

City of Willoughby Hills

Regular Council Meeting Minutes of December 11, 2014

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

Meeting Called to Order at 7:00 p.m. by President Raymond C. Somich

Pledge of Allegiance

Roll Call of Council

Members Present: Councilman John Plecnik, President Raymond C. Somich,
Councilman Christopher L. Biro, Vice President Nancy E. Fellows,
Councilman Frank A. Germano, Councilman Christopher Hallum

Absent: Councilman David M. Fiebig

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

MOTION WAS MADE BY COUNCILMAN PLECNIK, seconded by Councilman Hallum to excuse Councilman David M. Fiebig from the Regular Council Meeting of December 11, 2014.

Roll Call: 6 AYES – unanimous **MOTION PASSES**

President Somich stated that Councilman Fiebig has been excused from the Regular Council Meeting of December 11, 2014.

President Somich said that the first Order of Business is for the Mayor to introduce our new Road Superintendent Mark Grubiss and Career Firefighter Robert Vencl.

Disposition of the Journal

Regular Council Meeting of October 23, 2014

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt the Regular Council Meeting Minutes of October 23, 2014 as submitted.

Roll Call: 6 AYES – unanimous **MOTION PASSES**

President Somich stated that the Regular Council Meeting Minutes of October 23, 2014 have been approved as submitted.

Regular Council Meeting of November 13, 2014

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Plecnik to adopt the Regular Council Meeting Minutes of November 13, 2014 as submitted.

Roll Call: 6 AYES – unanimous **MOTION PASSES**

President Somich stated that the Regular Council Meeting Minutes of November 13, 2014 have been approved as submitted.

CORRESPONDENCE

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

City Engineer's Report dated December 4, 2014 (Emailed: December 4, 2014)

Willoughby Hills Community Center Rentals for the Month of November 2014 (Emailed: November 4, 2014)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month ended November 30, 2014 (Emailed: December 9, 2014)

Interoffice Memo from Finance Director Frank J. Brichacek dated December 5, 2014 re: 2014 Operating Budget Projections (Emailed: December 8, 2014)

NOTIFICATIONS

Board of Building and Zoning Appeals Meeting of December 9, 2014 (Emailed: December 1, 2014)

Cancellation of the Finance Committee Standing Meeting of Monday, December 8, 2014 and **Rescheduled** for Tuesday, December 9, 2014 (Emailed: November 20, 2014)

Planning & Zoning Commission and Architectural Board of Review Meeting of November 20, 2014 (Emailed: November 18, 2014)

Cancellation of the Planning & Zoning Commission and Architectural Board of Review Meeting of December 1, 2014 for there were no pending projects (Emailed: December 1, 2014)

Recreation Commission Meeting of December 3, 2014 (Emailed: December 1, 2014)

Cancellation of the Special Council Meeting scheduled for Monday, November 24, 2014 (Emailed: November 20, 2014)

Notification that the Regular Council Meeting of November 27, 2014 will not be held for such Thursday is a Legal Holiday (Emailed: November 20, 2014)

Notification that the Regular Council Meeting of December 25, 2014 will not be held for such Thursday is a Legal Holiday (Emailed: November 20, 2014)

Cancellation of the Rules and Legislation Committee Standing Meeting of Monday, December 8, 2014 and **Rescheduled** for Tuesday, December 9, 2014 (Emailed: November 20, 2014)

Cancellation of the Special Council Meeting scheduled for Monday, December 29, 2014 (Emailed: November 20, 2014)

Cancellation of the Utilities Committee Standing Meeting of Monday, December 1, 2014 (Emailed: October 28, 2014)

MINUTES

FINANCE COMMITTEE MEETING MINUTES OF DECEMBER 9, 2014 (Emailed: December 11, 2014)

ON FILE

Letter from Dominion East Ohio dated November 26, 2014, re: Notice of Filing New PIR Adjustment Case (Emailed: December 9, 2014)

WH Senior Center Newsletter for December 2014, Issue Number 80

MAYOR'S REPORT – Robert M. Weger

At the request of the Mayor, the Mayor's Report was given by President of Council Somich. President Somich stated that the Mayor had prepared the Report but due to his poor throat the Mayor asked him to read it on his behalf.

