

City of Willoughby Hills

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

Regular Council Meeting

Minutes of June 26, 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 7:03 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, Vice President Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano

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

PUBLIC HEARING

President Somich stated the first order of business is a Public Hearing that has been previously announced as per our legal requirements. It is an opportunity to get any feedback from the community prior to adopting Ordinance No. 2014-45. This is an Ordinance adopting a Tax Budget for the Fiscal Year 2015 for the City of Willoughby Hills.

President Somich called the Public Hearing to order at 7:05pm.

1. Robert Kowalsky
2585 Timberline Drive

Re: Notice for this hearing was posted on the Internet incorrectly (stated June 16 instead of June 26). Should we have another hearing because of this error and could we have a more formal hearing where there is more explanation concerning this Ordinance so that all of the Residents understand it? How is the Tax Budget filed?

The Public Hearing was closed at 7:08pm.

President Somich took a moment to further clarify the purpose of the Tax Budget. This is entirely different than the City Operating Budget; that is done with great care and consideration over a several month period talking to all the Department Heads, working with the Administration and Council, and that is done much later in the year and that is the real appropriation of funds on an account by account basis. The Tax Budget that we are referring to here, while it is very significant, is not that detailed in terms of looking at every individual expense and every different source of revenue to that technical degree. It is a formality which is important because it does allow us to receive property tax funds through the County and through the State, but in reality it is an estimate of tax budgets. We did discuss it already at the last Finance Committee Meeting which was just held this week. This was the purpose of this Public Hearing and people did want to come forth with any comments relative to it, but it is not in any way the operating budget for the City in terms of what we are ultimately going to appropriate for for 2015.

The **Finance Director** also stated that when looking at the City calendar, it did mistakenly have a Tax Budget Meeting listed on June 16 on the website, but it also shows the Tax Budget Hearing on the website for tonight, June 26. The legal requirement was that the notice of the meeting was published in the News-Herald on June 16; that was the confusion on the 16th date, because legally the Public Hearing notice has to be published at least ten days prior to the Public Hearing. The Public Hearing Notice was also posted at City Hall as required. In addition, we also went the extra step and made two

copies of the Tax Budget that were, and still are, available for public inspection in the Finance Department. This year, we also put the Notice as well as a copy of the Tax Budget on the City website so it has been accessible to the Public twenty-four hours a day, seven days a week since June 5, with the exception of the days the website was down. It has had more public access than ever before in the past. The only thing else to note is that the Tax Budget anticipates letting 7.3 mills which the City has done for a number of years, there is no change in the property tax rate.

President Somich asked the Finance Director if he had received much input from the General Public over the last 21 days? The **Finance Director** stated no one has come and no one has asked to review it which is unusual.

Disposition of the Journal

Regular Council Meeting of April 24, 2014

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to approve the Regular Council Meeting Minutes of April 24, 2014 as submitted.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that the Regular Council Meeting Minutes of April 24, 2014 have been approved as submitted.

CORRESPONDENCE

City Engineer's Report dated June 19, 2014 (Emailed: June 20, 2014)

FINANCIAL REPORTS FOR THE MONTH ENDING MAY 2014 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS (Emailed: June 16, 2014)

NOTIFICATIONS

Charter Review Commission Meeting of June 26, 2014 (Emailed: June 23, 2014)

Finance Committee Meeting of June 23, 2014 (Emailed: June 18, 2014)

Personnel Relations Committee Meeting of June 23, 2014 (Emailed: June 18, 2014)

Planning and Zoning Commission & Architectural Board of Review Meeting of June 19, 2014

Rules and Legislation Committee Meeting of June 23, 2014 (Emailed: June 18, 2014)

MINUTES

Joint Service & Finance Committees Meeting of June 2, 2014 (Emailed: June 18, 2014)

Rules and Legislation Committee Meeting Minutes of June 12, 2014 (Emailed: June 20, 2014)

Finance Committee Meeting Minutes of June 23, 2014 (Emailed: June 26, 2014)

Personnel Relations Committee Meeting Minutes of June 23, 2014 (Emailed: June 24, 2014)

MAYOR'S REPORT – Robert M. Weger

Streetlight has been installed at the crosswalk by Giant Eagle to WH Towers

Recycle magnets mailed yesterday

Fire Contract is being prepared for Council's consideration at the next Council meeting

First Corn Fest Concert was a success—rain prevented us from using the gazebo, but it was an enjoyable inside concert

Half of the Maple Hill (the Maple Valley development street) has been paved; bear with us as they clean and restore the area

Recent amounts of rain have caused flooding in some areas; we are trying to resolve those as quickly as possible. Please be patient with us.

