

City of Milloughby Hills

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

Regular Council Meeting Minutes of September 25, 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

Last Call and Moment of Silence for Captain Christopher Niess, a dedicated firefighter for over 30 years

Roll Call of Council

Members Present: Vice 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

Disposition of the Journal

Regular Council Meeting of September 11, 2014

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of September 11, 2014 as submitted.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich stated that the Regular Council Meeting Minutes of September 11, 2014 have been approved as submitted.

CORRESPONDENCE

City Engineer's Report dated September 18, 2014 (Emailed: September 18, 2014)

NOTIFICATIONS

Cancellation of the Finance Committee Meeting scheduled for Monday, September 22, 2014 (Emailed: September 19, 2014)

Personnel Relations Committee Special Meeting called for September 22, 2014 (Emailed: September 17, 2014)

Planning & Zoning Commission and Architectural Board of Review Meeting of August 7, 2014 (Emailed: August 5, 2014)

Planning & Zoning Commission and Architectural Board of Review Meeting of September 18, 2014 (Emailed: September 15, 2014)

Rules and Legislation Committee Meeting of September 22, 2014 (Emailed: September 17, 2014)

Working Committee of Council Special Meeting called for September 22, 2014 (Emailed: September 19, 2014)

CANCELLATION OF THE UTILITIES COMMITTEE MEETING SCHEDULED FOR SEPTEMBER 29, 2014
(Emailed: September 23, 2014)

MINUTES

Board of Building & Zoning Appeals Meeting of August 12, 2014 – Posted on the City’s Website as of September 19, 2014 ([Emailed: September 19, 2014](#))

Personnel Relations Committee Meeting of September 2, 2014 ([Emailed: September 23, 2014](#))

Planning and Zoning Commission and Architectural Board of Review Meeting of August 21, 2014 – Posted on the City’s Website as of September 19, 2014 ([Emailed: September 19, 2014](#))

Planning and Zoning Commission and Architectural Board of Review Meeting of September 4, 2014 – Posted on the City’s Website as of September 21, 2014 ([Emailed: September 21, 2014](#))

Recreation Commission Meeting of June 4, 2014 – Posted on the City’s Website as of September 12, 2014 ([Emailed: September 12, 2014](#))

Rules and Legislation Committee Meeting of September 8, 2014 ([Emailed: September 15, 2014](#))

PERSONNEL RELATIONS COMMITTEE SPECIAL MEETING OF SEPTEMBER 22, 2014 ([Emailed: September 25, 2014](#))

ON FILE

Chagrin River Watershed Partners, Inc. Memorandum dated September 22, 2014, re: Draft Minutes, Board of Trustees Meeting, September 16, 2014 along with Email Follow Up to CRWP September 16, 2014 Board of Trustees Meeting ([Emailed: September 23, 2014](#))

MAYOR’S REPORT – Robert M. Weger

City Newsletter will be in homes shortly

Road Levy—Ballot language has been mailed to our residents by our Council Clerk. Encourage voters on Tuesday, November 4th. Absentee ballot applications are available at City Hall.

Leaf pick up will be starting soon. Put leaves to edge of your property for pick up.

Acknowledgements:

Congratulations to Council President Ray Somich on the birth of his new granddaughter Sawyer Grace.

Best of luck to Service Superintendent Nate Catania who has accepted a position with the County and will be leaving on October 18th.

Best of Luck to Kyle Overmyer who has stepped into retirement effective October 17th.

Events:

WH Craft Show—Saturday, October 11th from 10 to 4pm.

Councilwoman Fellows asked if the road levy ballots were available at City Hall. **The Mayor** responded yes.

LAW DIRECTOR’S REPORT – Thomas G. Lobe

No formal report given.

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

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

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

Lamplight Culvert Project and Knecht/O’Brien Project—will likely not go into construction this year due to the amount of development in the City. We haven’t been able to work on Lamplight as much as we wanted to and we are working with the residents at the Knecht/O’Brien to get their permission but it is a slow process.

Councilman Plecnik asked if there was any way we could fast-track the Lamplight project. What is the bottleneck? **The City Engineer** responded that he is the bottleneck. The plans are on his desk for review but he has been preoccupied with Maple Valley, Clover, Dunkin Donuts, and several home plans. He has not been able to devote any time into Lamplight.

Councilwoman Fellows thanked the City Engineer for the pictures of the Dunkin Donuts property, with the email that came with the diagrams. It added some clarity to the project.

COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

PERSONNEL RELATIONS – Christopher Biro, Chair

Committee Members:

John Plecnik, Mayor Robert M. Weger

COMMITTEE MEETING OF SEPTEMBER 2, 2014

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

Also Present: Councilman David M. Fiebig, Councilman Frank A. Germano, President Raymond C. Somich, Finance Director Frank Brichacek, and Mayor's Assistant Gloria Majeski

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

Meeting convened at 6:05pm

Order of Business

Personnel Compensation and Contract Negotiation issues. Retired to Executive Session at 6:08pm.
Returned from executive session at 7:17pm.

Public Portion

No one came forward in public portion.

Meeting adjourned at 7:18pm

COMMITTEE MEETING OF SEPTEMBER 22, 2014

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

Also Present: Vice President Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano, Law Director Thomas G. Lobe, Fire Chief Richard Harmon, Recreation Coordinator Denise Edwards and Mayor's Assistant Gloria Majeski

Purpose of the Meeting was to discuss **(1) Voluntary Sick Leave Donation (2) Increasing the Staffing Level and Incorporating a Minimum Age Requirement for the Position of Part Time City Property Staff Member** and any other business*.

Meeting convened at 7:06pm

Order of Business

1. Voluntary Sick Leave Donation: Substance of **Ordinance 2014-64**. The Administration would like to extend donation of sick time to non-union employees. Union contract holders already have donation policy. Person donating could only do so if they have more than 80 hour in sick time bank and cannot go under 80 hours after donation as well as donating a minimum of 8 hours. Donations are 1for1, meaning no dollar amount assigned to hours donated and donations should not be considered until all other benefits have been exhausted. **Consensus of Committee to remove Ordinance No. 2014-64 from agenda for further discussion and revisions.**

2. Part Time City Property Staffing. Ordinance 2014-65. Amending Ordinance 2011-4 which set Part Time property staff members from 10 to 15 as well as setting age of at least 16 years old. Raising number of eligible candidates would give greater pool of individuals and more flexibility in scheduling. In fact, suggested not to assign a specific number but leave to discretion of Recreation Coordinator. This would be self regulating since individuals who work consistently can be added and infrequently can be removed from staff rolls.