Thanked the Fire Department and Recreation Commission for a fun Winterfest last Sunday.

Leaf Pickup ending this week.

Ambulance set to leave the station next week for the chassis retrofit. We have a substitute ambulance, however, until the ambulance returns in the spring.

City Hall Closed – Christmas Day and Day After Christmas & New Year's Day

Acknowledgements:

Congratulations to the Police Department on some fine work done in the PNC bank robbery and mobile meth lab cases.

Thanks to the Greig Family for providing the Christmas Tree at the Community Center Gazebo. It is lit in memory of Dale Greig who passed away earlier this year.

Condolences:

- The Motuza Family of Canterbury Court
- The Carr Family of Dodd Road
- The Zienka Family of SOM Center

- The Nemeth Family of Maplevew
- The Bucar Family of Eagle Road

Events:

Breakfast with Santa – Saturday, December 13th from 8:30am to Noon – Make sure you make your reservations
Merry Christmas & Happy New Year!

LAW DIRECTOR’S REPORT – Thomas G. Lobe

No formal report was given.

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

No formal report was given.

President Somich stated that we will have a Finance Committee Minutes Report later and it will refer to many of the things that have been discussed from the Finance Director’s Office.

Councilwoman Fellows wanted to extend an apology to the Finance Director from our last meeting held last Tuesday; she had inferred that he had made a statement about starting the year in a negative balance or a negative deficit for a contract year so that union negotiators would see that we were...did not have much funds and she went back and looked at her minutes and notes on that and it was a different Administrative Official that had shared that comment with her. So she apologizes to Frank for that.

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

Last month met with the City of Kirtland regarding Worrell Road and began negotiations in an effort to apply for Grant Funding to resurface that road. We are still looking at that and will continue those negotiations.

Last week we had a meeting regarding the Intersection of Eddy and Trabar in response to a resident’s complaint regarding safety. A Traffic Study was performed and determined that additional signs should be put up and some tree branches should be trimmed; the City’s Service Department will be performing the work and the resident was very happy.

On City Council’s Agenda today is the First Reading to dedicate Maple Hill Road which is a new subdivision off of Maplegrove. The City Engineer inspected construction and everything is satisfactory and he recommended accepting dedication for Public Use and Maintenance. Just one item to note, we realized after the plat was recorded that the name Maple Hill Road should have actually been Maple Hill Street but it was too late to change, the County had already put it in their records and all the addresses had been recorded with the Post Office. Out of curiosity he started looking at the map and most of the streets in Willoughby Hills are named incorrectly.

Reported that he had a very successful meeting with the residents connected to the Knecht/O’Brien Project and it looks like that will be proceeding. Finalizing the design and hope to submit to the County shortly for approval of that funding.

Reported that the design of the Lamplight Lane Culvert has been completed and submitted to the County for authorization of that funding; hoping that in January that we can begin legislation at the City to advertise for bids.

President Somich commented that the City Engineer had his curiosity; he didn’t realize that there was a difference between a road and a street, as an Engineer is there technically a difference? **City Engineer Di Franco** replied no, it is actually in the Zoning Code that north, south roads should be named “Streets” and east, west roads should be named “Avenues”. And it goes on to say that diagonal roads should be named “Roads” and curving roads should be named “Drives”.

Councilman Plecnik stated that he was aware that the City was doing a Traffic Study at the corner of Bishop and White Roads to see whether or not the traffic situation should be changed, should there be a light, should there be no stop sign, should there be a turn-a-round, and is there a conclusion to that study. **City Engineer Di Franco** replied that the study said that nothing needs to be done; however, a traffic signal could be put up if the City chose to put one up, but the cost is pretty substantial. The City Engineer went on to say that we did have an unrelated meeting regarding a bridge replacement in Richmond Heights that we were invited to and at that time ODOT had mentioned that they would be putting up a temporary signal at the intersection of Bishop and White and the City Engineer said that he suggested that rather than putting a temporary signal if the City would be able to pay the additional cost to then make it a permanent signal so we are actually looking at that with ODOT but nothing has been decided.