Congressman Dave Joyce will be hosting a program specifically geared for Veterans on Friday, July 18 from 8:30am to noon at Community Center

Acknowledgements:

Charter Review Commission members were sworn in prior to tonight's Council Meeting

Thanks to the volunteers for today's United Way Day of Caring

Events:

Fourth of July—City Hall offices will be closed on Friday, July 4

WH Captains Day—Sunday, July 13—tickets available thru Recreation Department

LAW DIRECTOR'S REPORT – Thomas G. Lobe

Newly filed lawsuit against the City—filed in the U.S. District Court Northern District of Ohio Eastern Division (Federal Court located in Downtown Cleveland). Lawsuit titled Laura Lenz vs. City of Willoughby Hills and Robert Weger, individually and in his official capacity as Mayor. Complaint is filed in Federal Court before Judge Oliver. We are represented by Mazanec, Raskin, & Ryder, Co. who is our Insurance Counsel and who has been fully vetted on this matter previously. We have until August 8, 2014 to file the lawsuit. Specifically, there is an attorney by the name of Jim Climer who has represented us in the past on other matters. Ms. Lenz was a part-time property staff member for the City of Willoughby Hills and upon her termination with the City she is now claiming State and Federal claims for political free speech issues. Her salary on average was about \$350/year for the last three years or a little over \$1000 and in her complaint makes prayers for compensatory and punitive damages in excess of \$200,000; she is represented by Lester Potash who is an attorney on Chagrin Boulevard and the matter will be preceding through the Federal Courts. We may be asking for a counterclaim for this particular case and will be discussed at a later date.

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

No formal report was given.

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

No formal report was given. A reminder that his complete report is available on the City's website.

Councilman Hallum noticed we are behind schedule on the Lamplight Culvert project and he understands CEI is responsible for the holdup, or that's what it sounds like, and asked if there is some communication that has to take place between them. The **City Engineer** said they are not a holdup. He started communications with CEI to replace the culvert to the east and their CEI easement, but that's not holding up the project.

COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

FINANCE –Raymond C. Somich, Chair

Committee Members:

Frank A. Germano, Nancy E. Fellows

COMMITTEE MEETING OF JUNE 23, 2014

Members Present: President Raymond C. Somich, Chair, Vice-President Nancy E. Fellows, Councilman Frank A. Germano

Also Present: Councilman Christopher L. Biro, Councilman David M. Fiebig, Mayor Robert M. Weger, Finance Director Frank A. Brichacek, and Law Director Tom Lobe

Purpose of the Meeting was to discuss **City Finances** and any other business.

Meeting convened at 6:06pm

Order of Business

*Finance Director reported that we have been approved for funding by Stormwater Management for three projects – two of them have been completed and Chagrin River work still needs to be performed. He also confirmed that we have applied for SWM funding for two more projects, Rogers Road for approx. \$24,000 (ordinance 2014-53) and Curtis Wright Parkway for approx. \$11,000 (ordinance 2014-54). Both of these projects can only be completed this summer if we know they will be funded.

*The administration is requesting immediate action on an appropriation to replace the main computer backup system for all city operations. This was anticipated for replacement in 2015 but the system has failed and we have not had a sound backup in two months and need to act on this ASAP. -opened cyber café is offsetting this loss. This will use digital DVD format, and the software only backs up files that were changed that day, so the entire system will operate more efficiently during back up procedures. The cost will be approx. \$24,000 and funds will be taken from the 420 capital account due to the amount and the long-term benefits. The committee discussed this topic thoroughly and all at the meeting were in total

agreement to get this done immediately, which includes waiving the 3 reading rule and adopting at the next council meeting.

*We briefly discussed the 2015 tax budget and the upcoming public hearing.

