion closed at 6:47pm**

**Consensus?** **Fellows:** make it clear that we are passing a budget with a \$93k deficit. **Biro:** must have a monthly

meeting to address, and look to each part and address. Hopeful, we can address. Let's get it done, work hard at maintaining services.

**Germano:** Can we have another meeting to pass this and revise? December 26<sup>th</sup>, no next meeting is December 30<sup>th</sup>.

**Brichacek:** Not going to have much to change.

**Fiebig:** seems the majority recommendation here is for Council to pass the budget.

**Germano:** pushing for a special Meeting to pass, for illness, or other issues, (since there are only 5 members).

**Fellows:** Would have avoided if an appointment was made for open seat. **No consensus to hold another meeting for this purpose.**

**Meeting adjourned at 6:54pm**

## **PLANNING AND ZONING – David M. Fiebig, Chair**

**Chair Fiebig announced that Councilman Hallum and Councilman Plecnik would be serving on the Planning and Zoning Committee.**

## **RECREATION – John Plecnik, Chair**

**Chair Plecnik announced that Councilman Biro and Councilwoman Fellows would be serving on the Recreation Committee. The City will be well served for both Councilman Biro and Councilwoman Fellows have chaired the Recreation Committee.**

### **COMMITTEE MEETING OF JANUARY 20, 2014**

**Members Present:** John Plecnik, Chair, Councilman Christopher L. Biro, Vice President Nancy E. Fellows

**Also Present:** Mayor Robert M. Weger, Finance Director, Recreation Coordinator

Purpose of the Meeting was to discuss **Rental Policies** and any other business.

**Meeting convened at 6:30pm**

#### ***Order of Business***

The meeting was called at the request of the Recreation Commission and the City's Recreation Coordinator to discuss Rental Usage Policies. We started with a report from the Recreation Coordinator going over three aspects of our Community Center Statute that she would like to see revised. The first aspect was the peck period during which sanctioned organizations are not able to get a special lower or free rate for rentals, so that the City doesn't lose paying customers. The proposal that the Recreation Coordinator had made was to essentially limit the available peck period from November through March and during the period of April through October standard rates would apply even to sanctioned organizations.

The second proposal that the Recreation Coordinator made for our consideration was that sanctioned groups would be limited to having a weekend rental defined as Friday, Saturday, Sunday of the Community Center once a year and to have a week day rental the other days of the week, once a month; also limiting non-sanctioned civic organizations to weekend rentals once a year as well. Once again, trying not to conflict with paying customers so that the City doesn't lose revenue for the Community Center.

The third proposal that the Recreation Coordinator made was to clarify that statute which now simply says "Rentals for funerals are fifty dollars". To clarify that is for Willoughby Hills residents only and alcohol is not permissible during a funeral rental.

The second major issue that the Recreation Coordinator made or brought to our attention was the rental of the new gazebo in the Veterans Memorial Park and what policy we wanted to have for renting that new facility out. The Coordinator suggested some possibilities ranging from renting it out for free to renting it at the same rates, \$25.00 for residents, more for non-residents that we have for the Campbell Park Gazebo. With respect to all these issues, the consensus of the Committee as well as the other Members present including Mayor Robert Weger, Councilman Frank Germano, the Law Director was that we should go forward with the Recreation Coordinator's suggests for the Community Center that with respect to the gazebo rentals, we still needed to do more research and the only thing that was recommended by the Recreation Coordinator was to allow her or for Council to essentially accede to allow her to rent out the gazebo in tandem with rentals of the O'Ryan Room and the Mayor informed the Committee that as long as Council did not act, the Recreation Coordinator currently had the Administrative authority to do that. So it was the consensus of the Committee to let the Recreation Coordinator to lease out with her administrative authority the gazebo, in tandem with the O'Ryan Room but to otherwise consider further what the rental policy should be.

The last issue discussed was the possibility of new grills or fixing the grills in Campbell Park and it was also discussed during Public Portion.

***Public Portion***

The following people came forth at 6:53 p.m. with questions/comments: Chair of the Board of Zoning Appeals Frank Cihula discussed the relative dates of which the grills were last purchased, some of which were as recent as couple of years ago, he suggested that one of the grills should be replaced, but that some of the others were in good shape. The Mayor assured us that the Service Department would review the current status of the grills to determine if the Recreation Commission should consider replacing them from the 460 Fund.

**Meeting adjourned at 6:55pm**

**Councilman Fiebig** wanted to follow up on the grill issue, did have several comments from residents stating that they wish that there was a bigger grill at the end of the Pavilion because the little ones are farther away; if you have say 40 to 50 people coming you can't put all the hot dogs and hamburgers on at the same time and that it is muddy right too. Councilman Fiebig isn't sure if the City could look into extending a little concrete pad to the end of the Pavilion and putting a grill that is maybe 2 feet by 4 feet or something, where they are a little bit bigger. Maybe more people would like to use that and it may increase the rentals of the Pavilion.

