

City of Willoughby Hills

Regular Council Meeting Minutes of January 8, 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 7:00 p.m. by President Raymond C. Somich

Pledge of Allegiance

Roll Call of Council

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

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

Disposition of the Journal

Regular Council Meeting of December 11, 2014

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Hallum to adopt the Regular Council Meeting Minutes of December 11, 2014 as submitted.

Councilman Fiebig thanked President Somich and others for the well wishes for the flu he was recovering from. For missing that meeting, he will be abstaining from the minutes tonight.

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

MOTION PASSES: 5 AYES/1 ABSTENTION

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

CORRESPONDENCE

Willoughby Hills Community Center Rentals for the Month of December 2014 (Emailed: January 6, 2015)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month ended December 31, 2014 (Emailed: January 5, 2015)

FINANCIAL REPORTS FOR THE MONTH ENDING NOVEMBER 2014 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS (Emailed: December 15, 2014)

Interoffice Memo from Mayor Robert M. Weger to Council Clerk, Council President, Council Members, dated December 11, 2014 re: Disposal of Surplus Firearms

Interoffice Memo from Mayor Robert M. Weger to Council President, Council Clerk, Council Members, dated January 2, 2015 re: Appointment of Members for Charter Review Commission

Letter to Council President Somich from Frank A. Germano, Councilman, District 1, dated December 31, 2014 re: Resignation

NOTIFICATIONS

Board of Building and Zoning Appeals Meeting of January 13, 2015 (Emailed: December 29, 2014)

Personnel Relation Committee Meeting of January 5, 2015 (Emailed: December 29, 2014)

Cancellation of the Planning & Zoning Commission and Architectural Board of Review Meeting of December 18, 2014 for there were no pending projects (**Emailed:** December 15, 2014)

Rules and Legislation Committee Meeting of January 5, 2015 (**Emailed:** December 29, 2014)

Cancellation of the Rules and Legislation Committee Standing Meeting of Monday, December 22, 2014 (**Emailed:** December 15, 2014)

RECREATION COMMISSION MEETING OF JANUARY 7, 2015 (Emailed: January 5, 2015)

MINUTES

PERSONNEL RELATIONS COMMITTEE MEETING OF JANUARY 5, 2015 (Emailed: January 7, 2015)

RULES AND LEGISLATION COMMITTEE MEETING OF DECEMBER 9, 2014 (Emailed: December 22, 2014)

ON FILE

WH Senior Center Newsletter for January 2015, Issue Number 81

MAYOR'S REPORT – Robert M. Weger

Snow plows are out and keeping up with snowfall

Eight of nine Charter Review Commission members have expressed an interest in continuing their work in 2015. Jennifer Greer is a newcomer who would like to be considered to join this outstanding group. I would appreciate Council's prompt confirmation of my appointments to be able to get these individuals sworn in and their work started early in 2015.

AARP Tax Assistance will be available at the Community Center this year. Please call Gloria in my office to make an appointment for this free service.

Acknowledgements:

Congratulations to resident Dale Fellows for his recognition as Willoughby Rotary's "Distinguished Citizen". He will be honored at a luncheon on January 26.

Councilman Frank Germano has resigned his Council seat effective December 31, 2014, citing personal reasons. He did fine work on Council, serving District 1 residents, and will be truly missed. Please keep him and his family in your thoughts and prayers.

Happy 80th Birthday to Alan Road resident Helen Casagni.

Events:

Art Gallery Reception – Friday, January 9, 2015 from 7 to 9pm

Willoughby-Eastlake Library Movie Night—Wednesday, January 14 in Willoughby Hills. Doors opens at 5:30pm and movie starts at 6pm. Movie is Disney's "Maleficent" starring Angelina Jolie. All are welcome. The library has worked with Denise in Recreation to organize an ongoing movie program for 2015 at the library.

Boys' League Football Raffle—Saturday, January 31 at 6pm at La-Vera.

LAW DIRECTOR'S REPORT – Thomas G. Lobe

Two pieces of litigation still active—the Lenz case which is a Free Political Speech case which was brought to Federal Court as well as the Tanner/Gates which actually involve police officers. They are still in the discovery stages. Depositions will be conducted in the near future. No formal dates have been set. We are represented by Mazanec, Raskin, and Ryder as recommended by our insurance carrier and approved by him.

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

Regional Income Tax Agency will be holding a free municipal income tax preparation session at City Hall on March 5, 2015 from noon to 6pm. It is open to all on a first come first serve basis.

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

Lamplight Lane Culvert Project and Knecht/O'Brien Culvert Project design is complete and ready to start the legislative process. As soon as we are authorized to bid, we can go out.

President Somich reminded people that we do get regular reports from the City Engineer and they're available to the Public on the City website.

COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

PERSONNEL RELATIONS – Christopher L. Biro, Chair

Committee Members: John Plecnik, Mayor Robert M. Weger

COMMITTEE MEETING OF JANUARY 5, 2015

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

Also Present: Vice President Nancy E. Fellows, Councilman David M. Fiebig, Councilman Christopher Hallum, President Raymond C. Somich, Law Director Thomas G. Lobe, Police Chief Christopher Collins

Purpose of the Meeting was to discuss PD Position of Community Service Officer and any other business.

Meeting convened at 7:12pm

Order of Business

Community Service Officer: Establishing a full time position where duties include “crime prevention activities, community relations and education programs, court and jail officer duties, evidence custodian, traffic enforcement and general patrol duties under exigent circumstances.”

Officer Jim Ours has been performing these duties on a part-time basis and Administration and Police Department wish to make Officer Ours our full time CSO. He has performed these duties professionally and diligently. Mr. Ours has had multiple job offers but wishes to stay with WH.

Administrative position that reports directly to Police Chief. CSO is not a civil servant position and is subject to the pay, benefits and employment conditions associated with other unclassified city employees in accordance to city ordinances. CSO position cost effective since non union and offers less benefits than union officer.

Chief Collins fully supports CSO since it allows “more troops on the ground”, meaning police officers on patrol while CSO performs administrative duties. CSO can also supplement traffic control and in emergency situations can perform police officer duties. CSO also teaches part time police officers many of these administrative duties.

Job description written by using other city’s qualifications, duties, job responsibilities and parameters for CSO position.

Consensus of Committee to advance CSO position to Council once all specifics of Position are worked out and reviewed.

Public Portion

The following people came forth with questions/comments: Frank Cihula expressed his thoughts about our inability to retain officers trained by our City and his approval of CSO position.

Meeting adjourned at 7:50pm

Law Director Lobe added to Councilman Biro’s report by stating that this position will be unclassified as the Police Chief had directly stated and that the Job Classification, Job Description is a work in progress and we have modified it as he had indicated that they would; the Law Director has worked with the Chief and even got together today and it is still a work in progress. But specifically, this is an assistant, it is not even a Peace Officer, to be a Peace Officer is not even required even through Mr. Ours is the one that is being targeted for this; it is being written for the administrative support to keep it a cleaner classification so the job description has been bolstered, narrowed down, tailor made for that so it would be very similar to the job description that the members got previously but it has been modified accordingly so that it is cleaner.

President Somich questioned if it would be the intent to have that for Council at the next meeting or a couple meetings away. The **Law Director** replied that if he could be presumptuous then he will work with the Council Clerk. He has talked with the Clerk and tossed it around where to exactly put it, probably in Chapter 157, not sure about it, may have to amend the Exhibit located in 157 with all the jobs and classifications; will be working it out but that is where it may go.

Councilman Fiebig followed up by stating that Councilman Biro presented a very good report. There was also a reduction in Court time that a Patrol Officer would spend; it is mandated that they have a block of four hours and he would be able to come in and out in just a short amount of time and there would be a very significant amount of savings as well, so we are looking forward to it. Also, a potential of a Block Watch Program being established is something that we could really get the neighbors involved and would be real crucial to have somebody to spearhead that and Councilman Fiebig said that he would really be interested in seeing that work and looks forward to getting the legislation as soon as possible.

RULES & LEGISLATION – Nancy E. Fellows, Chair**Committee Members:****David M. Fiebig, Raymond C. Somich**

COMMITTEE MEETING OF JANUARY 5, 2015	
<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 Christopher Hallum, Councilman John Plecnik, Law Director Thomas G. Lobe, Mayor Robert M. Weger
Purpose of the Meeting was to discuss <u>Pending Legislation</u> and any other business.	
Meeting convened at 6:30pm	
<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 (aligned with incorporating the Ohio Administrative Policy) to the original Ordinance, that this modified one would stay on 1 st Reading. On December 11, 2014, Rules and Legislation recommended to Council that the amended Ordinance be amended again by deleting the Funeral Leave section in the Ordinance and remain on 2 nd Reading. For this evening of January 8, 2015 <u>Ordinance 2014-64</u> has been amended with the deletion of the Funeral Leave section. The majority of the Members of Rules and Legislation Committee recommend that this Ordinance now be adopted.	
The Job Description and responsibilities of the newly created Community Service Officer position will be discussed in the Personal Relations Committee to follow.	
<u>Motions of Council:</u>	
<ul style="list-style-type: none">➤ For the Police Chief to dispose of Surplus Firearms in accordance with State and Federal Law➤ Appointment of Members for the 2015 Charter Review Commission➤ To authorize the Clerk of Council to advertise for the Position of District 1 Councilperson➤ Bid for Asphalt and Limestone	
<i>Public Portion</i>	
No one was available for Public Portion.	
Meeting adjourned at 7:11pm	