Public Portion

At 6:22, the following came forth with questions/comments: Robert Kowalski (regarding the hard drive, and the accounts related to the PVR bridge and motor vehicle license fees). Public portion was closed at 6:27pm.

Following public portion, members of the committee answered some of Mr. Kowalski's questions and responded to his comments.

Meeting adjourned at 6:30pm

PERSONNEL RELATIONS – Christopher L. Biro, Chair

Committee Members: John Plecnik, Robert M. Weger

COMMITTEE MEETING OF JUNE 23, 2014

Members Present: Councilman Christopher L. Biro, Chair, Councilman John Plecnik, Mayor Robert M. Weger

Also Present: Vice-President Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano, President Raymond C. Somich, Law Director Tom Lobe, Finance Director Frank Brichacek, and Administrative Assistant Gloria Majeski

Purpose of the Meeting was to discuss **Contract Negotiations** and any other business.

Meeting convened at 7:20pm

Order of Business

Fire Contract Negotiations: Committee Member Mayor Weger offered motion to convene to Executive Session to discuss Fire Collective Bargaining Agreement inviting Council Members, Mayor's Administrative Assistant, Law Director, and Finance Director and was seconded by Committee Chair Biro. Executive Session met from 7:28pm to 8:13pm.

Public Portion

The following people came forth with questions/comments: 7:25pm Residents Bob Kowalski and Linda Fulton came forward with questions and comments.

Meeting adjourned at 8:15p.m.

PLANNING & ZONING – David M. Fiebig, Chair

Committee Members: Christopher Hallum, John Plecnik

Chairman Fiebig announced the Planning and Zoning was referred four pieces of legislation (Ordinances 46-49). At Monday's meeting, he took an informal poll and asked if anybody had any questions or concerns regarding these pieces of legislation. Everybody said everything was thoroughly discussed.

RULES & LEGISLATION – Nancy E. Fellows, Chair

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

COMMITTEE MEETING OF JUNE 23, 2014

Members Present: Vice President Nancy E. Fellows, Chair, Councilman David M. Fiebig, President Raymond C. Somich

Also Present: Councilman Christopher L. Biro, Councilman Frank A. Germano, Mayor Robert M. Weger, Law Director Tom Lobe, and Finance Director Frank Brichacek

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

Meeting convened at 6:30pm

Order of Business

Legislation for the Council meeting of June 26, 2014:

Ordinance 2014-33 - An Ordinance Appropriating funds for the Rosewood Trail Storm Sewer Maintenance Project. Funds were granted from the Lake County Storm Water Mgmt. Dept. This project is completed. **The Rules and Legislative Committee recommends to Council that this Ordinance be read for the 3rd time and adopted.**

Ordinance 2014-36 – This Ordinance is for the renewal of an existing 2.5 mill Road Levy to be placed on the November 4, 2014 ballot. **Rules and Legislation recommend that this be the 2nd Reading.**

Ordinance 2014-42 – Appropriations for the Pleasant Valley Road Storm Sewer Project. This was additional work on the project adding curbs and gutters to prevent further erosion of the road. Funds were granted from the Lake County Storm Water Mgmt. Dept. The project has been completed. **A majority of the Rules and Legislation recommends that the 3 Reading Rule be waived and the Ordinance adopted.**

Ordinance 2014-43 – Appropriations for the Chagrin Drive Drainage Project. Funds were granted from the Lake County Storm Water Mgmt. Dept. **Rules and Legislation recommends this Ordinance be on 2nd Reading.**

Ordinance 2014-44 – Appropriations for Dodd/Eagle Nest Roads Drainage Project at an estimated cost of \$37,500. Application to Lake County Storm Water Mgmt. for a grant. Project not completed. **Rules and Legislation recommends this Ordinance be on 2nd Reading.**

Ordinance 2014-45 – This Ordinance is in reference to adopting a Tax Budget for the fiscal year 2015. A Public Hearing has been posted for Thursday June 26, 2014 at 7:00 p.m. This Ordinance must be adopted no later than July 15, 2014. (Look to adopt at our first council meeting in July, July 10, 2014). **Rules and Legislation recommends this Ordinance be on 2nd Reading.**