**RULES AND LEGISLATION – Nancy E. Fellows, Chair**

**President Somich called on the Chair of the Rules and Legislation Committee, Councilwoman Fellows. Councilwoman Fellows requested to announce her Committee Members at the end.**

**SAFETY – Christopher L. Biro, Chair**

Councilman Biro announced that Councilman Germano and Councilman Hallum have agreed to serve on the Safety Committee.

**SERVICE – Christopher Hallum, Chair**

Councilman Hallum announced that Councilman Germano and Councilman John Plecnik have agreed to serve on the Service Committee.

**UTILITIES – Frank A. Germano, Chair**

Councilman Germano announced that Councilman Biro and Councilwoman Fellows have agreed to serve on the Utilities Committee.

**PERSONNEL RELATIONS – Christopher L. Biro, Chair**

Councilman Biro announced that Councilman Plecnik and the Mayor will be serving on the Personnel Relations Committee.

**WORKING COMMITTEE OF COUNCIL – President Raymond C. Somich, Chair**

**This Committee is comprised of all the Members.**

**RULES AND LEGISLATION – Nancy E. Fellows, Chair**

Vice President Fellows stated that the two Committees that had the most interest were Finance and Rules and Legislation. While we do have Members and a Chair on Committees, we actually cut those down when former Councilman Malecek became President. We had five Members on so to have a meeting you had to have three Members for a quorum so the members were cut down to three so that there would a quorum with two. With all the other activities, that all us have with our jobs and our families, looking at the assignments that everybody has, and to have some fairness and equitability in this, she has had some discussions with the Members and have selected President Somich and Councilman Fiebig for Rules and Legislation.

**OTHER COUNCIL REPRESENTATIVE REPORTS**

**Councilman Plecnik** provided a brief report on the Recreation Commission Meeting held on January 8, 2014. The most important information to report from their first meeting of the year is Recreation Commission Member Lynn Hallum was elected Vice Chair of the Recreation Commission and Dan Philipp was elected Chairman of the Recreation Commission. **Councilman Plecnik** stated that he thinks we will all

look forward to working with them as we prepare for the City's Recreation Schedule.

**Councilman Germano** reported on the Cuyahoga County Airport Noise Abatement Council held on January 9, 2014. Basically what this meeting is about is going over complaints about noise from the airport. To get a rough idea how this is set up, there are representatives from communities, representatives from the airport and representatives from the businesses. On Councilman Germano's first day there, as representative of Willoughby Hills, he made a motion to make public the names of the users of the jets that are flying, inciting these complaints. The motion was rejected by the business representatives stating that they didn't want to be bother with this because people will start calling and they didn't want to be bothered and that is why the airport was stepping in. They said that the tail number on the planes is reflective to the owner of the plane, well the tail number is the owner, but does not usually reflect who is using the plane because corporations usually use a different company but is still using the plane. So in that regard, today, he is going to make a remark here that 6,333 total operations in the last quarter of 2013 – out of all those operations there were 17 total complaints and he is going to say that Eaton was on the list, that had the most violations or complaints against their planes. Upcoming meetings – meeting on a quarterly basis – April 10<sup>th</sup>, July 10<sup>th</sup> and October 9<sup>th</sup>. **Councilman Germano** urges people to come to these meetings and voice their opinions or whatever concerns that they may have with the airport. Councilman Germano believes that the airport is doing a great job doing things and he thinks that people should come to these meetings and voice their concerns with the businesses.

**President Somich** questioned if Eaton is going to continue to use the airport as much as they have in the past. Councilman Germano responded yes. **President Somich** acknowledged that the Mayor said that they have a hanger, so they will probably continue to be the worst offender, but we hope not.

## **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 7:42pm**

1. Frank Cihula  
Dixon Road  
Re: Grills at Campbell Park
2. Tanya Taylor Draper – President of Stratford Way Home Owners Association  
2909 Stratford Way  
Re: Lack of Christmas Decorations in the City; Concerned with water collecting in front of Fifth-Third Bank on Chardon Road in front the of Stratford Way Community, wondering if this could have anything to do with Stratford Way flooding issues – Hoping that the City can address these issues
3. Betty Hines  
2923 Stratford Place – Board Treasurer of Stratford Way Home Owners Association  
Re: 22 Hanging Baskets – requested if the City could assist in the watering of 22 hanging flower baskets, the Home Owners Association by letting the Home Owners Association use the City Fire Hydrant the Home Owners Association would be happy to pay the City

### **Public Portion was closed at 7:47pm**

## **UNFINISHED BUSINESS**

**Law Director Lobe** meetings have taken place with the representatives from the Stratford Home Owners Association, their Lawyer, Mayor and the Law Director, the Engineer, the Building Commissioner, getting records and documents. The Law Director stated that he is a little disappointed that the Developer and their attorneys failed to show so we didn't have a fully productive meeting. Future meetings have been scheduled again, the difficult, not from our side or from Stratford it seems to be from the other side because we want to address some of their issues. The **Law Director** stated that we have addressed some of the issues; however,



the Fifth-Third Bank is a new one. Everyone has been very cooperative and open to get to some of the other problems to find out exactly what's up. We have met and we will continue to meet just so that Council is aware.

