

City of Willoughby Hills

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

Regular Council Meeting

Minutes of May 8, 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: Vice President Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Christopher Hallum, President Raymond C. Somich, Councilman Christopher L. Biro

Absent: Councilman John Plecnik, Finance Director Frank J. Brichacek, Jr.

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

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Fiebig to excuse Councilman John Plecnik from the Regular Council Meeting of May 8, 2014.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich stated that Councilman Plecnik has been excused from the Regular Council Meeting of May 8, 2014.

Disposition of the Journal

Regular Council Meeting of March 27, 2014

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilwoman Fellows to approve the Regular Council Meeting Minutes of March 27, 2014 as submitted.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich stated that the Regular Council Meeting Minutes of March 27, 2014 have been approved as submitted.

CORRESPONDENCE

David J. Matty, Esq. to Thomas Lobe, Director of Law of the City of Willoughby Hills, Ohio, dated April 21, 2014 re: Independent Investigation and Resulting Legal Opinion on Topic of Councilman Frank Germano and Landco Developers, Inc. provided to the Members of Council April 22, 2014 and addressed by the Law Director at the Regular Council Meeting of April 24, 2014

City Engineer's Report dated May 1, 2014 (Emailed: May 1, 2014)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month Ended April, 2014 (Emailed: May 5, 2014)

Willoughby Hills Community Center Rentals for April 2014 (Emailed: May 5, 2014)

NOTIFICATIONS

Board of Building and Zoning Appeals Meeting of May 13, 2014 (Emailed: May 5, 2014)

Corn Fest Committee Meeting of May 12, 2014 (Emailed: May 5, 2014)

Planning and Zoning Commission and Architectural Board of Review Meeting of May 1, 2014 (Emailed: April 28,

2014)

Recreation Commission Meeting of May 7, 2014 (Emailed: May 1, 2014)

Rules and Legislation Committee Meeting of May 5, 2014 (Emailed: April 29, 2014)

LAKELAND COMMUNITY COLLEGE HOSTING OHIO ETHICS LAW SESSION: CAN I DO THAT? – THURSDAY, JUNE 5, 2014 FROM 7:00PM – 9:00PM (Emailed: May 7, 2014)

LAKELAND COMMUNITY COLLEGE HOSTING SUNSHINE LAWS TRAINING MONDAY, MAY 12, 2014 FROM 1:00PM TO 4:15PM WITH OPTIONAL TRAINING ON RECORDS MANAGEMENT & RETENTION FROM 4:30PM TO 5:30PM (Emailed: May 7, 2014)

MINUTES

Rules and Legislation Committee Meeting of May 5, 2014 (Emailed: May 6, 2014)

PLANNING AND ZONING COMMISSION & ARCHITECTURAL BOARD OF REVIEW MEETING MINUTES OF APRIL 3, 2014 POSTED ON THE WEBSITE (Emailed: May 8, 2014)

MAYOR'S REPORT – Robert M. Weger

Channel 12 on Time Warner – There is a problem there, if residents don't have a cable box or a DVR, they can't get the City's Channel 12. Residents have to go to Time Warner and get a digital converter; this will allow them to receive Channel 12 but on May 28th other channels like the History Channel will be going digital and residents will only be able to get stations like 3, 5, 8 and 19 if they don't have the digital converter. So again, that has already happened with the City's Channel so call Time Warner and request a digital converter box.

Financial Reports are up on the internet on our website. All of the reports that are given to Council are actually on the internet.

Color Run Postcards were mailed out to all the residents on the route and affected streets. All the business owners were contacted.

Acknowledgements:

Charter Review Commission will be convened and is going to ask this evening that Council approve the list. The members are: Stephen Atkins, dentist, Andy Gardner, lawyer, Joyce Grady, lawyer, CJ Latsa, IT specialist, Judy Shrefler, thirty year resident, Sandy Taddeo, lifelong resident, Tanya Taylor-Draper, Cleveland Clinic employee, Jim Walsh, twenty-six year resident, and Jerry Wolanin, accountant. These people were specifically picked because they were not involved in the City and they have a lot of knowledge and will do a good job on the Commission.

