

City of Willoughby Hills

Regular Council Meeting Minutes of February 12, 2015

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

Meeting Called to Order at 7:02 p.m. by President Raymond C. Somich

Pledge of Allegiance

Roll Call of Council

Members Present: Councilman David M. Fiebig, Councilwoman Jennifer Sommers Greer, Councilman Christopher Hallum, Councilman John Plecnik, President Raymond C. Somich, Councilman Christopher L. Biro, Vice President Nancy E. Fellows

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

President Somich reported that we do not have minutes to approve this evening for our Clerk has been busy on several special projects and we will have the minutes for the next Regular Council Meeting.

CORRESPONDENCE

WH Community Center Rentals for January 2015 (Emailed: February 2, 2015)

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

Memo from Assistant Finance Director dated February 6, 2015 re: New Hire (Emailed: February 5, 2015)

Email: Police Chief Christopher Collins dated February 7, 2015 re: Draft Memorandum of Understanding CSO Position (Emailed: February 8, 2015)

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

Interoffice Memorandum from Law Director Thomas G. Lobe to the Members of Council dated February 10, 2015 re: Public Records Request (Emailed: February 10, 2015)

Letter to Rodger A. Pelagalli, Attorney at Law dated February 10, 2015 re: Public Records Request (Emailed: February 10, 2015)

Memo from Assistant Finance Director dated February 10, 2015 re: New Hire (Emailed: February 10, 2015)

NOTIFICATIONS

Notification of Charter Review Commission Meetings for 2015 (Emailed: February 6, 2015)

Planning & Zoning Commission and Architectural Board of Review Meeting of February 5, 2015 (Emailed: February 2, 2015)

Rules and Legislation Committee Meeting of February 9, 2015 (Emailed: February 2, 2015)

MINUTES

Rules and Legislation Committee Meeting of January 19, 2015 (Emailed: January 30, 2015)

MAYOR'S REPORT – Robert M. Weger

Just a reminder to residents to make sure your house number is clearly marked so emergency vehicles can easily find your home in an emergency situation.

Bid specs are out for the Trash & Recycle Program and the Asphalt & Limestone Program for 2015.

AARP Tax Assistance appointments are still available. Call the Mayor's Office to schedule.

RITA will be here for City Income Tax on Thursday, March 5 from noon to 6pm – no appointment necessary.

Acknowledgements:

Congratulations to Police Officer Jim Ours on 10 years of service with the City of Willoughby Hills.

Events:

WH Lion's Club and Recreation Commission's Pancake Breakfasts – the first 3 Sundays in March beginning on Sunday, March 1st. Please advise Denise Edwards if you are able to volunteer as she is working on volunteer assignment duties.

Councilman Hallum commented that the residents that have fire hydrants in their yards should clear around them to make sure that they are accessible to the City's emergency service personnel.

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. Reiterated Budget Information

Councilwoman Fellows asked if the Finance Director could reiterate his email on the Budget information. **Finance Director Brichacek** replied that he is planning on introducing the budget at the second Council Meeting in February so that it is on First Reading and the Second Reading will be at the first meeting in March, the Third Reading at the second meeting in March with the first draft of the Budget Document going to the Finance Committee on Monday, February 23rd.

Councilman Fiebig asked if we would be able to get the Budget before the Finance Committee Meeting. Anytime before it or will he be distributing in paper...**Finance Director** responded by stating that he will be distributing it at the meeting. **Councilman Fiebig** responded by stating that there would be no chance to review it before the meeting; is it at all possible, even earlier in the day to perhaps send it out electronically. **Finance Director** said that he would do his best to get out as early as he can. **Councilman Fiebig** said that he appreciates that and that the Finance Committee Meeting would then be more productive on the 23rd for we can then talk about specific items.

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

Lamplight and the Knecht/O'Brien Projects have been out for bid for about a week and we already have 7 to 8 plan holders for each project so that is a good sign.

Working on the designs of the Pleasant Valley and Eddy Road and Pavement Marking Projects and we should be out to bid shortly.