**President Somich** commented that we are aware of the issue at Fifth Third Bank; the Mayor and President Somich have spoken on that and we have spoken with our Service Director and there are being efforts right now to try to resolve that problem. With respect to the Christmas Decorations, just to point out that we did have a contest among the merchants, President Somich is not sure what happen on this side of town, but in the area there we had several businesses that decorated that had never done so before and President Somich wanted to publicly acknowledge Becky's Bistro because she went way out of her way to do a beautiful display; Discount Mattress and Appliance really did a wonderful job. So we did have some businesses that did decorate this year that had not in the past. Hopefully this will spread across the entire City in the future years.

## **LEGISLATION**

### **ORDINANCE NO. 2014-1**

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**AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE ONE – GENERAL PROVISIONS, CHAPTER 115 – METHODS OF PURCHASE, SECTION 115.04 – EXPENDITURES IN THE AMOUNT OF \$25,000 OR MORE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.**

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**President Somich declared that Ordinance No. 2014-1 would remain on First Reading.**

### **ORDINANCE NO. 2014-2**

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**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT MODIFICATION AGREEMENT BY AND BETWEEN CITY OF WILLOUGHBY HILLS, OHIO AND RICHARD L. BOWEN + ASSOCIATES, INC. AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.**

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**President Somich declared that Ordinance No. 2014-2 would remain on First Reading and will be placed in the Service Committee for further review.**

### **ORDINANCE NO. 2014-3**

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**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,000,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF (I) RENOVATING, IMPROVING AND EQUIPPING THE CITY'S EXISTING FIRE AND POLICE COMMUNICATIONS CENTER, (II) ACQUIRING A FIRE TRUCK, AND ALL RELATED EXPENSES THERETO, AND (III) REBUILDING AND RESURFACING VARIOUS ROADS WITHIN THE CITY, INCLUDING A PORTION OF GATSBY LANE AND HANNA ROAD, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2014-3.**

**Councilman Fiebig** the reason that we would be waiving the Three Reading Rule would be due to a timing matter; as he understood, there is a thirty day window of time where a resident can bring forth a petition to have this sort of bond issue repealed. **Councilman Fiebig** requested the Law Director to further clarify. **Councilman Fiebig** stated that recently the Plain Dealer ran an Editorial regarding the number of cities waiving the Three Ruling Rule Law with some cities doing it 80%-85% of the time. **Councilman Fiebig** hopes that we would consider the waiving of the Three Reading Rule very carefully as we go forward and make sure that we are doing it for reasons that are absolutely necessary, not just simply expedient. **Councilman Fiebig** stated that he believes in this instance, the Three Reading Rule should be waived because of the timing issue being a March deadline. **Law Director Lobe** stated that a lot of cities don't even have committee meetings, or a Two Day Notification Rule and they get something that night and they pass it and they waive Three Readings and there is an Emergency Tag on it; this one doesn't have an emergency tag because there are two issues really, Three Readings and the Emergency Tag. This

was thoroughly discussed by the Committee of Council as a Whole so even though it is not a reading, it did have a good in-depth discussion with all of Council, so that is just one of the checks and balances so that it is just not on the first time and that Council as a Whole discussed it so that there are some other protective measures in place. The **Law Director** agrees with Councilman Fiebig in that it is the better way to do it; however, there are some other things that have to be taken into consideration with it when looking at the whole picture. The **Law Director** stated that this one did have that type of discussion and Councilman Fiebig was one of the leaders in the discussions.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that the Three Reading Rule for Ordinance No. 2014-3 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to adopt Ordinance No. 2014-3.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2014-3 has been adopted.**

#### **ORDINANCE NO. 2014-4**

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$110,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF ACQUIRING AN AMBULANCE CHASSIS AND RELATED EQUIPMENT, AND ALL RELATED EXPENSES THERETO.**

**President Somich reminded the Members that this Ordinance was prepared in the event Council decided to go and obtain additional funds of \$110,000 through bank financing. Council can still chose to do that if Council so wishes, it is up for Council's consideration. The Administrators of our City, the Mayor, the Finance Director and the Law Director are suggesting that we do not need this.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to Table Indefinitely Ordinance No. 2014-4.

**Councilman Germano** asked the Law Director if it was a good thing to do when it comes to this. The **Law Director** responded that it could be done either way. In fact, Councilman Fiebig sounds a bit like former Councilman Malecek, it has been done here. The **Law Director** further stated that you can either hopefully vote it down as recommended or you can table it indefinitely. The **Law Director** stated that when we have a working session, the he will give the Members an explanation of which one he prefers. We have done this, both are equally good, it ends up in the same place, so he is not opposed to it; it still gets the result that the Administration is recommending. Later on the he will explain which way he would prefer; you end up at the same place.

**President Somich** questioned if it is Tabled Indefinitely, does it remain every meeting on the Agenda. The Law Director would recommend having an inactive agenda and there is a belief that if it stays inactive for a whole year, it falls off. The **Law Director** will explain it when we have our work sessions.