Ordinance 2014-46 – An Ordinance aligned with Planning and Zoning verbiage changes from “building” to “dwelling” on Set-Back Requirements. The following four Ordinances 2014-46, 2014-47, 2014-48 and 2014-49 pertain to amendments to the Planning and Zoning Code and the Building Code. A mandatory Public Hearing has been scheduled for July 10, 2014 at 7:00 p.m. to allow the public to review and comment on the proposed amendments before legislative action is taken. **Rules and Legislation recommends this Ordinance be on 2nd Reading.**

Ordinance 2014-47 – An Ordinance adding a section to the Planning and Zoning Code on “cross-access”. This need was identified during review of the plans for Dunkin’ Donuts that would be advantageous for future development on Bishop Road and elsewhere. **Rules and Legislation recommends this Ordinance be on 2nd Reading.**

Ordinance 2014-48 – An Ordinance that accompanies Ordinance 2014-47 for location of required parking spaces permitted with cross-access drives. **Rules and Legislation recommends this Ordinance be on 2nd Reading.**

Ordinance 2014-49 – An Ordinance to allow (require) mailbox numbering to on both sides (Chapter 1345, Building numbering). **Rules and Legislation recommends this Ordinance be on 2nd Reading.**

Ordinance 2014-50 – An Ordinance to payback the Pleasant Valley Road Bridge Maintenance and Capital Repair Fund No. 443 with the Motor Vehicle License Fee Special Revenue Fund No. 255. **Rules and Legislation recommends this Ordinance be on 2nd Reading.**

Ordinance 2014-51 – An Ordinance directed by the Finance Director to close out the Motor Vehicle License Tax Special Revenue Fund No. 255 (to be changed to July 31, 2014) as of June 30, 2014, and any remaining equity in the Motor Vehicle License Tax Revenue Fund be transferred to the Street Construction, Maintenance and Repair Fund No. 250. **Rules and Legislation recommends this Ordinance be on 2nd Reading.**

Ordinance 2014-52 – Accompanies Ordinance 2014-51, if adopted, then the Codified Ordinance will need to be amended. This was discussed in the combined Finance/Service meeting of June 9, 2014. **Rules and Legislation recommends this Ordinance be on 2nd Reading.**

Ordinance 2014-53 – Appropriations for the Rogers Road ditching and culvert repair project for approximately \$23,800. Application to the Lake County Storm Water Mgmt. Dept. If the grant is not awarded this project would not be undertaken. **Rules and Legislation recommends this Ordinance be on 1st Reading.**

Ordinance 2014-54 – Appropriations for the Curtis-Wright Parkway catch basin replacement project (18 catch basins) for approximately \$10,800. Application to the Lake County Storm Water Mgmt. Dept. If the grant is not awarded this

project would not be undertaken. **Rules and Legislation recommends this Ordinance be on 1st Reading.**

Ordinance 2014-55 – Appropriations for the replacement of a City Digital DVD Network Backup Equipment for approximately \$25,000. This will be funding from Fund No. 420 Capital Improvement Fund. **The Finance Director requests that the 3 Reading Rule be waived and be adopted. Rules and Legislation recommends that the 3 Reading Rule be waived and the Ordinance adopted.**

Additional Agenda items:

At the last Council meeting the Mayor suggested that Council meet every week of the year. This suggestion was placed in Rules and Legislation. Discussion – Council President Somich indicated that alternatives would be to have special council meetings as sometimes it may take 6-7 weeks before an Ordinance would be passed following the 3 Reading Rule and not having an emergency clause of the Ordinance.

Councilman Biro stated, “Residents do not take advantage of the 3 Reading Rule.” And, “if the money is available, we (city) has time to get a project done, then we (council) should waive the Rule and expedite the project as it is not necessary to drag the process out.”

Councilman Germano indicated that if we need more meetings than council can do that. Ordinances being carried over weekly will give us a better handle on what is going on in the city.

The Mayor indicated that we are looking at 3 Readings versus Emergency Clause – this was not elaborated on.

Councilwoman Fellows stated that 3 Readings provided the opportunity not only for Residents to come forward with questions or concerns but that it also gave Council members the same time to ask questions and become informed. This is a shared responsibility between Legislation and good planning on the part of the Administration.