Councilwoman Fellows stated that there were plans some years ago about having that as a round-about but that takes a lot more land to do that.

COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

FINANCE – Raymond C. Somich, Chair

Committee Members:

Nancy E. Fellows, Frank A. Germano

COMMITTEE MEETING OF DECEMBER 9, 2014 – AS CORRECTED 12/11/14

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, Councilman Christopher Hallum, Councilman John Plecnik, Law Director Thomas G. Lobe, Finance Director Frank Brichacek, Jr., Mayor Robert M. Weger

Purpose of the Meeting was to discuss **Ordinance No. 2014-73 and Ordinance No. 2014-74** and any other business.

Meeting convened at 6:32pm

Order of Business

We initially discussed the very recently announced projected carryover for end of year, which is \$1.119 million. While we applauded Administration, Employees, Council and the Community for their belt-tightening and extra hard work, we also discussed extensively how the additional carryover came to be. Although this is the largest balance in many years, it is still not at the 25% of total budget that we ideally will be at (approx. \$1.5 million). A major part of the carryover was that Police and Fire Departments had budgets for up to 20 part time police staff and up to 40 part time fire staff. Due to the State “Drop Program”, we are continuously interviewing, hiring and training new staff, but often lose them to full time positions elsewhere. We will discuss this in Personnel early in 2015. We also discussed now being in position to accrue funds for vehicle and equipment replacement, as well as major service and roads projects. This will also be discussed in early 2015.

We also further discussed Ordinances 2014-73 and 74, which provide a 1.12% increase for all non-union staff, retroactive to 1/1/14. The Mayor explained that most people receiving the increase were already within the wage schedule previously approved by Council, as well as his logic to base the ordinance on CPI. We agreed that we would further discuss that early in 2015, when we also agreed to discuss all aspects of providing raises to some or all non-union employees for 2015. There was discussion about possibly using a merit system for raises. There was also discussion on not giving this increase but instead giving a 2% or higher increase for 2015. The approximate total cost of this ordinance, in wages and benefits, is \$23,000.

Three new alternative ordinances were written without the knowledge of the Finance Committee Chair/Council President, and were not presented at this meeting. When Councilman Fiebig said that he had requested that our Council Clerk do the calculations and draft these alternative ordinances after having conversations with Councilman Plecnik and Councilwoman Fellows, Law Director Lobe strongly warned all Members of Council that such conversations outside of public meetings are inappropriate, and could be in violation of Sunshine Laws. ***PLEASE NOTE THAT COUNCIL VICE PRESIDENT HAS MADE IT CLEAR THAT NO SUCH CONVERSATION TOOK PLACE.- RCS.***

After much discussion, all three members of the Committee recommended that we suspend the 3 Reading Rule and Adopt Ordinances 2014-73 and 74 on 12/11/14. It will take 5 votes to suspend the Rule and the same to Adopt the ordinance with the emergency clause, which will allow payments to be issued in 2014.

Due to the length of the meeting, it was determined that remaining ordinances, including the temporary 1Q2015 budget appropriations will be discussed in Rules and Legislation Committee meeting immediately following.

Public Portion

At 8:10, the following came forth with questions/comments: Frank Cihula (informing Council that we were delaying the scheduled 7:30pm meeting of the BZA, for which we apologized) and Faye Sivazlian (with concerns about the safety of her entrance off Chardon Road and mapping changes for her property).

Meeting adjourned at 8:13pm

Councilwoman Fellows stated that she would appreciate Finance Chair Somich correcting his minutes; she did not have a conversation or discussion with Councilman Fiebig about his thoughts to alter Ordinance No. 2014-74. While he did share that statement with her after the Personnel Relations Committee Meeting, which we do not serve

on, she did not see these Ordinances until she met with the Clerk last Friday to discuss the Agenda for Rules. **Chair Somich** responded by saying what he will do...what it says is that he said it, what he will add to it is that Vice President Fellows said that it didn't happen, that there was no such conservation. **Councilwoman Fellows** further stated that she appreciates that and then addressed Mr. Lobe by stating that she is very much aware of the Sunshine Law; she has been around for a while.