**Councilman Germano** questioned if it would be cleaner to vote it down. The **Law Director** responded that it is why he didn't want to get into that discussion this evening; it would be but it is okay to do it this way, we have done it that way in the past; it gets to the finality of the issue.

**Councilman Fiebig** stated that the reason he voted to table indefinitely is it is expedient and we wouldn't have to waive the Three Reading Rule; we would just simply table it if that is the wishes that he has gathered from Council. We are simply tabling it and we don't want to move forward with this.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2013-4 has been Tabled Indefinitely.**

#### **ORDINANCE NO. 2014-5**

**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2014-5.

**Roll Call: Fellows-yes, Fiebig-no, Germano-yes, Hallum-abstain, Plecnik-no Somich-yes, Biro-yes**  
**MOTION PASSES: 5-AYES/2-NAYS**

**President Somich declared that the Three Reading Rule has been suspended for Ordinance No. 2014-5.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to adopt Ordinance No. 2014-5.

**Councilwoman Fellows** stated that the Finance Director is not here this evening, and she is now confused; in this ordinance, the fourth "Whereas" states that the Council accepts the recommendation of the Finance Director to finance the abovementioned appropriation revisions by decreasing the estimated resources of the Safety Forces Special Revenue Fund No. 234 by \$100,000 to provide for the decision not to issue a bond anticipation note at this time to finance the ambulance acquisition. The current plan is to initially finance the ambulance refurbishment contract, estimated to be \$110,000, from the Capital Fund No. 420's unobligated carryover fund balance of \$355,051 as of January 1, 2014.

**Councilman Fiebig** stated that he had voted no on waiving the Three Reading Rule so now that we have legislation prepared in front of us, we talked about this in principle, in our Finance Meeting, but we didn't have the legislation written and spelled out for us, so he would like to see it referred into a committee for one more go-around to make sure that everybody is comfortable with this. There is no emergency on this, there is no reason that we have to pass this without three readings; we certainly should put this into committee for further decision to make sure that this is the best plan, he believes that it is at this time, but anything else may come to light in the next few weeks. So he would hope that we don't vote to pass this right now, but simply put it into committee.

**Councilwoman Fellows** stated that she still didn't understand, and asked if the Mayor could explain it. The **Mayor** stated that if the funds were borrowed it would come out of the one fund for the Police Safety Fund, if they were borrowed and that is the way the budget was approved because the Finance Director thought that we were going to borrow the money. We are taking it now out of the Capital Improvement Fund and that is where the monies come from now. So you take it from the Safety Forces Fund where the \$100,000 would have borrowed or a \$110,000 but when we did it, it was a \$100 and then take it out of the Capital Improvement Fund now.

**Councilwoman Fellows** stated that we didn't discuss this at the Finance Meeting, in this format, and in this process. The **Mayor** replied yes, you did, but it must have been convoluted with all the other discussions.

**President Somich** stated that we did discuss removing it from the Capital Improvement Fund No. 420, that portion was discussed, because we asked about the balance that was in the Capital Fund and that was referenced specifically. We did not reference the Safety Forces Special Revenue Fund that was not part of the discussion which sounds to **President Somich** said it seems to be an accounting procedure because originally it would have come out of there so it was appropriated there and now it is being redirected from there directly from the Capital Improvement Fund.

The **Law Director** stated that we were given a new set of facts that we didn't have before, to sign for the ambulance this year, and it was 18 months, later, and then we discussed whether or not if we needed to get the bond, which we tabled indefinitely, so instead of taking 1% out on \$110,000, we saved about \$1100 and the **Law Director** believes it was Councilman Fiebig, that said if we don't have to do it, let's take it from the Capital Improvement Fund, temporarily, allocate it from that and then we will see where we are at next year and if we have to at that time, because our Capital Improvement Fund is not going to grow because as you had expressed the taxes on the estates are not coming in, maybe next year at this time, we can take the \$110,000 but for this year, we didn't need to do it. That is really where it came from and we are going to save \$1100 dollars, that 1% interest on the \$110,000. That is the genesis of where this came from and it was split consensus; instead of financing, we are going to try to take it from the Capital Improvement.

**Councilman Fiebig** stated that the 1% is a guess estimate first of all; the other is that we don't need the funds this year, these funds are not being taken out of the Capital Improvement, we just simply need to earmark them. The

other thing that came to light, was that we didn't need to put a purchase order together or anything this could be done verbally, Law Director said no, no, no, Councilman Fiebig replied this is what the Chief said. **Councilman Fiebig** stated that we need to do something, look at what is the best plan for this instead of just passing this right now and saying that we are spending the this year, we can't spend the money this year, it is not due until July of next year. The Law Director replied that we are just encumbering it, not spending it.

**Councilman Biro** stated that in those discussions, once we encumber that monies, we cannot use it for any other reason, correct. That was the discussion between the \$1100. So we are taking a chance that we have some amazing bill that is going to be about 2-3 hundred thousand dollars, we can't use those encumbered funds that was the genesis of the discussion of the \$1100 to have some piece of mind that the monies will be there. **Councilman Biro** remembered those discussions; he just doesn't remember the exact fund that it was to be taken out of. Those discussions were there.