Minimum age 16 suggested since individuals under 16 are harder to coordinate because of statutory guidelines on younger workers. (i.e. more frequent breaks as well as limited hours), as well as the physicality of the positions. **Consensus of Committee to drop required staffing level and establish minimum age of 16 for candidates.**

3. Uniform Allowance for Clerk of Courts and Deputy Clerk of Courts: Discussion about replacing Ordinance 1990-23 under "171.01 Uniform Allowance" to delete "Dispatcher" and insert "Clerk of Courts and Deputy Clerk of Courts" since Dispatcher Uniform Allowance already covered under Union Contract. Administration would like allowance for uniforms to give a more professional appearance to these persons that represent our City. \$400 for full time and \$200 part time disbursements to be distributed once a year in November vs. two disbursements in May and September. PO's submitted for uniforms and receipts forwarded to Finance.

Committee adjourned to Executive session at 8:45pm to discussion Personnel and Contract issues. Convened again at 9:21pm.

Public Portion

The following people came forth with questions/comments: Linda Fulton, Cheryl Ota, and Bob Kowalsky came forward with questions and concerns about issues discussed in meeting.

Meeting adjourned at 9:22pm

RULES & LEGISLATION – Nancy E. Fellows, Chair

Committee Members:

David M. Fiebig, Raymond C. Somich

COMMITTEE MEETING OF SEPTEMBER 22, 2014

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

Also Present: Councilman Christopher Biro, Councilman Frank A. Germano, Law Director Thomas G. Lobe, Mayor Robert M. Weger

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

Meeting convened at 6:40pm

Order of Business

Legislation for the Council meeting of September 25, 2014:

Ordinance 2014-59 – An Ordinance to appropriate funds for budget revisions specifically for the Service and Fire Labor settlements/contracts. **Rules and Legislation recommends this Ordinance be read the 3rd time and adopted.**

Ordinance 2014-60 – An Ordinance to appropriate funds for budget revisions specifically for Rockefeller Road North Drainage Improvement Project. Still awaiting grant funds from the Lake County Storm Water Mgmt. Dept. Service would still like to complete this project this year. It is not started. [Supposedly to hear from Lake County soon.](#) This is something that the Service dept could do; but may not get to it till next spring as leaf season is going to begin soon. We will not lose the money if we get it this year and don't do the project till next spring. **Rules and Legislation recommends this Ordinance be left on 3rd Reading; as we are awaiting funding and will need to address manpower.**

Ordinance 2014-62 – Is in reference to **Ordinance 2014-49** – An Ordinance to allow (require) mailbox numbering to be on both sides (Chapter 1345, Building numbering). **Ordinance 2014 – 49** was tabled and the topic placed in Rules and Legislation Committee of Council to re-examine the issue of requiring identifying address numbers be affixed to mailboxes to serve as a means for the identification of a residence or building. [Have not had any responses from the Building Inspector or Planning and Zoning; was not on the last P&Z agenda minutes.](#) **The Rules and Legislation Committee of Council recommends this Ordinance be on 2nd Reading?**

Ordinance 2014-64 – This Ordinance is in reference to Voluntary Sick Leave Donation and the amendment of Funeral Leave (so that the definition of family is the same for both, currently defined for funeral leave by the Administration section of the ORC) for the full time, non-union employees of the City of Willoughby Hills. **The Rules and Legislation Committee of Council recommends this Ordinance be on 2nd Reading?... at this time this Ordinance will be removed from the September 25th Agenda and remain in the Personnel Relations committee for further consideration.**

Ordinance 2014-65 – An Ordinance to increase the staff level from 10 to 15 and incorporate a minimum age level (16) for part time positions at the Community Center. Concerns that the age limit is not necessarily appropriate with level of responsibilities. For the record, Law Director Tom Lobe recommends that the minimum age be 18. **The Rules and Legislation Committee of Council recommends this Ordinance be on 2nd Reading? ... this Ordinance was reviewed in the Personnel Relations Committee. It had been suggested to amend this Ordinance to delete the quantity, or number of staff members to be hired as the Recreation Coordinator certainly has a better handle on how the needs are to be met in monitoring the Community Center.**

Ordinance 2014-67 CRA Investment. This is aligned with the development of the Dunkin' Donuts on Rt. 91. It was shared that Niyati Enterprises did return the Final Development Plans with everything addressed or checked off to the City Engineer. The "cross access" was brought up indicating that this would be at the end or back of the property. Councilwoman Fellows suggested that the City Engineer bring a drawing of the property for visual clarification. Since P&Z has not given final approval of this project... **The Rules and Legislation Committee recommends that this be on 2nd Reading.**

Ordinance 2014-68 – An Ordinance providing for a uniform allowance for the Clerk of Court (\$400) and the Deputy Clerk of Court (\$200); to be paid in one payment on November 1st of said year. [This topic was discussed in Personnel Relations Committee.](#) **The Rules and Legislation Committee recommends that this be on 1st Reading.**

Resolution 2014-5 – A Resolution recognizing the establishment of the City's official motto "Where the City Meets the

Country” by former Mayor Melvin G. Schaefer. This Resolution was brought forth by Councilman Fiebig. Councilwoman Fellows shared Council President Somich’s thoughts in his absence. Frank Cihula read the history behind the motto. [This topic was discussed in Personnel Relations Committee.](#) **The Rules and Legislative Committee of Council recommends this be on 2nd Reading?**

Public Portion

Public portion opened at 7:29 p.m.

Linda Fulton inquired as to where the increase in size of the Dunkin’ Donuts building from 1782 sq. ft. to 2032 sq. ft. would be? Pete DiFranco, City Engineer replied that the building increased in length.

Cheryl Ota inquired how the Community Center monitor positions are posted/advertised? Was unaware that seniors could be considered.

Bob Kowalski voiced his concern with the limited amount of employees slated for Dunkin’ Donuts. Also concerned with how far back the building will go now in terms of the property behind it. Pete DiFranco, City Engineer stated, “it is within the rules.” Bob also commented on the funds for the Pleasant Valley Road Bridge aligned with [Ordinance 2014-50](#).

Public portion closed at 7:36 p.m.