Law Director addressed Councilwoman Fellows by stating that he agrees with her, he knows that it is a real simple point of law; if you recall what he said, he said that he cautioned, he said please don't do it, it is a gray area, you are on the line, you are close....those that did it, what was stated alarmed him and all he does is give advice and he stands by his advice and he is glad that she understands and agrees that we are on the same law. His problem is a different thing when other members on this Dais said that he is wrong about the law so he is glad to see that. That's where the meeting from last week erupted into some levels that he was not very happy about. The law is very certain and that is why he is even glad that she is clarifying the record on her part. But based upon what was said by others on the Dais that is when he had to at least give that cautionary advice and that is all that is advice was really in the spirit he was very choice in his words as you know but when he heard that he said please don't do it, in fact, don't even get close to the line. But he does have a duty to advise people and again he is not going to belabor it but please don't listen to other points of law and he will correct anybody on this Dais that makes a misstatement of law. He will never get into Council's policy, he will never get into the Member's personal opinions or political but when misstatements of law are stated forthI don't want you....he has a duty to correct it. He wants everybody to understand it because it has happened before and he needs to correct it immediately.

RULES & LEGISLATION – Nancy E. Fellows, Chair

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

COMMITTEE MEETING OF DECEMBER 9, 2014	
<u>Members Present:</u>	Vice President Nancy E. Fellows, Chair, Councilman David M. Fiebig, President Raymond C. Somich
<u>Also Present:</u>	Councilman Christopher L. Biro, Councilman Frank A. Germano, Councilman Christopher Hallum, Councilman John Plecnik, Law Director Thomas G. Lobe, Finance Director Frank Brichacek, Jr., Mayor Robert M. Weger
Purpose of the Meeting was to discuss <u>Pending Legislation</u> and any other business.	
Meeting convened at 8:15pm	
<i>Order of Business</i>	
<u>Ordinance 2014-64</u>	– This Ordinance is in reference to Voluntary Sick Leave Donation. Original was on 3 rd Reading October 23, 2014; on November 13, 2014 Council President Somich indicated because of the significant changes to the original Ordinance, that this modified one would stay on 1 st Reading. Rules and Legislation recommends to Council that the amended Ordinance be amended again by deleting the Funeral Leave section in the Ordinance and remain on 2nd Reading.
<u>Ordinance 2014-72</u>	– Dunkin Donuts Easement, in accordance with cross access easement. 1 st Reading was November 13, 2014. Rules and Legislation recommends to Council that the 3 Reading Rule be Waived and the Ordinance adopted.
<u>Ordinance 2014-73</u>	– Appropriation for wage adjustments for non-union city employees. 1 st Reading was November 13, 2014. A majority of the Rules and Legislation recommends to Council that the 3 Reading Rule be Waived and the Ordinance adopted.
<u>Ordinance 2014 –74</u>	– 1.12% raise for non-union city employees. The raise increment is now aligned with the Consumer Price Index or CPI that is used to adjust elected officials pay for services versus using the percentage that matched the non-union employees with their counter union employees as has been done in the past. Based on the current 2014 contracts for union police, fire and service, the non-union employees raise percentage is now higher instead of equal. The 1 st Reading was November 13, 2014. A majority of the Rules and Legislation recommends to Council that the 3 Reading Rule be Waived and the Ordinance adopted.
<u>Ordinance 2014-75</u>	– An Ordinance accepting Maple Hill Road as a street for public use and maintenance. Rules and

Legislation recommends to Council that the 3 Reading Rule be Waived and the Ordinance adopted.

Ordinance 2014-79 – An Ordinance to purchase 3 new police vehicles for the Budget Year 2015, through the State of Ohio Cooperative Purchase Agreement Contract. The base price \$25,867.50, for two is \$51,735.00 are to be assigned to the patrol division. The third vehicle to be assigned to the Detective Bureau is \$20,557.00. These costs do not include outfitting the vehicles. Grand total (including outfitting is estimated to be \$104, 036.00). Deadline for ordering is January 5, 2015. Appropriations will be taken from the 2015 budget. **Rules and Legislation recommends to Council that the 3 Reading Rule be Waived and the Ordinance adopted.**