Also the Mayor stated that included in this Ordinance is the \$24,000 that we need to upgrade the LEADS System for the Police. We have an Automated Data System which as to be updated by April 1, 2014, computers have to be purchased, installed and upgraded to System Seven for us to be able to use LEADS and that is in this also.

**Councilman Plecnik** stated that he voted no in waiving the Three Reading Rule because he believes that we need to give the public an opportunity to weigh on a major purchase or decision of Council unless a real emergency bars that possibility. He stated that he does understand this Ordinance and he supports it so if Council chooses to vote on it this evening and he suspects we will, he intends to vote yes. **Councilman Plecnik** referenced the article that Councilman Fiebig briefly brought up entitled "City Councils required an unfortunate taste for City Law" and cited portions of the article.

**Councilman Germano** stated that he believes that this Ordinance is a time-issued scenario. Even through the purchase will be made next year that the order had to be in this year to get it a year and a half from now.

**President Somich** expounded on that by stating that we are in a queue, well not yet, if and when we do approve this then we will go into a queue and it estimated to be an eighteen month queue meaning that it will take that long for the existing ambulance to go in and get the new chassis put on to it. Our Fire Chief did tell us that while we can wait, the longer that we wait, the longer it will take to get into that queue and to get the refurbished unit back and in the process we will need to continue to use the existing unit for that much longer. There was some concern expressed in terms of while it is fully functional now, will it still be if it is a two year term, instead of an eighteen month term, that was the concern.

The **Law Director** stated that the Administration wants Council to have a First Reading, maybe a Second Reading; it is not going to be the end of the world. Its fine, its good the world is not going to come off of its axle. It makes Council that much better, but we would like to have it by the Second Reading, if not the Third, if you have the meetings together, but sometimes we don't have meetings and sometimes things get delayed a little longer.

The **Mayor** stated that the issue of the Ambulance can wait, whatever your wishes are, but the \$24,000 for LEADS; we would be without LEADS until we approve it.

**Councilwoman Fellows** stated that when she met with Chief Harmon he indicated that he didn't need to give any money to this company, for him to get into the queue, so she is still concerned why we have to appropriate \$110,000 this year when we can appropriate the \$110,000 at the same meeting next year. **Councilwoman Fellows** questioned why the Ordinance got pork-barreled with the LEADS; why weren't there two separate ordinances.

The **Mayor** responded that it was a good question, and it is the way we prepare our ordinances that we have prepared for the last ten years, when we do an appropriation ordinance we include everything that is changing that month; if you will remember, we do appropriation ordinances almost every month cause things change.

**Councilwoman Fellows** stated that she understands, by saying that the City needs the LEADS, not the appropriation for the \$110,000 until actually even next year at this time. The **Mayor** responded no, we do need it right away, because we can't sign the purchase order without the funds.

**Councilwoman Fellows** stated then there is miss-communication or a misunderstanding with the information that Chief Harmon shared with us. The **Mayor** replied no, he said that we don't have to pay the money and that is correct, we don't have to pay money until it is delivered but we have to appropriate it that is our rules.

**Councilwoman Fellows** stated that if these two appropriations had been done separately, we could have done the \$110,000 for a First Reading and had more discussion if necessary, and we could have passed the \$24,000 as the emergency because the Police needed it.

**President Somich** questioned if the \$24,000 does that have to be done tonight or do we have at least a two-week window to bring that back to our next Regular Council Meeting for further discussion. The **Law Director** responded that if you want to get real technical, the Mayor doesn't need, he could have done it under his own spending authority but he brought it to Council; here is the dilemma, if he had done it on his own, someone could have said that they wished that he had brought it to us, so he brought it to you, but he could still do it under his own spending authority even before increasing his spending authority. The **Law Director** further stated that he could have done it and he can still do it, but it is still better to pass more things by Council, he could do it without Council action. The **Mayor** stated that it wouldn't come out of the correct fund, it would come out of the Mayor's Fund or whatever fund that has \$24,000 and then we would have to do more legislation to get it changed.

**President Somich** stated that we have various options, this is similar to what happened in the meeting the other night when we were discussing a number of ordinance options that had led up to preparing it, a number of different ordinance options before us this evening. **President Somich** stated that since he was the Chair of the Finance Committee, and wanted to remind everyone that the question really wasn't about the direction of where the funds came from, the question that evening that we understood, was that they would either be new borrowed funds for \$110,000 or that they would come out of Capital Fund #420 and that was the destination that was made and what we couldn't come to consensus but those were the two options. Those are the two options basically in front of us this evening Ordinance No. 2014-4 gave us the option, which was already Tabled, that was the option to go and borrow the funds and Ordinance No. 2014-5 now says that we will take it out of the Capital Fund; there is some verbiage in here in terms of the direction of how that comes through by way of the different accounts to make it legal and proper and that we maintain positive account balances as we are required to do by state budgetary laws but that is what is happening here. The other issue in terms of the other item between \$24,000 being inserted in the ordinance is a separate issue and for the members consideration, if you are comfortable with that or not.