Meeting adjourned at 7:36pm

SERVICE – Christopher Hallum, Chair

Committee Members:

Frank A. Germano, John Plecnik

COMMITTEE MEETING OF SEPTEMBER 8, 2014

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

Also Present: Councilman David M. Fiebig, President Raymond C. Somich, Finance Director Frank Brichacek, Road Superintendent Nate Catania, Mayor Robert M. Weger

Purpose of the Meeting was to discuss: **Matters concerning Capital Improvement Projects and Equipment for 2015** and any other business.

Meeting convened at 7:36pm

Order of Business

The remainder of the Services Committee meetings are predominantly planned to plan the budgeting for 2015. Other items may still be discussed. **Finance Director Brichacek** stated that the amount for 2015 is anticipated to be the same as 2014. Primarily dependant on whether the Road Levy is approved or not. If the Levy is not renewed, that would cut the budget nearly in half. The salt contract will add approximately \$120,000 assuming same levels as last year due to the anticipated increased cost of salt to approximately \$80 per ton up from \$25 per ton in 2014. The salt budget for 2014 is expended. We need to begin to prioritize the significant projects for 2015 so that we can figure out how to work them into the budget.

Councilman Hallum stated that we need to take the total budgeted amount for 2015 subtract out the items that must happen, and the remainder is what will be available for the afore-mentioned 2015 projects. Road Supervisor Nate Catania stated that planning in the winter for next year will play a significant role in reducing costs for next year. **Mayor Weger** stated that the most important thing is to get out the word on the importance of renewing the Road Levy. **Finance Director Brichacek** agreed to get the numbers regarding the must do services, and provide the expected balance available for significant 2015 projects. **Councilman Fiebig** mentioned the other big factor is the Rt. 91 Project. **City Engineer Pete DiFranco** will follow up on the planning for the 91 Project.

Councilman Fiebig asked about the Pleasant Valley Road Bridge. **Road Superintendent Nate Catania** stated that it didn’t need to be done this year, and it will be more economical to do it all next year. **Councilman Germano** suggested that maybe we should mix gravel into the salt from the beginning to conserve salt. Suggested 10-25% mix of stone.

Public Portion

Public portion opened at 7:56 p.m.

Frank – Willoughby Hills Towers use back parking lot for retention

Linda – What is the status of the O’Brien Property? – Storm Water Issue

Public portion closed at 7:54 p.m.

Meeting adjourned at 8:06pm

WORKING COMMITTEE OF COUNCIL MEETING

Monday, September 22, 2014
Council Chambers

Present: Vice President Nancy E. Fellows
Councilman Christopher L. Biro
Councilman David M. Fiebig
Councilman Frank A. Germano

Absent: Councilman Christopher Hallum
Councilman John Plecnik
President Raymond C. Somich

Also Present: Mayor Robert M. Weger
Law Director Thomas G. Lobe
Clerk of Council Victoria Ann Savage

Vice President Fellows called to Order the Working Committee of Council at 6:15pm by stating that the topic of discussion for this Working Committee of Council Meeting is Resolution No. 2014-5. This is a Resolution recognizing the establishment of the City's Official Motto **"WHERE THE CITY MEETS THE COUNTRY"** by former Mayor Melvin G. Schaefer. **Vice President Fellows** explained that we had this resolution in Council (Rules and Legislation Committee Meeting of September 8th) two weeks ago and it was recommended that it remain on First Reading and that it be brought to the Working Committee of Council for further discussion.

Vice President Fellows stated that she would like to present the comments of President Somich and explained that additional comments would then be heard by the Members present this evening. Vice President Fellows further stated that the meeting was not going to go past 6:30pm this evening for two additional meetings have been scheduled for this evening, Rules and Legislation (6:30pm) and Personnel Relations (7:00pm). **Vice President Fellows** did not want to back up the meetings and if another meeting is required, Resolution No. 2014-5 would more than likely remain on Second Reading on Thursday, so there would still be time for further discussion.

Vice President Fellows read the following comments provided to her earlier this afternoon via email received from Present Somich:

#1

My comments on the proposed resolution...

Please do not misinterpret my calling for this meeting as either an endorsement of our current city motto or a strong desire to change it.

Since we are discussing a resolution about it, I believe that this is time that we need to discuss its continued relevance in representing our city.

If we have consensus, or a strong majority that it is the best that we can do, then we should adopt the resolution.

If we do not have at least a strong majority of council (5 of 7 members, in my opinion) on this right now, I think we should have further discussion on the current motto and consideration of other mottos, including but not limited to the one that the mayor (may want to state which mayor since you mentioned above Mayor Shaeffer and this reference is referring to wager) has recently suggested. Since our motto was originally adopted by city council, I think it is appropriate that city council makes a change or reconfirms it.

#2

My general comments on choosing a city motto...

In my career in marketing and advertising, I believe a motto (or tag line as it is commonly referred to in corporate marketing) is a VITAL part of establishing a brand. It needs to be a clear and concise reason why people should "do business with you", which in our application means they want to reside here or put their business here or come to a business that is here.

In my opinion, “where the city meets the country” does accomplish this branding identity for some residents searching for aspects of city life and country life. The question should be asked, are there other quality potential residents that would be more motivated by a different identity for the city they choose to live in (this sounds awkward; do you want to say “qualities that potential residents would be more motivated...”)? Is our current motto at worst a “non-factor” or is it possibly sending the wrong signal to upper scale homebuyers who are seeking something else? (such as great city services, progressive thinking, all of life’s best comforts, etc.)

Also, I do not think that it helps attract businesses or visitors to patronize our businesses. In this case, I think it is a “non-factor”, which means I do not think it hurts us, but I don’t think it helps our cause. If we are serious about economic development, we need to consider a change.

#3

One thing more... if we do decide to have more discussion about a possible change after tonight...

- 1) I think we should delay the resolution until we make a final determination. If we make a change that would be a fitting time to acknowledge the former mayor and motto at the same time as we adopt the new one. If we do not change it, we can all adopt it knowing we did our proper evaluation.
- 2) I think this is an important decision that should include input from marketing experts, residents, the business community, etc. This decision should not be made quickly or in a vacuum but after much consideration of our options.

Thank you for your consideration of my thoughts.
ray

Vice President Fellows asked who would like to make any statements, comments and/or thoughts.