Ordinance 2014-80 – An Ordinance providing temporary appropriations for the First Quarter of 2015. **Rules and Legislation recommends to Council that the 3 Reading Rule be Waived and the Ordinance adopted.**

Ordinance 2014-81 – An Ordinance to comply with State Budgetary laws requiring a municipality to maintain positive balances throughout the year (2014). **Rules and Legislation recommends to Council that the 3 Reading Rule be Waived and the Ordinance adopted.**

A discussion followed concerning:

Draft Ordinance 2014-76 in relation to breaking out the non-union police and dispatchers from proposed Ordinance 2014-74, this would be in direct relationship to their union counterparts

And

Draft Ordinance 2014-77 in relation to breaking out the non-union fire from proposed Ordinance 2014-74, this would be in direct relationship to their union counterparts

And

Draft Ordinance 2014-78 in relation to breaking out the non-union service from proposed Ordinance 2014-74, this would be in direct relationship to their union counterparts

The concept was negated.

Public Portion

No one was available for Public portion.

Meeting adjourned at 8:54pm

Councilwoman Fellows wanted to mention that after tonight, there were concerns throughout the year that in trying to follow the Third Reading Rule that there would be copious amounts of ordinances that would be carried over to 2015 and she is glad to say that after this report there is only one.

OTHER COUNCIL REPRESENTATIVE REPORTS

There were no other Council Representative Reports presented.

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 7:33pm

1. Michael Tyler
2770 Worrell Road

Re: Thanked the City for Winter Fest; Great Event. Thanked the City Engineer and the Mayor for sending him word about Worrell Road, he does appreciate it as far as its construction and then addressed the City Engineer Di Franco by saying that he hopes that his words brought up during the last Public Portion regarding Route 6, sixty-eight bumps going one way and sixty-four bumps going the other way haven't fallen on deaf ears.

Public Portion was closed at 7:35pm

UNFINISHED BUSINESS

Councilman Plecnik responded to Mr. Tyler's comments about Winter Fest by saying that he was on the first Winter Fest Committee with Fire Chief Rich Harmon who really was the driving force behind Winter Fest three years ago, last year, this year and we are so grateful for the work that he has done with University Hospitals to make it such a huge success. There were hundreds and hundreds of people through a live radio

broadcast, it really was a marquee event, so thank you Fire Chief for not only keeping us safe but bringing us some Christmas and Holiday Cheer.

President Somich thanked Mr. Tyler for saying “Thank You” because we don’t hear that very often, so he appreciates the kind words.

LEGISLATION

ORDINANCE NO. 2014-64 – AS AMENDED – SECOND READING

1st Reading: November 13, 2014

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS, SECTION 157.07 – SICK LEAVE, BY THE ESTABLISHMENT OF SUBSECTION (j) VOLUNTARY SICK LEAVE DONATION AND THE AMENDMENT OF SUBSECTION (C) OF SECTION 157.17 – FUNERAL LEAVE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

President Somich stated that we believe that we do have this Ordinance – As Amended now at a point where it is viable and workable but we decided to leave this...it will stay on Second Reading this evening to give our residents a chance to review it if they are so interested in that and bring it up for consideration at a future meeting, so it will remain on Second Reading this evening.

ORDINANCE NO. 2014-72 – SECOND READING

1st Reading: November 13, 2014

AN ORDINANCE ACCEPTING A PERMANENT FLOATING RIGHT-OF-WAY EASEMENT FOR THE PURPOSES OF INGRESS AND EGRESS TO THE PERMANENT RIGHT OF WAY EASEMENT AREA AND THE ASSOCIATED APPURTENANCES AS DESCRIBED IN THE ATTACHED EXHIBIT.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2014-72.

Councilman Plecnik stated that he feels that it is worth noting that this Ordinance is really part of a package we voted on with respect to the Dunkin Donut issue, it has gone through the Planning and Zoning Commission and the Planning and Zoning Committee of Council and many, many Council Meetings so he thinks that has been more than sufficiently vetted and is a great example of a time when the Three Reading Rule could and should be waived so he is in favor of this Motion.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Ordinance No. 2014-72 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Plecnik to adopt Ordinance No. 2014-72.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-72 has been adopted.