**President Somich** stated that we have had a waiving of the Three Reading Rule, we have had a motion to bring this vote and a second and we have been in a lengthy discussion, is there any further discussion on the voting of Ordinance No. 2014-5.

**Councilman Fiebig** stated that the issue seems to be that we have the option to either vote for this or to vote against this with waiving the Three Reading Rule that has already been done, if he could just clarify where we are at right now, we would have to vote this down or vote to pass tonight, those are the two options. **President Somich** replied the motion has been and seconded, yes we are going to call for the vote.

**Councilman Fiebig** stated that the reason that he had brought this up is that the \$24,000 increase is offset by the \$100,000 decrease meaning a net of \$76,000 that is coming out of fund #234. **Councilman Fiebig** stated that the reason he asked for this to be discussed further was that the LEAD System purchase wasn't really fully discussed in committee; he would have loved to see it go into Safety so that it could be discussed. So, again, as he had stated, try to talk more of a full year plan, two year, five year plan and talk about what else we need. Is this just a little component of it or are we piece-milling, or are there other issues, so that is what **Councilman Fiebig** said he would prefer to see, he didn't want to say that he is going to vote no for this because in principle yes, but definitely opposed to doing these things without full dialogue and buy in from everyone, including the Chief who has to work with this

equipment. **Councilman Fiebig** stated that he will support this seeing that it is going to go through as an up or down vote at this point and time. **Councilman Fiebig** would appreciate seeing us do things a little more slowly, little more deliberative, and a little more buy-in from everybody that is a stakeholder.

**Councilwoman Fellows** wanted to make one last comment, without looking back at her voting history, she is not sure if she had every abstained on a vote, and she believes that the only reason that you do abstain, is because you just don't have enough information and in some of the things that Councilman Fiebig said about where this whole ordinance is and having two different parts to it and having information before that we didn't need to put any money down, but you need to allocate it; she is going to have to abstain on this because she just needs to have more clarification unfortunately the Finance Director is not here, she would probably need to back to the Chief as well, so that is where she is on this.

**Roll Call: Fellows-abstain, Fiebig-yes, Germano-yes, Hallum-yes, Plecnik-yes Somich-yes, Biro-yes**

**MOTION PASSES: 6-AYES/1-Abstention**

**President Somich** declared that Ordinance No. 2014-5 has passed. **President Somich** stated that he had already had that discussion and there has already been a stepped-up effort, even over the last week or two, to get Members of Council additional information earlier to consider for all future legislation and it has not been, he can assure everybody, it has not been an intentional withholding of information, and everybody acknowledges that we do need to get this to us more thoroughly, more efficiently and hopefully we will see that from all the proper parties.

#### **ORDINANCE NO. 2014-6**

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**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to Table Indefinitely Ordinance No. 2014-6.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich** declared that Ordinance No. 2013-6 has been Tabled Indefinitely.

#### **ORDINANCE NO. 2014-7**

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**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (DISPATCHERS) AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Plecnik to place Ordinance No. 2014-7 on First Reading and to place the Ordinance into the Personnel Relations Committee for further review.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich** declared that Ordinance No. 2014-7 has been placed on First Reading and assigned to the Personnel Relations Committee for further review.

#### **RESOLUTION NO. 2014-1**

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**A RESOLUTION HONORING COUNCILMEMBER KEVIN D. MALECEK FOR HIS LEADERSHIP AND HIS DEDICATED SERVICE TO THE CITY OF WILLOUGHBY HILLS.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Hallum to suspend the Three Reading Rule for Resolution No. 2014-1.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich** declared that the Three Reading Rule for Resolution No. 2014-1 has been suspended.

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to adopt Resolution No. 2014-1.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich** declared that Resolution No. 2014-1 has been adopted. **President Somich** also added that since there is no emergency clause, we probably need to wait thirty days before presenting it. The Law Director responded, formally yes.

## **NEW BUSINESS**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilwoman Fellows to authorize the Mayor to go to bid for Asphalt and Limestone needs for this coming season.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich** declared that the Mayor has been authorized to go to bid for Asphalt and Limestone needs for this coming season.

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to declare the Color Run Activities to be held on May 10, 2014 as a Public Purpose.

**Councilwoman Fellows** questioned if it was going to be discussed in Committee, Recreation Commission, Recreation Committee of Council. **President Somich** stated that there was no plan to do that because we have had this twice, previously and without any incident, without any problems so we have approved it previously, twice.

**Councilman Fiebig** stated that he is aware of numerous incidents and problems that came up from Color Run that were brought to his attention after the event. So he thinks that it is important that we talk about it so that those views get heard. **Councilman Fiebig** would like to see it get referred to Recreation, as they had listed it as an event. **President Somich** replied that the event is not determined by Council, if that had been approved to be held in the City; what we are making a motion here is to declare it for a Public Purpose which of course makes some of the City's resources available for that particular event. **President Somich** further stated just to be clear on this one; this Body is not an Administrative Body to declare if we do allow that type of an event to happen within the City. **Councilman Fiebig** stated that we can certainly have some discussion about whether or not it should be declared a Public Purpose and whether City resources should be provided for that and since there was considerable amount of feedback that he had received, he would like to have an opportunity, as he is sure that we would all like to hear the good and the bad, to be able to iron-out these issues so it is a good event for the City.