Councilman Fiebig stated that he would start because it was sort-of at his push to recognize and he thinks that President Somich has gone a little too deeper into the woods than the intent of what the Resolution was, he just simply recognized that it had been twenty-five years since Resolution 1989-10 was approved by Council and it was the 25th year anniversary; so that is really the intent if you read the language within the Resolution, it doesn’t say that we are married to this language, to this Motto for the next twenty-five years or anything like that; it just simply recognizes the efforts of the former Mayor and the fact that is when people think of Willoughby Hills, “**WHERE THE CITY MEETS THE COUNTRY**” it is a very recognizable tag-line and people do use it. They use it casually, they use it as a sense of place, it gives a person a sense of location, where we are, he thinks that if anybody is thinking of moving here and they are looking for that sort of thing that you are on a border-line of a urban vs. a rural environment, it gives you that immediately within just a few words, it gives you that sense of place. So in that regard, he agrees with President Somich in the decision to change it shouldn’t be made quickly, or it shouldn’t be made in a vacuum or it shouldn’t be made with just a few people, it should be made with input, certainly from Council, from the residents, from the marketing people, from the business community, and he thinks that we all should, but that really wasn’t the point of the Resolution; but he is glad that it sparked some conversation here. Councilman Fiebig stated that he did not agree with President Somich on, if we are serious about it, Economic Development, we need to consider a change, he doesn’t think that the two are necessarily linked together. He doesn’t think that Economic Development and the City Motto are going to be linked to the point that President Somich stated in his email that somebody is going to locate their business here because of the City Motto. There is a whole different package of reasons that people do that, so that is just the general purpose, just wanted to recognize former Mayor Schaefer and the work that he did, twenty-five years of the City Motto and certainly is a part of Willoughby Hills and that is all that the Resolution was intended for.

Councilman Biro stated that what President Somich wrote...he has a strong marketing background, so Councilman Biro does agree with the fact that a business is not going to locate itself here for that reason, for a City Motto. We have entertained this motto for twenty-five years; he is not opposed to looking at something different, you know we have changed in twenty-five years; maybe it is not such a bad idea to look at different options, different mottos to see that maybe something would fit our current, our present time. So to him, once again, it is not why people come here or businesses locate here; it is kind of a neat little phase that you are proud of; but he is not opposed to change. Twenty-five years is a long time and maybe we need to look at different mottos.

Councilman Germano stated that the way he looks at it, is that it has been twenty-five years, the City has changed, the world has changed, everything has changed, why can’t things here in the City change too in that regards. What is the history of this motto that we are talking about that was passed twenty-five years ago? Was it a consensus of the whole City, was there a pamphlet that went out asking who did it...who came up with it, was there one person who made it up? Or everyone was involved? What is the history and whatever the history is maybe that is what we need to do....he means that if it was good for the goose is good for the gander; whatever happened last time, was it a big consensus, paperwork went out, everybody filled something out and then was it a contest to make it happen, okay then we could do that too. If it was one person, then why can’t it be one person?

Vice President Fellows replied that in former Mayor Schaefer’s letter, dated June 30, 2014, he says “In the 1980’s, I became aware that neighboring cities had mottos, and we had none. I then coined the motto “Where the City meets the Country”. Since this was going to be significant step, I felt I should have the advice and consent of City Council. I prepared and sent to City Council Resolution #1989-10 which was approved by Council. This motto was quickly accepted and approved by the majority of our

residents. Everyone felt that the motto accurately depicts the character of our community. It continues to be a very popular and easily remembered motto.” Vice President Fellows stated that is from Mel’s letter, but the actions, Frank, she doesn’t know unless we ask former Mel Schaefer, we ask the Historian Frank Cihula.

City Historian Frank Cihula stated that it was in the “Did You Know” for the July 2014 Newsletter and it reads: “History of our City Mottos Signs....It begins in 1989 when Mayor Melvin G. Schaefer noticed that many cities around Willoughby Hills had City Mottos posted on signs on roads leading into their cities. Since taking office, he had been concerned that many people still thought that we were still a Township. He felt that Willoughby Hills needed name recognition. He thought up the wording including a background for it and ran by some friends for their comments which were favorable. He then submitted it to a sign company and they refined the art work and made it into a sign. Our City Council adopted Resolution No. 1989-10 on May 25, 1989 making it official. In talking to many residents he found that most approved with the signs and felt that the motto accurately depicted the character of our community. It became a popular and an easily? remembered motto.

The three “Whereas” in the Resolution describe the desirability of it, having it and displaying the motto:

“Whereas, the City of Willoughby Hills is the western most community in Lake County with easy access to Cuyahoga County and the many cultural amenities of the City of Cleveland; and

Whereas, the residents of Willoughby Hills also enjoy and wish to preserve the forests and green meadows afforded by our many parks, farms and spacious home sites, and

Whereas, the adoption of a motto by the city will serve public notice of our intent to preserve a quality of life long treasured by the residents of this community.”

Thus, our City Motto, complete with a sign to be posted at the entrance to our City was born. There is a photograph of the sign located on SOM Center with a beautiful planting that has been maintained; Mr. Cihula stated that this is the only one that has a planting. He believes that River does not have one and Worrell Road does not have one. Mr. Cihula stated that personally he favors keeping the current City Motto as it is.

Councilman Fiebig stated that River Road does have plants.

Vice President Fellows stated that she took the Resolution, because there has been comments made that it doesn’t really fit what we are today. But if you are going to change the motto then you need to change the website. Because half of the “Whereas” in this Resolution came from the website. So if we are saying that the motto doesn’t match us, then the website does not either. So that is something that probably would need to be considered. The other thing is, Howard Hanna as a realtor, uses in their website, when they are showing Willoughby Hills homes they start by saying “Willoughby Hills boasts the motto “Where the City Meets the Country”, Howard Hanna uses our brand as well to depict the homes that are being sold in Willoughby Hills, just an example where else the motto is. Vice President Fellows went on to say that she found a little book called “City Comforts” by David Sucher and he speaks to different chapters in his book on what City Comforts actually are. Now we do have certain City Comforts within our City, he talks about have a Community Center or a place where residents can meet. However, he talks about mass transportation which we do not have, we do not have busing that goes from point A to point B. He talks about streetscaping and sidewalks, we only have sidewalks on Bishop Road and we don’t have City water in the entire community. **Law Director Lobe** stated that we have City water, not all residents have sewers. **Vice President Fellows** stated that east of 91 we have larger lots and have septic tanks; sanitary sewers would be a City Comfort.