ORDINANCE NO. 2014-73 – SECOND READING

1st Reading: November 13, 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 WAGE ADJUSTMENT FOR CITY EMPLOYEES WHO ARE NOT MEMBERS OF COLLECTIVE BARGAINING UNITS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Hallum to suspend the Three Reading Rule for Ordinance No. 2014-73.

Councilman Plecnik stated as we discussed in the Finance Committee, so he will be brief, he believes that we should do a Compensation Study before we vote for raises so he does not support waiving the Three Reading Rule in this instance.

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

MOTION PASSES: 5 AYES/1 NAY

President Somich declared that the Three Reading Rule for Ordinance No. 2014-73 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Hallum to adopt Ordinance No. 2014-73.

Councilman Plecnik stated that once again he will be brief because we vetted these discussions at our Finance Committee Meeting on Tuesday, but he strongly feels that we should look at each individual employee in City Hall, at their merit, at where they are in their current pay scale relevant to other cities as opposed to giving a blanket raise. Many people in Willoughby Hills have not had a raise this year; it is not something that is guaranteed or even in the norm in this economy and he thinks that we need to be responsible about this. That is why he thinks that it is such a serious issue and he will say this as well, as we talked in the Finance Committee Meeting, the Finance Director showed us that most of the savings that have helped to realize our larger than usual carryover came from our Fire and our Police Departments and that gets back to something that he has said many times on Council that our top three priorities as a City are Police, Fire and Roads. Microsoft makes software, Frito-Lay makes drinks and chips but as our City the main services that we provide are safety, police and fire and our roads and he thinks that we need to give special recognition to those which is why he obviously support raises for those individuals in the Police, Fire and Service Departments but he thinks that we need to be more discriminating and more careful as to whether we give City Hall a pay raise and for that reason, he would like to make a motion and if it fails he won't make it as to the next statute which is largely implementing of the first, but he would like to make a motion to amend Ordinance No. 2014-73 to give not a 1.12% but a higher 2% raise to the Part Time Fire, Police, and Service Members as well as the Department Heads but not to include the other City Hall employees in that so he would make a Motion to:

Conform Ordinance No. 2014-73 to a 2% raise for the Part Time Fire, Part Time Police, Part Time Service as well as their Department Heads but excluding the others. He makes that Motion here, maybe it will fail for a lack of a Second, maybe it will fail in the vote but he feels the need to make that Motion to support our Police, Fire and Service Members. **President Somich** thanked Councilman Plecnik and appreciated Councilman Plecnik keeping it brief as he had stated.

President Somich stated that we have a Motion on the Floor, **Councilwoman Fellows** seconded the Motion. **President Somich** said okay we have a Motion made by Councilman Plecnik, seconded by Councilwoman Fellows and he does need to check with our Law Director to make a decision in terms of the timing of this.

Law Director stated that the Motion takes priority at this time for the amendment and then it depends upon whether it is adopted or not. If defeated then we go back to adoption of the first motion, however, this Motion takes priority at this time.

Councilman Hallum stated that while he could not agree more with Mr. Plecnik, about the contribution of our services, Police and Fire Departments he could not possible ignore the job that our Administration does in orchestrating everything else that goes on in the City. To pretend that we walk with only one leg is just not realistic and he thinks that it would not be fair to only recognize certain, to pick and choose, and that it is not the right thing to do and for that reason he cannot support the amendment.

Councilwoman Fellows said that believe it or not she has sort of the same comments that she wanted to make once Ordinance No. 2014-74 was on the Table. When you look at the Police Department, the Fire Department out on the streets protecting our citizens, whether they are part-time or whether they are full-time, they are doing the same thing. The part-timers aren't doing halftime because they are half-time policemen and through the contracts because that's the way it is, the Union policemen, while they only have 1% this year, they also had sign on bonuses and they get pension pay-backs which the part-timers do not. Now the part-timers don't pay union dues and the union ones do. So she feels that the Non-Union Police, Dispatchers, their Administrators and the Fire and Service duly deserve an increase in this raise and especially with the information that we received from the Finance Meeting for the

incredible job that Administration has done in keeping expenditures down and having an unbelievable surplus for 2015.