**Roll Call: Fellows-no, Fiebig-no, Germano-yes, Hallum-yes, Plecnik-no, Somich-yes, Biro-yes**

**MOTION PASSES: 4-AYES/3-NAYS**

**President Somich** stated that Color Run 2014 to be held on May 10, 2014 has been declared a Public Purpose. **President Somich** would entertain that the Safety Committee, if that is appropriate to address the issues that **Councilman Fiebig** is referring to, if they are matters of safety, or service concerns that they still be discussed in Committee so that input can be given appropriately to our Administrative leaders, so please let those issues be known. **Councilman Fiebig** stated that since this is a recreation event, it would be the appropriation Committee.

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Plecnik to have a Resolution prepared honoring Joan Motuza for all her years of service.

**Councilman Plecnik** stated as the former Chair of the Recreation Commission, he had the chance to work with Joan Motuza personally and she is the height of professionalism; an amazing woman who understands the laws and ordinances of the City as well as the Sunshine Laws and made sure that the Recreation Commission stayed on the straight and narrow and followed every rule and procedure as well as facilitated the needs of the City. Councilman Plecnik has the highest respect and admiration for Joan Motzua, it is a great loss to the City that she has chosen to step down. **Councilman Plecnik** stated that is why he seconded the motion and hopes that the rest of Council concurs.

**Roll Call: 7 AYES**

**MOTION PASSES**

**President Somich declared that the motion passes and if any of the Members have input for the Resolution please give that to our Clerk.**

**MOTION WAS MADE BY COUNCILMAN GERMANO**, seconded by Councilman Biro to declare as Public Purpose for three Corn Fest Concerts that would be held on three separate dates: Wednesday, June 18<sup>th</sup>, Saturday, July 19<sup>th</sup> and Wednesday, August 20<sup>th</sup> of 2014.

**Councilman Fiebig** questioned if they are actually called Corn Fest Concerts that is the first time that he heard that. **President Somich** replied that it probably isn't exactly the name but because there has been a Council Corn Fest entity that already has been established, a 501(c)(3) legal entity that was prepared to operate Corn Fest. The decision was made that since that body is still going to be working for those events it would have that relation to Corn Fest. **President Somich** doesn't think that it is going to be called Corn Fest Music Concert, if he is correct, he doesn't think that it was named that way. But it would be working by that body entity that has been set up behind the scenes on a volunteer basis to coordinate the events, that is why they refer to it that way.

**Councilman Fiebig** questioned the funding source for the events is not city related. **President Somich** stated that they were not city related unless we chose to do something in the future but it would be done on a volunteer basis with donations.

**Councilman Fiebig** questioned what are we declaring a public purpose, **President Somich** replied that they would be on grounds, public grounds. **Councilman Fiebig** questioned if one of them was going to be held at Loehmanns on the west-end. **President Somich** replied yes, tentatively the first and third would be held across the street in the new gazebo in Veterans Park and the middle one in July would be held at the Shops of Willoughby Hills in the western part of the City.

**Councilman Fiebig** questioned if that needed to be declared a public purpose as well. **President Somich** stated yes because there would still be City resources available with it; if there is any traffic control, things like that required. **Councilman Fiebig** stated that he would love to see through discussion on the plan of that brought perhaps to the Recreation of Council, just so that we are aware of this, he doesn't know if they had discussed it in the Recreation Commission, so we would love to hear more about what the plans are.

**Councilman Plecnik** stated that he could answer **Councilman Fiebig's** question, the Recreation Commission has not considered whether or not there should be concerts in the park or any other successor entity to Corn Fest, there have been no discussions along those lines and as a former Chair of the Recreation Commission, he does think that the City is usually best served when discussions pertaining recreation do originate with the Commission, we have a lot of very qualified people serving on the Commission and we very often do refer recreation matters to the Commission first which is then referred to the Recreation Committee of Council which then reaches our full body so with this motion and hopefully with motions made in the future, he does think that Council should let these discussion originate with the Recreation Commission or refer it to them so that they can be fully flashed out before it even reaches the Recreation Committee.

**President Somich** passed the gavel to Vice President Pro-tem Germano to state his opinion on this particular matter. The Corn Fest 501(c)(3) entity has for the last several years conducted the Corn Fest activities and they have done all of the planning for it, all of the work for it, all of the promotion for it, they have solicited all of the donations for it, and it has been declared a public purpose because the City has felt that it was a valuable event and that they should allow the resources of the City to be at its disposal but it was planned and organized and funded by private donations and by private efforts. This was to be considered an extension of that and to his knowledge, over the years Corn Fest was never given to the Recreation Commission or offered to the Recreation Committee of Council for any type of input although in fact, many of the people who have been on Council or on the Commission have been active volunteers as part of Corn Fest. Just as they have been very active in former days of the Community Days, that the City operated. That is not saying that it has to stay that way in the future, but this is consistent with the way that this has been done in the past and if we do decide that we want to change that now; that is Council's consideration; however, this is not an official



event of the City nor was Corn Fest an official event of the City, just for that clarification.