Meeting scheduled next week with NOAAC to begin discussions on the SOM Center Resurfacing

The City Engineer stated that his detailed report is on line.

President Somich stated that we are in receipt of the one you filed with us and we were all sent that by email.

COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

President Somich stated that he checked with Law Director Lobe to find out when it would be appropriate time to make the motions for the new appointments either as Chairs of Committees or as Members of the Committee based on the fact that former Councilman Germano was a Chair and seated on several committees and our newest Councilwoman Jennifer Greer no longer has any assignments so the Law Director said that now would be an appropriate time if we choose to do it at this time and so President Somich said that he would like to do it at this time. President Somich stated that he had asked at the Rules and Legislation Committee Meeting that we had earlier this week and had explained the situation and had asked if anybody had any thoughts or was willing to make a change or wanted to make changes and to let him know and to think about that in anticipation of this evening's meeting. He did not hear back from too many people; he did talk with Councilman Biro and with Councilwoman Greer about what perhaps would be the best Committee for her to Chair at this time. He expressed his interest on her being on Utilities because it is a very important Committee, but perhaps not the best time to Chair that because she is coming in without any technical knowledge and that may be the most technical of any of the Committees relative to

understanding what happens with utilities, sewers, water/history of water prices, etc. In talking with Councilman Biro, he would like to make a Motion that he becomes the Chair of the Utilities Committee and vacates his Safety Chair. At that point, Councilwoman Greer would become the Chair of the Safety Committee. He believes that would be a good place for her to start and she would use her skills and her knowledge and her personal other abilities to Chair that committee well at this time. So he would like to propose that as the Chairman. **President Somich** asked the Law Director if that was the right of doing this? **Law Director Lobe** responded that he (Somich) was the President. President Somich stated that he would do it that way since he believed it to be a good plan of action for Council. Is there a Second for the Motion?

Councilman Biro seconded the motion.

Councilman Fiebig claimed point of order: the Chair can't make a Motion. He can only make a suggestion.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Plecnik to appoint Councilwoman Greer as the Chair of Safety Committee.

President Somich stated that there is a Motion and it has been seconded to appoint Councilwoman Greer to Chair the Safety Committee and Councilman Biro to serve as Chair of the Utilities Committee.

Roll Call: Fiebig-yes, Greer-abstain, Hallum-yes, Plecnik-yes, Somich-yes, Biro-abstain, Fellows-yes
MOTION PASSES: 5 AYES/2 ABSTENTIONS

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to appoint Councilman Biro as the Chair of Utilities Committee.

Roll Call: Fiebig-yes, Greer-yes, Hallum-yes, Plecnik-yes, Somich-yes, Biro-abstain, Fellows-yes
MOTION PASSES: 6 AYES/1 ABSTENTION

President Somich asked if there are any other Committees that would like to announce a Member or are there any other Committee Reports?

Councilman Hallum stated he asked Councilman Biro to join him as a Member of the Service Committee and he has accepted.

President Somich replied okay, we do have Councilman Biro who is now on the Service Committee.

Councilman Biro stated he needed a Utilities partner. Maybe Jennifer?

Councilwoman Fellows replied that she is on Utilities as well so why...

Councilman Hallum responded that Biro vacated as a Member so now there are only two of you on there now...

President Somich verified that Biro is naming Jennifer as a new Member. To complete that cycle for Finance, and he knows that Councilman Fiebig has asked to be on the Finance as well as other Members of Council have asked about being on that, because the Rules and Legislation already has the same composition of Councilwoman Fellows, himself, and Councilman Fiebig, he thinks that having the exact same composition for another very important Standing Committee of Finance would be inappropriate so he has asked Councilman Biro if he would serve on the Finance and he has accepted. That new composition for Finance will be Vice-President Fellows, himself, and Councilman Biro.