Events:

Art Gallery Reception – Friday, May 9th

Color Run – Saturday, May 10th and the streets will be closed from approximately 7:30am to Noon, but it will probably be 10:30am when they are reopened.

Happy Mother's Day on Sunday, May 11th

Councilman Hallum (referring to the list of potential Charter Commission Members) asked if these were all volunteers or how did we come up with these folks? The **Mayor** replied that they all volunteered to be when he asked them. **Councilman Hallum** replied, okay, just wondering, he wasn't sure, like Dr. Atkins volunteered during a Council Meeting, and so did Jim Walsh. The **Mayor** replied, yes.

LAW DIRECTOR'S REPORT – Thomas G. Lobe

No formal report was given.

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

The Finance Director was absent; therefore no formal report was given. The Mayor again announced that the Financial Reports were now on the website.

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

The contractor who did the Maple Grove Road Project last year will be coming back this month to finish up some punch list items and we will be able to close that project out.

President Somich reminded everyone that we receive a regular written report from our City Engineer. **Councilman Fiebig** stated that he had conversations with the residents on Eddy regarding that easement and they are not in agreement on it. So we are back to the drawing board a little bit on that, but we do want to meet with you and talk a

little bit more, Mayor just so you know. Councilman Fiebig just wanted to let the City Engineer know that they couldn't come to an agreement on doing that so we need to look at a Plan B or Plan C for that at this point. Councilman Fiebig said that he would keep Administration apprised of any conversations that he has and asked that Administration let him know if they are talking. **Law director Lobe** said that they had Legal Counsel, he met with them. **Councilman Fiebig** replied yes and that Mr. Malverdi got some new counsel, too. The **Law Director** said, oh he did he, we met with legal counsel here....**Councilman Fiebig** responded that that the Law Director will probably be meeting with them again shortly. The **Law Director** stated that he had not heard from them for a while. **President Somich** questioned if this was an Administrative matter at this point. **Law Director** replied that he met with the residents in the morning, as we do with other residents and we had a similar meeting with the Mayor, himself, the Building Department, the Service Department and we met with their lawyers, it is an area-wide issue and we got some Stormwater Management money at least allocated for it, now we have to see if they accept what has been approved by Stormwater Management, he (Law Director Lobe) thinks that is what the rub is. So technically at the end it will be a reimbursement from Stormwater Management if we can get them to agree to what is done, but he doesn't think that it is an easement. **Councilman Fiebig** said that the issue is on Eddy Road where we did grant \$17,000 Stormwater Management funds for that project but it would require an easement of property and there is three neighbors involved and all three neighbors would have to agree to it because it does encroach on all three of their properties and water does come across the roadway there so it needs to be a whole cooperative effort and you need to have neighbors that will be absolutely all on the same page. They asked Councilman Fiebig as their Councilman and he lives real close to them, to come talk with them about it and we had a meeting out there with Road Superintendent, the Mayor was there, Mr. DiFranco was there and two of the three residents. So we had a discussion and then they had to think about it and they got back with him (Councilman Fiebig), one of them just called yesterday, the other called about two hours ago and so he just wanted to report it and make sure that we are all on the same page as to where we are right now on the project. Rather than try to grab everyone after the meeting and try to have six different conversations, Councilman Fiebig said that he wanted to mention it here.

COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

RULES & LEGISLATION – Nancy E. Fellows, Chair

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

COMMITTEE MEETING OF MAY 5, 2014

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

Also Present: Councilman Christopher L. Biro, Councilman Frank A. Germano and Mayor Robert M. Weger

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

Meeting convened at 6:52pm

Order of Business

Legislation for the upcoming Council Meeting of May 8, 2014:

Ordinance 2014-28 - An Ordinance to appropriate funds for the Asphalt Hauler. **Rules and Legislative Committee recommends to Council that this Ordinance be read for the 3rd time and then adopted.**

Ordinance 2014-29 – An Ordinance to appropriate funds for the already repaired sinkhole on Worrell Road. Funds for this repair are coming from the Lake County Storm Water Management Program for ~\$2,500, under the original estimate. **Rules and Legislative Committee recommends to Council that this Ordinance be read for the 3rd time and adopted.**

Ordinance 2014-30 – An Ordinance identifying expenses not appropriated on the 2014 Operating Budget. This is in reference in providing \$1,500 in fees charged by Lake County for the collection of tax increment payments in lieu of taxes and \$4,600 for the final payment to ODOT for the improvements to SOM Center Road as part of the Classic TIF project, both mistakenly left out of the adopted 2014 Operating Budget. **Rules and Legislative Committee recommends to Council that this Ordinance be read for the 3rd time and adopted.**

Ordinance 2014-31 – An Ordinance authorizing the Mayor to enter into the State of Ohio Administrative Service Contract for the remounting and refurbishing of the Fire Department’s 2003 Ambulance. **Rules and Legislative Committee recommends to Council that this be the 2nd Reading.**

Ordinance 2014-32 – An Ordinance authorizing the Mayor to enter into State of Ohio Administrative Service Contract for the purchase of a 2014 Ford F350 Sewer Vehicle for use by the Service Department. Cost not to exceed \$48,750. **Rules and Legislative Committee recommends to Council that this be the 1st Reading.**

Public Portion

Public portion opened at 6:40 p.m. Linda Fulton asked the Mayor how he is going to address nepotism in the City? The Mayor indicated that he would discuss this with her at a later time. Bob Kowalsky inquired about the refurbishing of the Fire Department’s Ambulance and about the Sewer Vehicle.

Public portion closed at 6:54 p.m.

Meeting adjourned at 6:54pm

OTHER COUNCIL REPRESENTATIVE REPORTS

There were no other Council Representative Reports presented to the Members.

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 7:19pm

1. Tanya Taylor-Draper
2909 Stratford Way

Re: Curious as to the plans for the old Sam’s across the street from their complex, hearing rumors about Target(?) and about Giant Eagle blocking this. Requesting increased Police presence due to robbery across the street from their complex, Stratford Way, at Dollar Tree.

2. Linda Fulton
2990 Marcum Boulevard

Re: Stated that she used to support Council and the Mayor; in good conscious she can no longer because of all the stuff that has been going on and not following the Charter as in the present form. Addressing all of Council by asking if they believe that it is right or wrong that a Councilman can vote on appropriations, talk to the Street Superintendent and then ultimately get contracts for his own family/owned company/employer? Do you believe it is right, do you support that behavior? Or do you believe that it is wrong? Addressed the Mayor stating that she is still waiting for a response, maybe his response is getting a Charter Review Commission together. Addressed Councilman Biro by stating at the last Council meeting, he mentioned that the reason why he hasn’t been outspoken in regards to Mr. Germano’s actions is because he (Councilman Biro) does not particularly like to talk in the public, but how do you get your constituents to know how you feel? Addressed Councilman Hallum by stating he is her Councilman and she hasn’t heard from him either in regards to how you feel about this. Addressed President Somich by stating he has in the last several times mentioned that the Council Meetings are becoming a circus; the circus is also being created by himself by stifling conversation and he still has not called a Council of the Whole meeting in regards to the Germano actions. The other thing she wants to know is that the Mayor has sent her a note stating, because she requested at the Mayor’s report, the city report, that in your Mayor’s report that you include things that are going on in the City, like robberies or any other stuff that’s going on, and you mentioned that it is going to be on the website, but I still think that you need to address that here too because I understand that there was a break in, in a house on Bishop and White Road that is trying to be sold, and it was broken into, pipes were stolen; I think it is important for residents around there to know that, so they can be aware.