Vice President Fellows stated that it is 6:30pm and she wanted to open Public Portion. We will then adjourn and she will give the information back to President Somich. Resolution No. 2014-5 is on the Agenda for the Regular Council Meeting to be held on Thursday, September 25th and it will be on Second Reading, obviously we need more time with it unless the Mayor or the Law Director want to say something this evening. The Mayor and the Law Director provided no comment.

Vice President Fellows opened Public Portion at 6:30pm with the following residents coming forth:

1. Faye Sivalizan
37250 Chardon Road

Re: The City Motto meets the real description of the City now more than it did even when it was established. She feels that it is very appropriate just the way it is.

2. Linda Fulton
2990 Marcum Boulevard

Re: Since the motto was formalized, it was more country then we do not have farms anymore; she does like the motto but she thinks that it could be changed. But she doesn’t think that it should be changed when it has not been talked about, i.e. where did that sign come from over there on Rt. 91, all of a sudden, it is a new sign with a new motto and nobody had even heard about it, where did it come from. Who changed it? And Why? Believes that it is important to talk about it and come up with a new motto or

keep the motto the one that we use presently because it is important, it is important to the City. People identify us with a motto but it should fit what the City is. It is not coming up with a motto and Council not even knowing about it. Ms. Fulton stated that she feels that there should be more decision on it.

3. Cheryl Ota
2960 Marcum Boulevard

Re: Attracting businesses and residents, we are getting pretty well built up around here as far as residents are concerned. Willoughby Hills never did want any businesses. Wickliffe has all kinds of businesses, their motto is the Geranium City and it has nothing to do with anything. They think that it is a beautification thing. They thought that it was a nice gesture because they think that geraniums are beautiful. There use to be a lot of geraniums; she lived there thirty-five years ago, there were geraniums everywhere, there doesn't seem to be that much anymore. She feels that the current City Motto fits the City; feels that people are not going to move here because of a motto. Cheryl stated that Mentor's motto is "It is better in Mentor"...what is better in Mentor? **Vice President Fellows** stated that Willoughby is the "Courtesy City". Cheryl stated that here we have Loehman's completely abandoned practically up there, and she doesn't see anybody killing themselves to get that straighten out; if there is anything that is derogatory towards the City, it is that. She always wondered where the motto came from, and if you do want to change it, you should go to the residents. The residents seem to pay all of the bills but they never seem to come into being here, recognizing or voicing their opinions.

4. Robert Kowalsky
2585 Timberline Drive

Re: Let me give it to you a little more factual and a little more effort than just coming along, going along, be a partner with me, shoulder to shoulder. There is a sign on Rt. 91 without anyone knowing anything about anything or even admitting that they know. City and Country, he can hold them in his hand, in his brain he can really put it together. Whether we're more City now, we are still right next to the Country. Do you want Kirtland mad at us? How much development did they do from their boarder and beyond to their City Center? How much development, not much on Rt. 6. Now here is the thing, what is it, City Comfort, Country Charm? You are on the same old argument, East and West that is what you are doing to us. You have a plan going here that you aren't going to tell us about. If you say City Comfort and Country Charm, if you look that up, do you know what you get? You get a condominium that they want to sell you in Florida, you get one in the Gulf of Mexico on the peninsula and you get one in Hawaii, there are all like condo things. Now if you take Country and City and you put our saying on the internet, you know what you get, Australia, there isn't anybody in the United States that uses that, like we're the only one. Okay, no one uses it. Do what he says, he didn't really say it but it is what everybody wants, put it up for a vote, you still got time, put it up for vote and take that sign down. Mr. Kowalsky stated that he knows that there is a plan but you are not telling us, you all got this plan, you spent over \$200,000 for two properties, what is the City doing buying properties.

5. Frank Cihula
35060 Dixon Road

Re: To correct a statement made, we do have a least one farm in Willoughby Hills, Riggins Farm. He has a list of between 40 or 50 farms that were in Willoughby Hills or Willoughby Township and if nothing else, the City meets the Country in Kirtland Hills.

With no further business to discuss, Vice President Fellows adjourned the meeting at 6:39 p.m.

Submitted by: Victoria Ann Savage, CMC
Clerk of Council

OTHER COUNCIL REPRESENTATIVE REPORTS

Councilman Fiebig, as trustee of the Chagrin River Watershed Partners, attended their quarterly meeting on September 16th. They welcomed a new Executive Director, Heather Elmer, who was the Ohio Coastal Training Program Coordinator for ODNR prior to joining the Chagrin River Watershed Partners. The people who spoke of her spoke very highly and she seems well suited to step into her new role. Other highlights of the meeting included the budget being approved, although there will be a 1% increase to the City and to all participants. Various projects that were done were also highlighted including the one at the Community Center. The Algae Blooms were discussed as well.

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 7:31pm

1. Joan Mazie
2837 Stark Drive
Re: Provided Councilman Fiebig with photos of the end of Stark Drive. The Mayor and Fire Chief have stated that the drive has to be opened for emergency vehicles, but this drive is never plowed in the winter. She is requesting that they either keep the drive opened at all times or close it.
2. Linda Fulton
2990 Marcum Blvd
Re: 1) Commented on Ordinance 2014-65: make minimum age 18 due to the vast responsibilities of the position; instead of hiring all part-time employees at minimum wage, hire 2-3 people on a more permanent basis at a slightly higher cost; 2) Regarding Ordinance 2014-68: employee making \$47,000 but is requesting a uniform allowance—the City is being frivolous with the taxpayer's money if they pass this Ordinance

Public Portion was closed at 7:35pm

UNFINISHED BUSINESS

Councilman Fiebig would like Council to discuss the issue regarding Stark Drive to see if any problems can be alleviated. Can we refer that discussion to the appropriate committee? **Councilman Biro** stated that Safety can look into it.

Councilman Hallum stated with regard to the Dunkin Donuts CRA, at the last meeting we discussed the \$250,000 salary and whether there was anything that said if they didn't do that, do we still give them the same amount. His understanding now is that if we don't have something in the CRA that states what that is, in other words instead of doing \$250,000 and instead did \$200,000 as a reduction every time based on that salary number, there is no real penalty. It has to be written into the CRA. **Law Director Lobe** replied that it is already in there under Section 9 and it mirrors the State. **President Somich** replied that the Economic Development Director highlighted where that is detailed in the ORC Section. **Councilman Hallum** reaffirmed that we weren't just giving the money away... **Law Director** commented that at the last meeting they talked about it and gave it to Steve who said they have to meet it substantially; the big question is what is substantially? We use the same basic guidelines and principles as in the Revised Code, specifically Chapter 37, whatever it is, or he believes it is in Section 9 (of the Agreement). **Councilman Hallum** stated so they have stake in the game, too.