OTHER COUNCIL REPRESENTATIVE REPORTS

President Somich wanted to announce that on January 19th which is the next date that Council has set aside, it is the Monday before the next Council Meeting, we will have several Committee meetings that evening and one of them will be a Finance Committee Meeting. We will discuss at that time the roll-over of the notes so that will be on the agenda and perhaps other finance issues as well. President Somich stated that we will also call a Working Committee of Council Meeting so that we hopefully will have a number of applicants' resumes to consider. We will get back with everybody as to specific times, but as usual, it will be in the 6-8:00pm range. President Somich went on to say that we will not do any voting that evening as a "Council of the Whole" but will be just a consideration meeting.

Councilman Plecnik reported that yesterday the Recreation Commission for Willoughby Hills met at 7:00pm. in City Hall Chambers, mostly the discussion focused on upcoming events for the year. Very similar to last year's calendar and as the Mayor said, the next event will be tomorrow from 7-9:00pm, the Art Gallery at the Community Center so hopefully many will be able to join us. The Master Plan for the City Parks was discussed and hope is that we will have one in the not so distant future, which may even contain stages of how the parks will be redeveloped and where the various fields will go, so that is to be continued. The last significant item discussed was the hope that a memoriam would be in place for the passing of Rick Motuza who was so critical to the City's Recreation Programs and the Girls Softball league.

Councilman Fiebig stated that there was a Master Plan and Mr. Plecnik might want to check with the Administration. There was a design established about 15 years ago. **Law Director Lobe** acknowledged that Councilman Fiebig was correct that there is a Master Plan; however, it is more than 15 years, almost 20 plus years. There is a design plan and they even had a person, a resident do it.

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 and with no one coming forth from the Public Sector was promptly closed at 7:25pm.

UNFINISHED BUSINESS

There was no unfinished business to be brought forth to the Members of Council.

LEGISLATION

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

1st Reading: November 13, 2014

2nd Reading: December 11, 2014

Amended: January 8, 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.

President Somich stated this has been a very long process to consider this. Many times we thought we would just drop the whole thing, but there has been continuous support and call for it so with a lot of changes and redirection, we have already had one amendment that has been voted on by Council. At this time, he will entertain a Motion for a Second Amendment which is something that officially verifies what we have unofficially agreed to which was to remove the portion relative to funeral sick leave that had been a part of this that we decided to leave out.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Biro to adopt Ordinance No. 2014-64 – AS AMENDED.

Councilman Plecnik stated for the record that he thinks reasonable people can disagree on whether voluntary sick leave donations which is the topic of 2014-64 are prudent and both because we have had so few requests to make voluntary sick leave donations among the non-union employees which are the ones affected by this Ordinance and because as a matter of substance he does not think voluntary sick leave donations are prudent given that they are ultimately decided upon by the employees themselves and a more popular employee might receive a lot of sick leave donated where an unpopular employee, for whatever reason, might not. For that reason, he is in disagreement with voluntary sick leave donation policies so he will be voting against it. Good employers have it, good employers don't have it.

President Somich clarified that this discussion has been done in great length over the last six months but we appreciate Councilman Plecnik restating his comments.

Councilman Fiebig replied for the benefit of those that weren't involved in the discussions and who want to understand Councilman Plecnik and the reasoning behind his vote, he too would like to voice that there are some things he is uncomfortable with and even in the Motion here itself. As he is looking at the Ordinance, it is as written, but on the website that he is looking at, it still has the funeral leave in there. As any person who would be trying to review our Ordinances and discussing, which he did have a few residents reach out to him and say they didn't care for this idea, for that reason he will not support this because of that and for some other reasons. For example, if sick leave is given, should it be given to an employee that is leaving the employment of the City? There should be some further discussion on this. He would love to Table the Motion but he does not think we have the votes to Table it. He would like further discussion; he does not think any legislation should be passed because we have spent a lot of time on it. It needs to be right, it needs to be done well, and he is not comfortable with this piece of legislation. He would like to see it match what we have in our union contracts and if we need to change the union contracts going forward to mirror this that would be okay, but he thinks it just offers us many different tiers of rules and procedures in the

City. He thinks it would be better to have a policy that would blanket and be consistent. For that reason, he is not going to support this.

President Somich clarified that the Chair here definitely welcomes Councilman Fiebig and Councilman Plecnik and everybody else to voice their opinion. That was not an effort to not have you speak about that here this evening; it was just a point that we are making, and have made, a lot of conversations about this. He is not at all calling for any votes on this Ordinance this evening, because it is just time; he is calling for it because it appears we have talked this thing through at great length and we will never be in agreement or will be in agreement and perhaps it is time to find out if we are or not.