**Roll Call: Fellows-yes, Fiebig-no, Germano-yes, Hallum-yes, Plecnik-no, Somich-yes, Biro-yes**

**MOTION PASSES: 5-AYES/2-NAYS**

**President Somich declared that the three Concerts have been declared for Public Purpose. President Somich stated once again, if there is input from any Member of Council or from the Commissions on these activities it is welcomed and encouraged participation.**

**Councilwoman Fellows** questioned if individuals on Council don't have knowledge of the planning of these events then how can we come forward. President Somich responded by saying very good point, any meetings of the Corn Fest entity are open meetings and open to everyone; there haven't been any for some time, but we will do our best to get the word out on any future meetings and everybody is welcomed to attend.

**Law Director** clarified that some of the Members of Council were at these meetings. It was like something was done not at an open meeting, it was attended by twenty people probably. **Councilwomen Fellows** stated that was done during Corn Fest Days, the Law Director replied, no it was posted. Councilwomen Fellows replied on these concerts? The **Law Director** said absolutely, in fact it was decided and discussed in great detail whether to continue Corn Fest, not to continue Corn Fest, modified Corn Fest. **Councilwoman Fellows** apologized and questioned where it was posted. The **Law Director** stated then as a group with some of the Members of Council, it was modified, Councilwoman Fellows injected by inquiring where was it posted? Council didn't get a notification. The **Clerk** verified that she sends everything out that is received, so she didn't get anything. The **Law Director** gets that there was a committee meeting on that. Councilwoman Fellows would like to see where it was posted for Council to know, the **Law Director** understands that, he gets that. **President Somich** stated that he doesn't have the answer for that one. Councilwoman Fellows said she knows; however, she would appreciate the opportunity to be involved should we chose to do that with any of the activities where they are City sanctioned or not, but if Council doesn't get a memo to our Clerk for her to disseminate the information there is no way that we would know unless we hear it from hearsay. **President Somich** replied so noted, thank you Councilwoman Fellows; we will ask the Administration for those types of meetings to please make sure that all Council is aware of those as well. President Somich stated that he would assume that he would receive all of those and he would help as well, but he would assume that people that have been involved in the past have been active members are the ones that were probably personally invited and sent emails and if there wasn't involvement in the committee in the past, it may have been an oversight, but they are open to the public and open to everybody in the City to participate, as a matter of fact, the last thing that anyone is trying to do is exclude anyone who wants to volunteer for that.

**Councilwoman Fellows** stated that her last point is, if Council is the body that approves these as a sanctioned City event, then Council needs to know about them.

**Councilman Fiebig** questioned if it was necessary to make three separate motions to adjourn into Executive Session or can we make one motion for three separate issues. The **Law Director** replied that for expedience of time, it is always better to make three.

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Germano to adjourn into Executive Session to discuss (1) Eminent Litigation inviting the Members of Council, the Mayor and the Law Director followed by the matter of (2) Filed Litigation, again inviting the Members of Council, the Mayor and the Law Director and immediately following that the Executive Session for the purpose of (3) Personnel Issues – Labor Negotiations inviting the Members, the Mayor and the Law Director this would be immediately following “For The Good of The Order” and dismissing the City Engineer. Said Executive Session to last no longer than thirty (30) minutes.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that the Motion passes and we will go into Executive Session momentarily and at that time the City Engineer can be excused.**

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

### **Councilman Plecnik:**

Slovene National Home – located on St. Clair, Slovene Dinner Saturday at 6:00pm - \$40.00 a ticket.

### **Councilman Biro:**

He attended a Memorial Ceremony for Tom Shimrock - it was a wonderful event and a true tribute to one of our residents who was involved for many years with the City; truly encompass that type of people that have come to be known in the City. Truly wonderful tribute to not only Councilman Biro's neighbor but good friend as well as very involved with the City.

### **Councilman Somich:**

Adopting Pets – Monthly Event held at Pat O'Briens on the first Saturday of every month, from 11:00-2:00pm  
Largest Single Day Blood Drive held on February 11<sup>th</sup> at Lander Haven from 7:00am-7:00pm

### **Councilman Fiebig:**

Boy's League Event is being held next Saturday, February 1<sup>st</sup> at 6:00pm at La Vera Party Center. Call City Hall for tickets

**President Somich called for Council to adjourn into Executive Session at 8:47pm.**

**With all Members present, along with the Mayor and the Law Director the Regular Council Meeting reconvened at 9:20pm.**

## **ADJOURNMENT**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to adjourn the Regular Council Meeting of January 23, 2014.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Somich declared the Regular Council Meeting of January 23, 2014 to be adjourned at 9:21pm**

**APPROVED:**

March 13 2014  
Date

Raymond C. Somich  
Raymond C. Somich  
President of Council

**ATTEST:**

Victoria Ann Savage  
Victoria Ann Savage, CMC  
Clerk of Council