Neglected to address the following: It was suggested that Council create an Ordinance that is aligned/defines Nepotism. This suggestion was placed in Rules and Legislation.

Public Portion

Public portion opened at 7:09 p.m. Bob Kowalski voiced concerns with the Ordinances aligned with the Pleasant Valley Road Bridge. Also concerning the Ordinance to mandate that new homes display their addresses on both sides of the mailbox; is this placing a regulation on a federal object? He gave examples of poles placed alongside the driveway for better visibility for the fire and police departments when searching for an address; this is a public safety issue. Frank Cihula questioned if eliminating a Fund needs to be done through the Probate Court? Also, questions aligned with Ordinance 46 and implementation of verbiage to the Code.

Linda Fulton shared that she and Cheryl had attended the Safety program at the Community Center earlier that evening and was disappointed that so few Residents were in attendance. She indicated that there should have been more advertising about this event.

Public portion closed at 7:19 p.m.

Meeting adjourned at 7:19p.m.

UTILITIES –Frank A. Germano, Chair

Committee Members:

Christopher L. Biro, Nancy E. Fellows

COMMITTEE MEETING OF JUNE 2, 2014

Members Present: Councilman Frank A. Germano, Chair, Councilman Christopher L. Biro

Also Present: Councilman David M. Fiebig, Councilman Christopher Hallum, President Raymond C. Somich, Finance Director Frank A. Brichacek, City Engineer Pietro A. DiFranco, and Road Superintendent Nate Catania

Purpose of the Meeting was to discuss **Current Status of the Sanitary Sewer System** and any other business.

Meeting convened at 7:00pm

Order of Business

Discussed with Finance Director having the sewer rate based on usage under 10 units. Conclusion: it would cost the City money or raise rates; sewer rate schedule stay as is

Revenue is on course with projections

Back flow preventer installed at Stratford Place

Public Portion

At 7:55, the following came forth with questions/comments: Linda Fulton (when cleaning sewers, why not all manhole covers open). Nate Catania responded that the hose is long enough to go through. Public portion was closed at 8:00pm.

Meeting adjourned at 8:00pm

President Somich asked if there is a meeting tentatively scheduled for Monday (June 30). **Councilman Germano** stated that meeting will be cancelled.

OTHER COUNCIL REPRESENTATIVE REPORTS

Councilman Plecnik stated at the last Planning and Zoning Committee Meeting, there were several houses approved for construction and the signage for Heritage Motorcycle Company on Bishop Road was also approved. They also did the first reading on the Planning and Zoning Commissions proposed amendments and there were no objections raised.

PUBLIC PORTION

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

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

Public Portion was opened at 7:35pm

1. Tanya Taylor-Draper
2909 Stratford Place
Re: Thank you to the Mayor regarding the actions between Tuesday night and Wednesday night after the storm was remarkable. The Service Director did a wonderful job and our residents did not experience any flooding.
2. Robert Kowalsky
2585 Timberline Drive
Re: 1) What causes the difference in revenues for the Tax Budget? 2) Questions regarding Ordinances 2014-50, 2014-51, and 2014-52; 3) Had questions pertaining to the intent of Ordinances 2014-46, 2014-47, 2014-48, and 2014-49 (Planning and Zoning Code)
3. Frank Cihula
35060 Dixon Road
Re: Is Fund No. 443 still going to receive the interest? If not, where will the interest go?

Public Portion was closed at 7:42pm

UNFINISHED BUSINESS

No unfinished business was brought forth to Council.

LEGISLATION

ORDINANCE NO. 2014-33 – THIRD READING

1st Reading: May 22, 2014

2nd Reading: June 12, 2014

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 BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE ROSEWOOD TRAIL STORM SEWER MAINTENANCE PROJECT AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2014-33.

Councilman Plecnik clarified for those people in the crowd who aren't already familiar, we were informed at the last meeting that this project is already completed so what we are voting on is just a budgetary issue of moving money from one account to another, but the Rosewood Project is already done.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-33 has been adopted.