FINANCE – Raymond C. Somich, Chair

Committee Members: Nancy E. Fellows

RULES & LEGISLATION – Nancy E. Fellows, Chair

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

COMMITTEE MEETING OF FEBRUARY 9, 2015
Members Present: Vice President Nancy E. Fellows, Chair, Councilman David M. Fiebig, President Raymond C. Somich

Also Present: Councilwoman Jennifer Sommers Greer, Councilman Christopher Hallum, Councilman John Plecnik, 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 6:33pm

Order of Business

Legislation for the Council meeting of February 12, 2015:

Ordinance 2014-64 – Concerning Voluntary Sick Leave, Introduced last fall 2014, placed into Personal Relations Committee, amended twice – this will be the 3rd Reading of the Second Amendment. **The Rules and Legislation Committee recommends this Ordinance be brought to a vote.**

Ordinance 2015-1 – An Ordinance providing for the issuance and sale of not to exceed \$800,000 notes for the purpose of paying, but limited to the following:

- A portion of the costs of renovating, improving and equipping the City's existing fire and police communication center
- Acquiring a fire truck
- Rebuilding and resurfacing various roads including Gatsby Lane and Hanna Road

This note will mature on March 12th.

The Rules and Legislation Committee recommends this Ordinance be on 2nd Reading.

Ordinance 2015-4 – An Ordinance authorizing and directing the Mayor to enter into a contract agreement with Bowen Associates, for our city engineer and assistants. This new contract incorporates an additional assistant and increases retainer fees. It was brought to the attention of the Committee that the rationale for two assistants in the contract is reflective of the current assistant training the new assistant for transitional purposes; so ultimately the City will be back to one assistant along with the engineer. **Rules and Legislation recommends that this be on 2nd Reading.**

Ordinance 2015-5- An Ordinance accepting the newly created Community Service Officer and compensation. A meeting convened on January 30, 2015, with all interested parties, including the Mayor, the Police Chief, Law Director, Civil Service Commission, attorney and patrolmen representing the Ohio Patrolmen's Benevolent Association to discuss this position. Our Law Director shared facts aligned with the deferment in the progression of the Ordinance. To date we are on the 5th version of the position description. A question from Councilman Fiebig (and I paraphrase), "if this position was not created for a specific employee, would there still be a need for it?" The Law Director answered, "yes, according to the Police Chief." Rather than table this Ordinance and begin again, **Rules and Legislation recommends that this become the 1st Reading of the Second Amendment of the original Ordinance.** Councilwoman Fellows suggested in the future that an Ordinance not be created or numbered until facts and legalities are completed to make for efficient business practices.

- **New Business:** With the resignation of Councilman Germano and the appointment of Councilwoman Jennifer Greer, Council President Somich discussed the need to fill the Utilities Committee Chair position and other Committee Member Chair positions that have been vacated by Councilman Germano. Councilman Fiebig once again voiced to President Somich his desire to be appointed to the Finance Committee. Please let the Council President know if you are interested in any of these positions.

Public Portion

Opened at 7:02 p.m. With an inquiring from Linda Fulton, concerning the safety of individuals crossing Chardon Road from a vacant lot to the Wright Place or the Fire House. The Mayor indicated, "that this is not unlawful to park there, and those that do so do it at their own risk." **Public Portion closed at 7:03 p.m.**

Meeting adjourned at 7:03pm

The Law Director added that they were waiting for...we just got an email today, he doesn't even know if the Chief got a copy of it, but he did and he hasn't shared it with him, but the Police Union came back with another revision, we will be on the 6th one; they made some changes to the job description so there is one more issue. He thought we went laboriously through it, but they came back with one more revision. He does not know the extent of it yet and they also made some changes to the MOU that we were hoping they drafted, that the Chief drafted. We have the meeting tomorrow with them on this issue and a few other ones.