3. Al Pestotnik
2856 Fowler Drive

Re: I was just seeing these last two Ordinances, in reference to the Fire Department and the Service Department, you are taking good care of those departments, what I am concerned about is in these tragic times we are living in,

are our Police and Fire Department getting all the equipment that they need for our protection and their safety. Has there been anything put in the Budget for improving any equipment in our Police and Fire Department?

4. Robert Kowalsky
2585 Timberline Drive

Re: What I'm working with here is a bunch of egos with everybody having an agenda, and it's all fighting each other, and this commission for a Charter, we didn't know it was broken, until we couldn't figure out what to do with the rule we had in the Charter. The thing is, if we get to what we've had trouble with, first of all, Council, you have lost fiscal control how many times? Three years you couldn't pass an audit. Two funds were gone, we didn't know. You buried that, that never hit no headlines. So when you lose fiscal control, we lose. It isn't your money you're spending, it's our money. These homes are one little bit of a pie, where the Income Tax is a whole bunch more. Sometimes the Finance Department catches it instantly, and stops it in its track. Sometimes, it doesn't. If we should follow the path, you may not want to because that path could lead to yourselves. You can't solve those three properties, and you've been trying to do it and it's going to come up with a Charter amendment to put overlay zoning into Willoughby Hills, but you can't cut out driveways; you want to detail that property to appeal to who? It's wrong, that's backwards. They should be coming to us. You shouldn't be begging them, you shouldn't be giving \$250,000 away, that's all there is to it. Our Charter is not broken, we don't need another ten (10) differences that take away the authority of the Mayor, and put all the authority on the Council who doesn't even want the responsibility. You want to get rid of the responsibility; that's the mantra that you have been running with for over eight (8) years. Remember, you voted unanimous for eight (8) years to do what you did; we are the whale that isn't wasted. There's a whole bunch of history that you don't want to go through your ears.

5. Betty Hines
2923 Stratford Way

Re: Commended Council and the Mayor for a job well done and we wanted to thank you for everything. We look forward to these meetings and thank you for a job well done!

Public Portion was closed at 7:30pm

UNFINISHED BUSINESS

Law Director Lobe asks to respond to Mr. Kowalsky's comments; he wanted to make sure that we put the facts in relevant proportion to the timeline. There were some statements here that people on this Council, or this Administration has been fiscally irresponsible, and that audits were inauditable; it's a true statement, but that true statement only is specific to the years 2005 and 2006. At that time, the Mayor who was then on Council, Ms. Fellows who was on Council, Mr. Biro and Mr. Somich fought to get us to be auditable, so those were true statements, but those matters were 8 years ago, and yes they were some very harsh times, and it was in the public, it was absolutely in the public, it was in the newspaper every day, so any reflection upon this Administration or this Council on these types of financial matters today is not a correct statement; that would be a correct statement for the year 2005 and 2006 under prior Administrations, the Law Director just wants everyone to understand that; even the carryover has increased through the Administration and Council through the years, back in 2005 we barely had a \$17,000 carryover, which means like in your household where you have money that you carryover into the next year, it's now in the neighborhood of \$5,\$6,\$700,000, he doesn't have the specific number, and that is through the joint efforts of the Administration and the Council for fiscal responsibility, and we haven't cut a lot of Police and Fire, and they have done a good job in that regard; he is not one of the voting members, but he does take a little deference to statements like that if they reflect poorly on the Administration or some of the Council, and all of the Council members that are sitting up here, because they did go through those years and they fought to get it. Law Director Lobe then addressed Tanya Taylor-Draper and stated Mr. Roszczyk is here, who is our Development Director and he can answer and help with some of her questions and stated she can call him directly and meet with him at any time for some of those issues as to what is going on.

Councilman Fiebig asked the Mayor if he had heard anything about Target. The **Mayor** responded no, he has not, but that is under Steve's (Roszczyk) call and he has heard some other things, but they are confidential right now.