ORDINANCE NO. 2014-36 – SECOND READING

1st Reading: June 12, 2014

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A RENEWAL OF AN EXISTING 2.5 MILL LEVY IN EXCESS OF THE TEN (10) MILL LIMITATION AT THE GENERAL ELECTION TO BE HELD NOVEMBER 4, 2014 FOR THE CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS, BRIDGES AND THE REPLACEMENT AND REPAIR OF NECESSARY ROAD EQUIPMENT & MACHINERY INCLUDING BUT NOT LIMITED TO MATERIALS, LABOR & FACILITIES IN THE CITY AND DECLARING AN EMERGENCY.

President Somich declared that Ordinance No. 2014-36 will remain on Second Reading.

ORDINANCE NO. 2014-42 – SECOND READING

1st Reading: June 12, 2014

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 BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE PLEASANT VALLEY ROAD STORM SEWER PROJECT AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2014-42.

Councilman Plecnik asked Councilwoman Fellows what the recommendation was for this Ordinance. **Councilwoman Fellows** replied that the majority of the Rules and Legislation Committee recommended to Council to waive the Three Reading Rule and adopt. **Councilman Plecnik** asked was there any rationale for that? **Councilwoman Fellows** stated the discussion was the fact that the project is completed and the monies were granted from Lake County so it was to finish up the paperwork since everything else is done.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Ordinance No. 2014-42 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to adopt Ordinance No. 2014-42.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-42 has been adopted.

ORDINANCE NO. 2014-43 – SECOND READING

1st Reading: June 12, 2014

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 BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE CHAGRIN DRIVE DRAINAGE PROJECT AND REPEALING CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-43 will remain on Second Reading.

Councilwoman Fellows asked if this project had yet been completed. On Monday (June 23), it had not been. The **Mayor** replied no.

ORDINANCE NO. 2014-44 – SECOND READING

1st Reading: June 12, 2014

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 BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE DODD/EAGLE NEST ROADS DRAINAGE PROJECT AND REPEALING CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-44 will remain on Second Reading.

ORDINANCE NO. 2014-45 – SECOND READING

1st Reading: June 12, 2014

AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR 2015 FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

President Somich declared that Ordinance No. 2014-45 will remain on Second Reading.

ORDINANCE NO. 2014-46 – SECOND READING

1st Reading: June 12, 2014

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE SEVEN – ZONING DISTRICT/USE REGULATIONS, CHAPTER 1133 – SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS, SECTION 1133.04 – SETBACK REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-46 will remain on Second Reading.

President Somich would like to remind everybody that if they would like to read those, the copies are available to review and consider. These have been well vetted through the various Committees and through Council and they are now on Second Reading which means they will be passed at the next meeting unless we hear otherwise from our residents if there is any problem or concerns with it. There will be a Public Hearing at the beginning of the next Council Meeting on these Ordinances.

ORDINANCE NO. 2014-47 – SECOND READING

1st Reading: June 12, 2014

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE SEVEN – ZONING DISTRICT/USE REGULATIONS, CHAPTER 1137 – COMMERCIAL DISTRICT REGULATIONS, SECTION 1137.06 – OFF-STREET PARKING AND LOADING REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-47 will remain on Second Reading.

ORDINANCE NO. 2014-48 – SECOND READING

1st Reading: June 12, 2014

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE ELEVEN– SUPPLEMENTAL DEVELOPMENT STANDARDS, CHAPTER 1153 – OFF-STREET PARKING AND LOADING REGULATIONS, SECTION 1153.07 – LOCATION OF REQUIRED PARKING SPACES AND SECTION 1153.11 – REGULATIONS FOR ACCESS DRIVES OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-48 will remain on Second Reading.

ORDINANCE NO. 2014-49 – SECOND READING

1st Reading: June 12, 2014

AN ORDINANCE AMENDING PART THIRTEEN – BUILDING CODE, TITLE THREE – LOCAL BUILDING PROVISIONS, CHAPTER 1345 – BUILDING NUMBERING OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-49 is the last of the Zoning series and will remain on Second Reading.

ORDINANCE NO. 2014-50 – SECOND READING

1st Reading: June 12, 2014

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 BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR INCREASING THE APPROPRIATION OF THE MOTOR VEHICLE LICENSE FEE SPECIAL REVENUE FUND NO. 255 AND REPEALING CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-50 will remain on Second Reading.