OTHER COUNCIL REPRESENTATIVE REPORTS

Councilman Plecnik reported on Recreation Commission having met on February 11, 2015. The most interesting item for Council is the formation of a sub-committee of the Recreation Commission to work with our Boys League as well as with our new Street Superintendent to try and create a master plan with Terry

Baller regarding the Roemisch Complex and our parks. Hopefully in the not so distant future we will get a sense of where we want to go in terms of Recreation and he will keep Council posted on the work of the Commission and the sub-committee.

President Somich acknowledged that Councilman Germano was our representative for the Council Airport Noise Abatement Committee and that meeting takes place during the day so he knows it is not easy for people to attend. He believes they are typically 10:00am on a weekday morning so if anybody is able to please take that position, if the work schedule allows that, he would definitely be interested in having somebody on Council assume that role as soon as possible.

Councilman Plecnik stated he has been to a few but asked what is the usual weekday mornings they fall on.

Councilman Biro replied Tuesdays.

Councilman Plecnik responded that he could volunteer if Council would like him to take that position.

President Somich stated absolutely. He will accept a Motion to have Councilman Plecnik as our official representative on the Noise Abatement Committee.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Hallum to appoint Councilman Plecnik to that open seat on the Noise Abatement Committee for the Cuyahoga County Airport.

Councilman Hallum stated that if Councilman Plecnik is not available at some point, his schedule is fairly flexible and he may be able to help him out.

Councilman Plecnik replied absolutely.

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

MOTION PASSES: 6 AYES/1 ABSTENTION

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 7:25pm.

1. Frank Cihula
35060 Dixon Road

Re: Is there any potential in getting the State to move up the repaving job for SOM Center Road to sometime this year due to the condition of the road?

Public Portion was closed at 7:26pm

UNFINISHED BUSINESS

The City Engineer commented on Mr. Cihula's question. He stated that unfortunately it is a lengthy process which requires ODOT approvals and the financing has to be put in place, so there is no way it would be done this year. **President Somich** verified that the repaving is set for 2016.

Councilman Fiebig stated that he has fielded some phone calls from residents regarding the potholes on SOM and he spoke to Mr. Grubiss about the issue. He seemed to be on top of things and explained that they can't throw the cold patch in when it is wet outside or below a certain temperature. We are asking people to be patient with the condition of the roads as we battle these things.

President Somich questioned the terms of the salt supply for the City. He clarified that the City has to salt on a limited basis, not only for cost but also because of the EPA regulations that limit how much we use of the salt so that it doesn't go into our stream. He also complimented our Road Crew for keeping up with the conditions of our streets.

LEGISLATION

ORDINANCE NO. 2014-64 – AS AMENDED JANUARY 8, 2015 – THIRD READING

1st Reading: November 13, 2014

2nd Reading: December 11, 2014

1st Reading: January 8, 2015

2nd Reading: January 28, 2015

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 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Fiebig to Table Ordinance No. 2014-64 – As Amended as of January 8, 2015.

Councilman Plecnik stated he has always been in opposition of 2014-64, because he feels that these voluntary sick leave donations open the door to possible discrimination based on popularity, sex, religion, political opinions and he understands that good employers have them and good employers don't, but unbalanced. He has worked for both and he feels it is best not to open that door so he would be in support of Tabling the Motion so that we can avoid those potential issues in the future.

Councilman Biro commented that he does not agree with Councilman Plecnik. This is something we have been kicking around for awhile. The auditor suggested we initiate it and Ordinance like this and he doesn't believe that it is a popularity contest or any type of issue like that. He works at an institution that allows us the ability to donate time and he has said this before that it is a great program. He doesn't see us doing a lot of it, but the fact that we need to have some type of Ordinance in relation to this, he thinks is a good idea and he would not support Tabling this Ordinance.

Roll Call: Fiebig-yes, Greer-no, Hallum-no, Plecnik-yes, Somich-no, Biro-no, Fellows-yes
MOTION FAILS: 4 NAYS/3 AYES

President Somich declared that Ordinance No. 2014-64 – As Amended January 8, 2015 will not be Tabled.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Hallum to adopt Ordinance No. 2014-64 – As Amended January 8, 2015.