President Somich addressed the comments made by Ms. Fulton. The plan is that both Ordinances referenced will continued to be researched and looked at and neither of the Ordinances will be passed tonight.

LEGISLATION

ORDINANCE NO. 2014-59 – THIRD READING

1st Reading: July 24, 2014

2nd Reading: September 11, 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 SERVICE AND FIRE LABOR SETTLEMENTS AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Biro to adopt Ordinance No. 2014-59 as amended.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-59 has been adopted.

ORDINANCE NO. 2014-60 – THIRD READING

1st Reading: July 24, 2014

2nd Reading: September 11, 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 ROCKEFELLER ROAD NORTH DRAINAGE IMPROVEMENT PROJECT AND REPEALING CONFLICTING LEGISLATION.

President Somich declared that the funding has not been approved for the project; therefore, Ordinance No. 2014-60 would remain on Third Reading.

ORDINANCE NO. 2014-62 – SECOND READING

1st Reading: September 11, 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. 2014-62 would remain on Second Reading.

ORDINANCE NO. 2014-65 – SECOND READING

1st Reading: September 11, 2014

AN ORDINANCE AMENDING ORDINANCE NO. 2011-4 TO INCREASE THE STAFFING LEVEL AND TO INCORPORATE A MINIMUM AGE REQUIREMENT FOR THE POSITION OF PART TIME CITY PROPERTY STAFF MEMBER.

President Somich declared that Ordinance No. 2014-65 would remain on Second Reading.

ORDINANCE NO. 2014-67 – SECOND READING

1st Reading: September 11, 2014

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT ACT AGREEMENT BY AND BETWEEN THE CITY OF WILLOUGHBY HILLS AND NIYATI ENTERPRISE LLC AND DECLARING AN EMERGENCY.

President Somich stated that this issue we have heard has been vetted through and all of the qualifications has satisfied the City with the exception of going to the Planning and Zoning at their very next meeting. He would entertain if anyone would like to consider having the Third Reading be Waived this evening.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2014-67

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 by a strong majority the Three Reading Rule for Ordinance No. 2014-67 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2014-67.

Councilman Plecnik questioned Section 9 of the suggested Agreement. Is there any question as to whether or not we should tighten it up and define “materially fails to fulfill its obligations” and more specifically say including being X dollar amount beneath the \$250,000 of taxable income they are suggesting because that is really the concern we have. We are giving them a benefit assuming a certain level of taxable income and if they fall a great deal underneath it, he is not sure, given that he is not familiar with this particular area of the law, how the word “materially” is interpreted. Maybe it is very clearly interpreted and if they are 10% below, a penalty kicks in. Maybe,

it's not so he would pose that question to the Law Director whether it is a well-defined enough term that we are comfortable with it.

Law Director Lobe stated it is a legal term, but it is never well-defined. All we did is mirror the State Statute, but we can make it looser or tighter; this is the same Provision that has been before you previously in another Ordinance. In this particular case, this is the first one out-of-the-box and we are doing exactly what the State requires.

Councilman Plecnik asked if it would be possible to provide if it's beneath \$200,000; he would think it would be fairly material from our standpoint if you have a 20% reduction in what was promised to us, he would like to have an automatic kick-in so we wouldn't have to go to Court and litigate it. Everyone would understand if we went below X level, then Council can revisit this and lower the amount of the abatement.

Law Director Lobe replied it would have to be reviewed and we would have to file an objection to the State as to if it is in fact material, substantially or not.

Councilman Plecnik questioned but could we have an objective standard?

Law Director Lobe stated we could always put in an objective standard; we can make things broad, we can make them narrow. The State has not made it narrow; they are the ones who have done this for years. The General Assembly has not sought to do it. You are allowed to put things into a contract, but he doesn't know if the State would approve it, he assumes they would, or modify it as such.

Councilman Hallum asked the Law Director if there has been any cases like this where they didn't materially meet it and how did that go if there was a case like that?

Law Director Lobe replied he has not researched that at this point; we have had the CRA in the City for he doesn't even know for how long, because we made every commercial district a CRA, and we've had the opportunity once or twice to get close to utilizing it, but we've never had to so we are sort of in a new area. The other cities he represents have the same type of language in them.

Councilman Fiebig stated for those reasons that were just stated, he would like to see the project approved by Planning and Zoning. Since it is not ready, he will be voting no on this.

Councilman Plecnik stated given what our Law Director says, he is not aware of any reason why we can't have a more specific requirement, he would make a Motion to amend the CRA to state after the CRA fails to fulfill its obligations under this Agreement, including a failure to meet at least 80% of the \$250,000 target in Article I, with respect to the payroll, simply insert that proviso to state that one of the material failures will be a failure to meet 80% of its goal of approximately \$250,000 in Article I to make sure they are in the ballpark of what they are promising us.

President Somich replied to reiterate our Law Director's point, this has been under consideration from Council for 4-5 months and this document hasn't changed significantly through that period of references to the dollar so there has been ample time to consider this change that has just been suggested and he believes that it has already been signed by the other party so if we are going to change it now substantively then technically we don't have a signed Agreement to pass, because the Agreement that has been signed would not be the one we would be approving if we did amend it.

Councilwoman Fellows agreed that we have been discussing this for a very long time and we have had this document, but we have to remember that there were some changes that came back from Niyati Enterprises; he increased the footage on the store and he also decreased his employees. To her, whatever term people want to use, there were changes so while the document has been around for awhile there were some things that he changed that could affect the bottom line.

Law Director Lobe replied that Councilwoman Fellows' comments are correct, but the \$250,000 never changed. That is the real dollar and cents number.

Councilman Plecnik stated that is exactly his concern. That is the number we care about, but when we saw the number of employees were cut by almost half, that gave us a legitimate question of is the \$250,000 still accurate even though it is included in the Agreement. We were sure that it was, but at the last meeting the question was posed to the Economic Development Director of what happens if they don't comply with the Agreement and he replied that state penalties would kick in, but we really didn't get the clarification that the standard is somewhat open to interpretation and his concern is that they will come materially below in our view, but not materially below in their view and then we would have a disagreement and potentially litigation. An objective standard here would be very helpful to the extent that Niyati Enterprises is being absolutely upfront and honest with us; he doesn't think they would object if they really believe it is \$250,000, then falling \$50,000 below would be a pretty high miss of the target before anything would kick in so he still thinks this contract should be amended and he doesn't think it would

be a big deal to have them resign it if they are being in all good faith with us about the \$250,000 number which is what the City really does care about.