Councilman Fiebig responded as Real Estate transactions typically are, we can go under Executive Session to talk about Real Estate matters, but obviously Council is interested in developing that area and he would urge other Administrations to talk to our Police Chief to increase patrols in that area because there was definitely a headline about the tragedy at the Dollar Store; we want to do whatever we can to make sure we have the staffing necessary to protect the residents and the shoppers and people that visit this area, so there is no question about it that we are

going to do everything that we can. Councilman Fiebig then addressed Mr. Pestotnik and stated he (Councilman Fiebig) is right on his side, 100%, about do we want to make sure that we have enough equipment, that we have the right stuff that our safety forces need? Absolutely. He has been pushing for that; he was disappointed that our current budget did not include any new police cars, but he knows we are pushing for that, we are working on that for this year to try to get that done, but we have to balance that also with issues like roads, he thinks that is a priority, he thinks having the Police and Fire and Service Personnel, those are the priorities in the City, so we are working on that, we are aware of it and thank you for your comments.

The Mayor addressed as far as the Police and Fire go, we've got an Ordinance on for a new ambulance and it should be passed next time; the Council asked for some more information and they will be getting it tonight, but that's a new ambulance. As far as the Police Department, they have gotten new cars this year; in fact, the last one just rolled in, it's only about 2 weeks old. As far as the Dollar Tree, he thinks it was sensationalized in the newspaper, they were saying that the people were pistol-whipped, well, you couldn't tell anything happened to them when they came in here, so it was just sensationalism and that is still under investigation.

Councilwoman Fellows asked the Mayor, he mentioned that he had new Police cars, what funds were used for those to be purchased for the City? The **Mayor** responded the Law Enforcement Trust Fund. **Councilman Fiebig** asked when did that happen? **The Mayor** responded that the Canine car came in two weeks ago, K-3. **Councilman Fiebig** stated he wasn't sure if he missed a meeting, but he didn't hear about this.

President Somich stated relative to the safety, because a number of us have made inquiries into what happened at the Shops of Willoughby Hills, and he knows there has been an ongoing investigation, and perhaps there is much more to that than we have already read about and heard about, we never really get the facts out of the media the way they are presented, unfortunately, but he would like to call, to have, a Safety Committee Meeting called, if possible...**Councilman Biro** interjected, sure. **President Somich** continued saying so we could get some discussion on not only that issue, but on relative safety in our community, it is definitely tied into with the heroine epidemic that has been declared an epidemic in Lake County and in other counties in this area, because that is really driving much of the crime in Northeast Ohio, so if we could be on top of that, and perhaps invite members of our Safety Forces so we could have a more thorough discussion on that.

The Mayor stated in the fact of the Dollar Tree incident, the Police Chief was actually working at Giant Eagle and was standing outside at 9:00pm and he did not notice anything that was going on, so whatever was going on, a lot of protocol that should have been happening, wasn't, within the Dollar Tree. **President Somich** responded there is more to be learned about that situation.

Councilman Hallum just wanted to mention that we talked about the Color Run which is going on on Saturday, he knows that they sold out at 8,000 runners, it was then re-opened and now he thinks it is closer to 9,000 people that are in attendance, so there will be a large number of people in our City to see what we have to offer, so certainly he hopes our business community and anybody who might see this will make them feel welcome and hopefully they will see some advantages to spending more time in our City.

President Somich wanted to address one more issue that was mentioned with Giant Eagle, as one of the people who has been on a lot of committees and working on that end of town, Giant Eagle has been very cooperative, their current management is very cooperative with us on events and ways they can improve business in that area and image of that area, so we consider them a good partner. Please, we do not want any rumors that they are holding us back in any way because we need to support that business and all the businesses in our community.