President Somich speaking as Chair of the Finance Committee wanted to remind everyone that we just spent over an hour discussing this in great detail at the Finance Committee Meeting and was also discussed at the Rules and Legislation Committee Meeting and in both cases, we had unanimous support out of Finance and we had majority support out of Rules and Legislation to adopt Ordinance No. 2014-73. So he just wanted to remind everyone that we had vetted this a great deal in great detail already. So the new Motion is on the floor, it has been made by Councilman Plecnik and seconded by Councilwoman Fellows.

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

MOTION FAILS: 4 NAYS/2 AYES

President Somich declared that the Motion to Amend Ordinance No. 2014-73 has failed.

President Somich stated that now we will go back to the prior Motion made by Councilman Biro and seconded by Councilman Hallum to adopt Ordinance No. 2014-73 without an Amendment.

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

MOTION FAILS: 5 AYES/1 NAY

President Somich declared that Ordinance No. 2014-73 has been adopted.

ORDINANCE NO. 2014-74 – SECOND READING

1st Reading: November 13, 2014

AN ORDINANCE AMENDING PART ONE ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS, SECTION 157.01 – COMPENSATION OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2014-74.

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

MOTION PASSES: 5AYES/1 NAY

President Somich declared that the Three Reading Rule for Ordinance No. 2014-74 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to adopt Ordinance No. 2014-74.

Councilwoman Fellows stated that it is really unfortunate that while we vetted these topics on Tuesday between Tuesday and now, she has thought a lot about this and even some of the absurd suggestions that she made like making everybody 5% because at 1.12% it was only \$23,000 and at 5% she said oh it is going to be \$200,000 and she corrected oh it is only going to be \$100,000 which was even better. For the amount of money that we would have incurred by raising this to 2% for Non-Union Police, Dispatch, their Administrators, Fire and Service by not supporting that because she supports the 1.12% she thinks that you should all be ashamed of yourselves.

President Somich stated that he feels compelled as Chair to specify that the Motion that was made a few moments ago did increase the percentage to 2% but it also did remove some of the people from receiving anything. What was defeated here, the Motion was not purely an increase; what was defeated here was the Motion to basically change the entire tone of the Ordinance in terms of the amount and the people that were being subject to it. Just to clarify, it wasn't simply a Motion to increase the percentage.

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

MOTION PASSES: 5AYES/1 NAY

President Somich declared that Ordinance No. 2014-74 has been adopted.

ORDINANCE NO. 2014-75

AN ORDINANCE ACCEPTING MAPLE HILL ROAD AS A STREET FOR PUBLIC USE AND MAINTENANCE.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2014-75.

Councilman Plecnik stated just for reference, and this didn't come out in our Council reports, when we discussed this Maple Hill Road issue, we decided that the reason why the Three Reading Rule needed to be waived is because we wouldn't be able to legally maintain the road and plow it until we formally adopted it as a City road and given the conditions we are likely to experience in the next couple of months, it is really critical to get this passed so he thinks this is a perfect example of when we need to waive the Three Reading Rule.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Ordinance No. 2014-75 has been suspended.

MOTION WAS MADE BY COUNCILMAN PLECNIK, seconded by Councilman Hallum to adopt Ordinance No. 2014-75.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-75 has been adopted.

ORDINANCE NO. 2014-79

AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO SECURE THE PURCHASE OF POLICE VEHICLES FOR BUDGET YEAR 2015 THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING AGREEMENT CONTRACT WITH SAID PURCHASE BEING EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 125.04 (C) OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2014-79.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Ordinance No. 2014-79 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Hallum to adopt Ordinance No. 2014-79.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-79 has been adopted.

ORDINANCE NO. 2014-80

AN ORDINANCE PROVIDING FOR TEMPORARY APPROPRIATIONS TO MEET THE ORDINARY EXPENSES OF THE CITY OF WILLOUGHBY HILLS, STATE OF OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2015 THROUGH MARCH 31, 2015; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN HALLUM, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2014-80.