Councilman Hallum asked if something happens and we as a City feel like they materially didn't meet it, we would basically sue for...

Law Director Lobe interjected saying we would make a complaint and then the State through the Community Reinvestment Act chimes in to determine whether or not...

Councilman Hallum interrupted so then everybody lives up to whatever that Body decides.

Law Director Lobe responded that again, he never had this history with this so he can't state specifically that he has done this before. That's why I told Mr. Patel to put down a conservative number.

Councilwoman Fellows stated that she doesn't believe there was ever a Second on Councilman Plecnik's seeing as we are in the discussion part of it; because we have had this literature with us...the store is probably not going to be open, the date is next October...

Law Director Lobe interjected saying they want to start construction now; that is the problem.

Councilwoman Fellows replied she knows that, but we are not going to start gaining revenue on this until the store is actually opened, until people are starting to buy product. Then we are going to wait another year to see where the revenue is to see if it matches the CRA or not. She thinks at that time we sit down and see what all the numbers are instead of making an amendment to the CRA application today.

Law Director Lobe stated it is not only the employees, but there is a factor in here about the construction revenue. We want to get that started so we at least get 50% or our portion of the real estate taxes for those agencies such as the schools, mental health, Metroparks, etc. So there is a portion of the construction that we get as soon as it is started.

Councilwoman Fellows responded that she wasn't aware of that.

Law Director Lobe stated we get income from the construction workers and then when the store opens, we get real estate and income taxes.

Councilman Hallum replied because they are working in the City, they have to pay income taxes to us.

Law Director Lobe said correct, and we are just trying to get our fair share of it.

Councilman Fiebig stated that although the contractors are not working for Niyati, he doesn't understand why we would be getting wages from ABC Construction Company, not from Niyati.

Law Director Lobe replied it is what the project brings into the City. That is how he believes it is set up.

Councilman Fiebig responded that the CRA doesn't have anything to do with construction workers; they are working as independent contractors from the Dunkin Donuts franchisee, Niyati.

Law Director Lobe stated that they are working in the City.

Councilman Fiebig questioned that the CRA doesn't apply to outside contractors.

President Somich replied but it does include the income tax on the construction workers that are operating in our City. The City would get income taxes from the contractors that are working within the City limits.

Councilman Fiebig responded that it's not part of the CRA. His thought, in due diligence, would be to withdraw the Motion to waive the Three Reading Rule, let's flush this out, have one more meeting and let's talk about this proposal that there is a Motion on the Table for it. Let's get the project approved from Planning and Zoning next Thursday and come back in two weeks and make sure that it is the right document and we have it correct. As the Law Director has said, he hasn't done a lot of these, so let's make sure we get it as right as we can.

Law Director Lobe stated that this document is not one that he has created or one that was mastered minded by him or that he tried to plagiarized, these are form documents that we get from the State of Ohio that have been tried, tested and true and utilized throughout. Law Director Lobe stated that his experience level in this thing is really, this is a contract that is given to us and we didn't stray off this thing, much and it was only two things that he wanted to make sure, even when we did this thing, was the penalty thing because of course that is really want you want.

President Somich passed the gavel to Vice President Fellows to state that four or five months ago he did that same thing, he passed that in order to appeal to everybody here that he felt that this was very important legislation because of the tremendous effort that the City is having in trying to rebuild, especially the western part of our City, but in fact the entire part of our City from an economic development standpoint. We all know about the losses, over a million dollars that we have had in terms of state funding to us, major businesses moving out, such as Eaton and many of the retailers, Sam's and others and we have hired an Economic Development Director, full-time. We have done many other things, many committees, and many groups of people that are working to try to bring businesses into our community. So four or five months ago when this was first presented to us, he asked if we could please get this through and everybody, the consensus of Council was saying that we shouldn't do that until we get this further along

and that made sense. But that should have been the time for people then to knit-pick the state document that we are using. This is not something that the City sat in the backroom or Tom or any of us or Dunkin Donuts devised, this is a state form. This is a state process and if anybody had any questions at that time, they have had months to look at the details to get all kinds of substantiation on what happens and what doesn't happen and what could happen and where we want to go. We have a business that has a major national franchise that wants to move into our town, it is in the middle of a district that we really need to get economic development on and let's not let our failure to act for those of us who had concerns and didn't act, let's not let that hold up progress in our City, to be able to get a new tax paying entity underway, hiring people, building a building, hopefully being a catalyst to get some additional development in our community. Now we can say that it is only two more weeks, but where have we been for the last four months, where have we been throughout this period. That two hundred fifty thousand dollar number has not changed and if somebody had a question on that or a problem on that, there were many channels that people could have taken to try to validate that or verify that. We are dealing with a state form, and a state process, and he for one, have satisfied that other cities and communities larger than us like Mentor and Willoughby and Painesville and others that are using this very successfully, that haven't tweaked it, that haven't put in twenty (20) percent variations and all this other kind of stuff. You know if we are going to send the vibes out and the signals out to our community that we are going to knit-pick every dollar and cent, okay, then we are putting the sign up that we don't want business here and he doesn't think that we want that kind of sign. Now if they don't come through, then we need to go to them and find out what it is going to take to make this happen. But at this point and time, let's trust them, okay and if you don't trust it then shame on you for not doing the research on this for the last four months before we come to the eleventh-hour now and question this thing again and these are vital weeks, we know that it is suppose to be a bad winter, these are vital periods of time to get this thing approved and get the construction underway.