President Somich continued to say that in conferring with our Law Director, he thinks we do need to make a change to the Motion that was made because...

The Law Director interrupted stating no, this is a Motion to simply amend it, to include the second amendment. After that, he will be asking, because this amendment takes out a big section, he will ask Council to waive the Three Reading Rule if Council so desires to do that. Then, there will be a Motion to get past that, a Motion to adopt.

Councilwoman Fellows questioned that after the vote for the amendment, then if the Three Reading Rules isn't waived, then this is on First Reading.

The Law Director replied correct.

President Somich further clarified by stating we have had some discussion about the entire Ordinance this evening, but at this moment we are asking if there is any further discussion on the amendment which would be to remove the funeral leave.

Councilman Fiebig questioned if an employee wanted to use voluntary sick leave donation for a funeral leave, which definition of immediate family would prevail?

President Somich responded that he did not have the answer to that question. Is that one that we can research and find?

The Law Director said he did not have that particular point right now. It's in the same section; it's already there. What happened was we are extending it to include a broad definition of sick time. Also, we thought it would be logical, in the first draft of this thing that was presented to Council, he is not saying it was logical, but for Council's consideration, we presented the broadest definition and whittled it back and that is what this definition is. Limiting the broad definition of sick leave out of the bereavement.

President Somich responded that we can get back with a more exact answer, but he does not think we can answer that exactly tonight.

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

MOTION PASSES: 4 AYES/2 NAYS

President Somich declared that Ordinance No. 2014-64 – AS AMENDED has been amended for the second time.

President Somich will now entertain a Motion to waive the Three Reading Rule for Ordinance 2014-64—AS AMENDED TWICE.

Councilwoman Fellows confirmed with the Law Director that they need five votes to suspend the Three Reading Rule.

Law Director stated correct.

Councilwoman Fellows responded that is not who is present, but that is the Body of Council.

The Law Director replied, excuse me?

Councilwoman Fellows repeated it is not who is present, those votes of the six people that are present, but it is of the Body of Council number which is seven.

The Law Director replied you still need five. For example, if you only had four votes, you can't waive it. You need five affirmative votes whether you have five, six, or seven members. So you will need five of those six.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2014-64—AS AMENDED.

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

MOTION FAILS: 4 AYES/2 NAYS

President Somich declared that the Three Reading Rule for Ordinance No. 2014-64—AS AMENDED has failed and we will not pursue that anymore this evening.

NEW BUSINESS

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Fiebig for the Police Chief to dispose of Surplus Firearms in accordance with State and Federal Law.

President Somich stated this was discussed earlier at a recent meeting.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Motion for the Police Chief to dispose of Surplus Firearms has passed.

Councilman Plecnik made a Motion to authorize the Clerk of Council to advertise for the Position of District I Councilperson.

President Somich stated this may not be appropriate because he believes we first have to accept the letter.

The Law Director responded no.

President Somich apologized stated he thought we had to accept the letter of resignation officially here by Council.

Councilman Fiebig asked to discuss this real quick, because he had a question. Did you (President Somich) give the letter to the Clerk?

President Somich replied that he did.

Councilman Fiebig clarified that it is now on file and we do have it. Then, he agrees that we do not need a Motion of Council.

MOTION WAS MADE BY COUNCILMAN PLECNIK, seconded by Councilwoman Fellows to authorize the Clerk of Council to advertise for the Position of District I Councilperson.

Councilman Plecnik stated he hopes we have a lot of applicants for this position; it is a lot of work to serve on Council, but it is a great honor to work with your community and neighbors so he hopes that many people are seriously thinking about applying, throwing your hat in the ring, and talking to Council about what you hope to do for your neighborhood.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Motion to authorize the Clerk of Council to advertise for the Position of District I Councilperson has passed.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Hallum for the Appointment of Members for 2015 Charter Review Commission.

Stephen Atkins, DDS
Andy Gardner
Joyce Grady

Jennifer Greer
Judy Shrefler
Sandra Taddeo

Tanya Taylor-Draper
William James Walsh
Gerald Wolanin

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Members have been reappointed for 2015 with one new addition.

FOR THE GOOD OF THE ORDER

Councilman Plecnik:

Our Senior Citizen Luncheon will include Judge Bartolotta of the Lake County Probate Court on January 20 at 11:30am at the Senior Center located in the Willoughby Hills Community Center.

Councilman Biro:

Urged everyone to donate blood; this is a critical time for there is a shortage.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN PLECNIK, seconded by Councilman Biro to adjourn the Regular Council Meeting of January 8, 2015.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Somich declared the Regular Council Meeting of January 8, 2015 to be adjourned at 7:41pm.

APPROVED:

January 20, 2015
Date

Raymond C. Somich

Raymond C. Somich
President of Council

ATTEST:

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