Councilwoman Greer stated as she contemplated this particular piece of legislation, she thinks if she was drafting she would have changed some of the verbiage, but she does not believe there are fatal flaws. Reasonable minds could certainly differ on how to implement this policy and how to draft this legislation; however, what it comes down to is that we have seen a need and we are offering our City employees a great good will and we are doing it at virtually no cost to the City.

Councilman Biro commented that he knows there are some reservations on this legislation, because of definitions of family. As we have discussed in prior meetings, that is something that we can discuss at later contracts or if necessary we can open up our Personnel Relations meeting to discuss and maybe offer some changes to contracts and see if there is some compromise, but he still agrees with the legislation itself. There are some possible issues with it but it virtually costs us nothing so he thinks it is a good program for the City.

Roll Call: Fiebig-no, Greer-yes, Hallum-yes, Plecnik-no, Somich-yes, Biro-yes, Fellows-no
MOTION PASSES: 4 AYES/3 NAYS

President Somich declared that Ordinance No. 2014-64—As Amended January 8, 2015 has been adopted.

ORDINANCE NO. 2015-1 – SECOND READING

1st Reading: January 28, 2015

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$800,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF (I) RENOVATING, IMPROVING AND EQUIPPING THE CITY'S EXISTING FIRE AND POLICE COMMUNICATIONS CENTER, (II) ACQUIRING A FIRE TRUCK, AND ALL RELATED EXPENSES THERETO, AND (III) REBUILDING AND RESURFACING VARIOUS ROADS WITHIN THE CITY, INCLUDING A PORTION OF GATSBY LANE AND HANNA ROAD, AND ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

President Somich declared that Ordinance No. 2015-1 would remain on Second Reading. We do encourage anybody who is watching or anyone in the audience, if you do have any comments or thoughts on this, please do express that to us because on our timeline it will be very important that Council does vote on this at the next meeting.

ORDINANCE NO. 2015-4 – SECOND READING

1st Reading: January 28, 2015

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS, OHIO AND RICHARD L. BOWEN + ASSOCIATES, INC. FOR CITY ENGINEERING SERVICES; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

President Somich declared that Ordinance No. 2015-4 would remain on Second Reading.

ORDINANCE NO. 2015-5 – FIRST READING

1st Reading: January 28, 2015

Exhibit B – Job Description Modified as of February 6, 2015

AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITION OF COMMUNITY SERVICE OFFICER.

Councilwoman Fellows commented that with the new information that the Law Director provided with us this evening, she would highly recommend a Motion on Tabling this Ordinance 2015-5 and going back to something that is clean and concise when it is the right time.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Hallum to Table Ordinance No. 2015-5.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2015-5 has been Tabled. For the Chief in the audience or anyone else affected by that, we still believe that this is a good measure in principle, but obviously the details need to be ironed out and we can't continue to read something here when we know it is not the final version so we do need to Table this Ordinance.

NEW BUSINESS

There was no new business brought forth by the Members.

FOR THE GOOD OF THE ORDER

Councilman Plecnik:

Wanted to note the Letter of Commendation that we all received from our Police Department to Canine Officer Tony Mino and Officer R.J. Harmon. The two of them apprehended a subject who was wanted for aggravated murder by the Cleveland Police Department and he wanted to make a special note to Officer R.J., because that had to be almost his first day on the job so that has to be a heck of way to start. Thank you so much for serving us and keeping Willoughby Hills safe.

Councilwoman Fellows:

Happy Valentine's Day! Do something fun!

Councilman Fiebig:

Councilman Plecnik took a team of law students to the largest and most prestigious tax competition in the United States and his team came in third place. Congratulations to him and his law students at Cleveland Marshall.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adjourn the Regular Council Meeting of February 12, 2015.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Somich declared the Regular Council Meeting of February 12, 2015 to be adjourned at 7:38pm.

APPROVED: March 12, 2015
Date

Raymond C. Somich
Raymond C. Somich
President of Council

ATTEST: Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council