Councilman Plecnik, asked Madame President, to say that the reason that his concern arises at this point is because we had a very recent change to the CRA where the number of the employees was nearly half. He didn't doubt the two hundred fifty thousand dollar number with respect to thirty employees, but when you see the number from thirty to seventeen, that raises the concern that the number might be lower in real terms and to the extent that this really would be a deal breaker for Niyati, he thinks that it is more evidence that they are not going to meet the two hundred fifty thousand dollar level and he has spoken with Councilmen in other neighboring cities such as Wickliffe and Kirtland and they take the attitude that with a tiny and bear in mind, a National franchise doesn't mean that the business itself is enormous because if he buys a coffee at Microsoft Windows, doesn't mean that Bill Gates lives in Willoughby Hills; that they believe small restaurants and drive-throughs should never get a CRA, they simply don't give tax abatements and Willoughby Hills is actually very generous with respect to these types of small businesses and he is not saying that we shouldn't be, but he does think that a CRA is an agreement between the taxpayer and the business and we as the fiduciary of the taxpayer need to make sure that we are representing them well and negotiating well on their behalf and when he sees a fifty percent reduction of employees, not four months ago, but right now, it raises the issue right now. So if Niyati had come up and said seventeen employees at the outset, he would have this question then, they didn't make the reduction at that point, so he thinks that it is a new issue that we need to consider, that is why we renumbered the CRA because our Law Director and our Economic Development Director felt that it was substantial enough of a change that we had to reissue it and that is why we are not on Third Reading yet. So he agrees with them, it was a material change, it raised new issues, and he thinks that we need to consider them as a fiduciary to the taxpayer.

President Somich responded that the definition of the word "now" could mean a number of things. But he knows for sure that this change was presented to Council in July, he is not sure if it was the first meeting in July, or the last meeting in July, but that's not exactly now. We had the entire month of August, today is the end of September, we did have some dates, if not one week, perhaps two or three weeks in July, so again, if you have serious concerns about those kinds of things, that would have given you six, eight weeks to investigate it, okay, that is not now. This was not a surprise that just came across, to all of us, right now when we are trying to pass this thing quickly. So that is an incorrect opinion, an incorrect definition of the word "now".

Councilman Plecnik responded by saying that although the Council President wasn't here for the last Council Meeting, he did raise this issue then and we were not given a fully answer to the question, we are continuing to explore it, and although he wished that our Economic Development Director or Law Director could have fully flushed out the issue for us at that point, they didn't and so the issue still remained. What is the consequence for failing to comply with the CRA and we are just now, that is a somewhat, loosey-goosey standard and he understands that not every legal standard is not well defined which is why he is suggesting that we may want to have a more

strict standard; he thinks that is important, once again, as fiduciary to the taxpayers that we take that responsibility seriously.

Law Director responded (without microphone) let me clarify, we talked about it last meeting, and said that they was a penalty, and everybody heard that, so let's not say that you were not advised...he did not know the specifics because he did not want to make a miss-statement at that time, we definitely talked about the penalties, and that they are and that they are with the state and that the state also gets involved with it. In the interim, he knows that Steve Roszczyk has sent, to various Council people on this dais and has even given them the State Statute and Codes sometime ago. Okay, so to say that it is the first time; he takes deference with that because he knows what he said at this dais.

President Somich stated that we have a Motion from Councilman Biro, a second from Councilman Germano to adopt Ordinance No. 2014-67. Law Director Lobe stated that the Motion was not seconded.

President Somich stated we have a Motion....well the general discussion was of the entire topic; it didn't really relate only to that Motion, it was of the entire topic.

Councilman Fiebig stated that he would have seconded the Motion; however, not knowing all of the details, he thinks that it would be inappropriate and what he asked for was a withdrawal of the Waiving of the Three Reading and remind people that this building has not been approved by our Planning and Zoning Commission, so we don't know for sure that this building will go up, he believes that needs to come first, is to get it passed through our Building Review and Architectural Review Board so that is why he will be voting no and not for any other reason.

President Somich stated again, we have a Motion on the floor from Councilman Biro, seconded by Councilman Germano to adopt Ordinance No. 2014-67 is there any further discussion on the Motion. Hearing none, please call the Roll.

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 Ordinance No. 2014-67 has been adopted.

ORDINANCE NO. 2014-68

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE SEVEN – JUDICIAL, CHAPTER 171 – MAYOR'S COURT, BY RE-ESTABLISHING THE COURT EMPLOYEES AND PROVIDING A UNIFORM ALLOWANCE FOR THE POSITION OF CLERK OF COURT AND FOR THE POSITION OF DEPUTY CLERK OF COURT.

President Somich declared that Ordinance No. 2014-68 would remain on First Reading.

RESOLUTION NO. 2014-5 – SECOND READING

1st Reading: September 11, 2014

A RESOLUTION RECOGNIZING THE ESTABLISHMENT OF THE CITY'S OFFICIAL MOTTO "WHERE THE CITY MEETS THE COUNTRY" BY FORMER MAYOR MELVIN G. SCHAEFER.

President Somich declared that Resolution No. 2014-5 would remain on Second Reading.

NEW BUSINESS

Councilwoman Fellows stated that we went into Executive Session in Personnel Relations for employee issues and because we didn't have the entire Council there it was suggested that we might go into Executive Session this evening so that we could revisit those Personnel Related Issues with all of Council present.

President Somich stated that he was not aware of that and asked the Law Director if this is a good time to do that. **Law Director Lobe** responded by saying that he would make the Motion. Ms. Fellows is only 1,000% correct and there were some issues she wanted to adjourn into Executive Session for Personnel/Employment Issues, inviting all of Council, the Law Director, the Mayor and Chief Harmon who happens to be here again.

Councilman Fiebig requested a **Point of Order** for he had never heard of the Law Director making a Motion. The **Law Director** stated that he was hoping that someone would make the Motion. **Councilwoman Fellows** stated that she would be happy to make the Motion.

MOTION MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Fiebig to adjourn into Executive Session to discussion Personnel/Employment Issues inviting all of Council, the Mayor, the Law Director and Chief Harmon.

President Somich stated that he wanted to make clear that he (the Law Director) was only stating the verbiage for the Motion.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared Council would be adjourning into Executive Session and at this time there has been no time limit on the Session, the only remaining item on the Agenda is the Adjournment so that will be the only other item that we will come back to. **President Somich** then asked if we could modify that to include the excusing of the City Engineer from the remainder of the Regular Council Meeting.

President Somich called for Council to adjourn into Executive Session at 8:10pm.

With all Members present, along with the Mayor and the Law Director the Regular Council Meeting reconvened at 8:57pm.

FOR THE GOOD OF THE ORDER

There were no items brought forth by the Members.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to adjourn the Regular Council Meeting of September 25, 2014.

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Somich declared the Regular Council Meeting of September 25, 2014 to be adjourned at 8:57pm

APPROVED:

October 9, 2014
Date

Raymond C. Somich

Raymond C. Somich
President of Council

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council