ORDINANCE NO. 2014-51 – SECOND READING

1ST Reading: June 12, 2014

AN ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO CLOSE THE MOTOR VEHICLE LICENSE TAX SPECIAL REVENUE FUND NO. 255 AS OF JUNE 30, 2014; ANY REMAINING EQUITY IN THE MOTOR VEHICLE LICENSE TAX SPECIAL REVENUE FUND AS OF SUCH DATE SHALL BE TRANSFERRED TO THE STREET CONSTRUCTION, MAINTENANCE AND REPAIR SPECIAL REVENUE FUND NO. 250; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

President Somich declared that Ordinance No. 2014-51 will remain on Second Reading.

ORDINANCE NO. 2014-52 – SECOND READING

1st Reading: June 12, 2014

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE , TITLE FIVE – ADMINISTRATIVE, CHAPTER 135 – DEPARTMENT OF FINANCE, SECTION 135.24 – MOTOR VEHICLE LICENSE TAX FUND; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

President Somich declared that Ordinance No. 2014-52 will remain on Second Reading.

ORDINANCE NO. 2014-53

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 BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE ROGERS ROAD DITCHING AND CULVERT REPAIR PROJECT AND REPEALING CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-53 will remain on First Reading.

ORDINANCE NO. 2014-54

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 BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE CURTISS-WRIGHT PARKWAY CATCH BASIN REPLACEMENT PROJECT AND REPEALING CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-54 will remain on First Reading.

ORDINANCE NO. 2014-55

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 BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE REPLACEMENT OF CITY NETWORK BACKUP EQUIPMENT AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2014-55.

Councilman Plecnik stated given our Public Record requirements and the fact that the Public is entitled to know that at any time they request documents that we have them reliably and safely on file. It's very important for our City to have a strong backup system. The short notice doesn't give Council a lot of time to consider whether this is the best possible backup system, but given the absolute importance of maintaining our data, he feels it is important to waive the Three Reading Rule in this case. **President Somich** stated he understood Councilman Plecnik could not attend the meeting on Monday due to other commitments, but it was thoroughly discussed at that meeting in terms of alternatives and credibility of the recommendation.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Ordinance No. 2014-55 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Hallum to adopt Ordinance No. 2014-55.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-55 has been adopted.

President Somich stated there are a number of benefits of that in addition to having the Public Records but, of course, everything is being backed up across the entire City on that system including the operations of our Fire Department and Police Department Dispatch and everything. It's very vital to our City.

NEW BUSINESS

Councilman Germano stated that he would like to make a Motion for Council to dispose of police equipment as surplus. The following items are going to be obsolete/out of service and individual work is less than \$1000. The Police Chief has estimated there is no value other than scrap for 15 HP Desktop Computers (hard drives removed), 4 WatchGuard In-Car Video Systems (outdated software), and 2 Coban In-Car Video Systems (outdated software).

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by **Councilman Biro** to dispose of the Police Department equipment as Surplus. The list was just given with the reasons and all of these have an individual worth of less than \$1000.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that the Motion has passed.

Councilman Biro stated he would like to make a Motion for Council to authorize the Mayor to request bids for the City's Trash and Recycle Program. According to the email of June 17, 2014 from the Mayor's Assistant, the City's current contract ends in April and they would like to start the process of getting the ad and specs ready.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by **Councilman Germano** to authorize the Mayor to request bids for the City's Trash and Recycle Program.

Councilman Fiebig stated he did not see an email from June 17 requesting that so if somebody could please forward that email to him, he would appreciate it.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that the Motion has passed.

FOR THE GOOD OF THE ORDER

President Somich:

On July 19, the 2nd of three concerts will be held at the Westside of the City at the area of Bishop and Chardon Roads and will feature entertainment throughout the day and night with musicians and different demonstrations. Merchants will also have special deals throughout the day and at the end of the evening we will have fireworks.

Councilman Biro:

Happy 4th of July!

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to adjourn the Regular Council Meeting of June 26, 2014.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Somich declared the Regular Council Meeting of June 26, 2014 to be adjourned at 8:00pm

APPROVED:

September 11, 2014
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council Pro-tem

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council