Councilman Plecnik stated that it is with some regret that he supports this Motion not only to waive the Three Reading Rule but this temporary budget because we need to keep the lights on, we need to pay our employees, but he does wish that Council had more thoroughly discussed next year's budget; we didn't have to make temporary appropriations for the first several months of the year. He is hopeful that in upcoming years we will be able to hash out the budget long before and we will be able to make a full budget and that we will have a very thorough discussion next year about how we might amend these temporary appropriations and proceed for the rest of the year.

President Somich spoke as the Chair of Finance in order to make a comment as far as the discussion being presented. Earlier we talked about the 1.1 million carryover which he would expect everyone in our community and City and certainly everybody here on our Dais to be pleased with that number after some of the very lean, difficult years we have experienced over the last 10-15 years. We are making tremendous progress in our financial area. This

is a temporary appropriations budget and we have already expressed in Committee that we intend to meet in January/February with the Finance Committee and all members of Council are certainly invited to be a part of that to lay out the entire twelve month permanent appropriations budget. Any of the items that are specified in this temporary budget can be changed at any time by Council, of course we will come to a vote but we can make those changes at any time; this does take care of the legalities, but because of the tremendous changes that are happening in not only in Willoughby Hills but across the State of Ohio and across the country, the economics are very difficult to project, the revenues and expenses; we are very pleased that this is being done on time and that we are legal and proper and when we reconvene after the holidays we will definitely get right to adopting a permanent budget.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Ordinance No. 2014-80 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilwoman Fellows to adopt Ordinance No. 2014-80.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-80 has been adopted.

ORDINANCE NO. 2014-81

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

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2014-81.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Ordinance No. 2014-81 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Hallum to adopt Ordinance No. 2014-81.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-81 has been adopted.

NEW BUSINESS

Councilwoman Fellows questioned the Mayor as to why we are not displaying our City Seal on our vehicles. She passed one of our Service vehicles and it did not have a seal on it; it had a pine cone with a green hill behind it and it doesn't have the Seal on it. So her question is why are we not displaying our Seal on our City vehicles when it is our City Seal. Councilwoman Fellows said that the Mayor could answer her later, if he would like.

FOR THE GOOD OF THE ORDER

Councilman Hallum:

Wished everyone a Safe and Happy Holiday!

Councilwoman Fellows:

Would like to wish everybody a Merry Christmas and a Happy New Year! She hopes that everybody has a happy, healthy, prosperous and fun 2015! As a Christian, she says Merry Christmas.

Councilman Plecnik:

Merry Christmas to all in Willoughby Hills and Merry Christmas to all from Willoughby Hills! He also took the opportunity to introduce his father to the Members and wished a Merry Christmas to his Mother.

Councilman Biro:

Reminder to attend Breakfast with Santa which is a great event that brings our families together; our City together. His wish is to keep the politics out of this great event.

President Somich:

Reminder that there will be no Regular Council Meeting on December 25, 2014. If something comes up that is very significant we may call a Special Meeting to be held. If not, we will reconvene at the next Regular Council Meeting scheduled for January 8, 2015. President Somich wanted to take this opportunity as Chair to thank all of our Members of Council, all of our Department Heads, and all of our Staff of the City of Willoughby Hills who have really worked hard this year; he wanted to single out our Finance Director, the outstanding work that has been in the Finance Department and really of all City Hall through the Mayor's lead to really get our finances in the best condition for years, so thanks to all of them but that also takes the effort of every employee in the City to work harder, to work smarter to be more efficient with tax payer's dollars; thanks to all of them. And finally, a thanks to our community as well for their support of our City and Administrators during these tough years and hopefully we have turned the corner and moving strong ahead. And also wishes everyone a Merry Christmas!

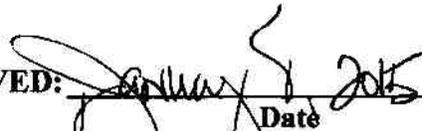
ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN PLECNIK, seconded by Councilman Biro to adjourn the Regular Council Meeting of December 11, 2014.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Somich declared the Regular Council Meeting of December 11, 2014 to be adjourned at 8:03pm.

APPROVED:  2015
Date


Raymond C. Somich
President of Council

ATTEST: 
Victoria Ann Savage, CMC
Clerk of Council