Councilman Biro wanted to follow up on a comment from Ms. Fulton, she wants his opinion on the issue she discussed, he thinks that issue, it was abhorrent the way that issue was presented to Council, he would think that in normal circumstances that would be an issue brought up before Council and put into Committee to discuss the ramification of things like that, that is an issue that is being investigated, still, has been investigated, there was a report that there was no conflict of interest; in terms of his constituency, this whole room is my constituency, and he is very approachable; he gets calls constantly, and he has no problem and he returns calls and he has no problem in discussing these issues with my constituency, he doesn't remember getting a call from Linda or being asked to discuss this issue after a Council Meeting or before a Council Meeting, she knows his number is on the website, anyone can call me if they have anything they would like to discuss with him.

Councilman Fiebig stated that the comment Mr. Biro made, about the way it was presented being abhorrent, he thinks it was misplaced, we have an Administrative Code that requires that we have Open Public Meetings, (Councilman Biro) may disagree with methods, but the term (Councilman Biro) used was a misplaced word, because the way we present is the way we present, it's an open body, we can't go into Executive Session, it's against the law to go into Executive Session, to discuss a matter that involves a potential conflict of interest or potential issues like nepotism, we can't do that, it's against the law, it's against our Administrative Code, so we had to bring this up in public, it's unfortunate, it's unfortunate that it happened, and the issue is still alive, it's

being investigated, he does not think the report that we received is conclusive, so therefore he thinks there needs to be additional discussion about it and we need to delve into it further. He welcomes any comments and discussion and if we do want to put a committee together, if we want to do anything like that, it has to be public; it cannot be a back room conversation. **Councilman Biro** responded that he never suggested that we should go behind closed doors to discuss that issue, we could have brought that in front of Working Committee of Council, that would not have been a problem with him, he would have been comfortable discussing it; the implication that we were going to run behind closed doors, he does not appreciate that; in another sense, we can agree to disagree on certain issues, whether or not he thinks it is abhorrent, (Councilman Fiebig) may not think that, so Councilman Biro just thinks that forcing an issue to vote on something that we have very little or no information or information that is thrown in front of us without time to review, he just thinks that was not acceptable; those are just my views and he agrees to disagree with Councilman Fiebig. **Councilman Fiebig** stated he agrees that we can disagree on it, but it is open to vote, if we ever want to make a motion, we can vote. The **Law Director** responded by saying we voted on it, you forced a vote that night and even in 9.32 of the Charter that vote was final, and he made that report and that's part of the problem that Councilman Hallum brought up and just so everyone is clear, this matter was brought to a U.S. Congressman, to the FBI, to the County Prosecutor, and other people, and then Independent Counsel, and we voted on it; he just wants everybody in the audience to understand that the State Auditor is still looking at it, because we took it to the State Auditor's office, that is the one investigation that he still, he understands unless you guys did something else that you want to tell us now about, but that's what he understands; we had a vote, there was a formal roll call, they voted on it, and that is what Councilman Biro is talking about, he does not want the impression that this Council did not vote on it, they did vote on it, he just wants the record clear.

LEGISLATION

ORDINANCE NO. 2014-28 – THIRD READING

1st Reading: April 10, 2014

2nd Reading: April 24, 2014

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE ACQUISITION OF A 4.0 TON CAPACITY ASPHALT HAULER AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2014-28.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-28 has been adopted.

ORDINANCE NO. 2014-29 – THIRD READING

1st Reading: April 10, 2014

2nd Reading: April 24, 2014

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE WORRELL ROAD SINKHOLE REPAIR PROJECT AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to adopt Ordinance No. 2014-29.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-29 has been adopted.

ORDINANCE NO. 2014-30 – THIRD READING

1st Reading: April 10, 2014

2nd Reading: April 24, 2014

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE CLASSIC TIF CAPITAL PROJECT FUND NO. 423 AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Hallum to adopt Ordinance No. 2014-30.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-30 has been adopted.

ORDINANCE NO. 2014-31 – SECOND READING

1st Reading: April 24, 2014

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO STATE OF OHIO ADMINISTRATIVE SERVICES CONTRACT(S) FOR THE REMOUNTING AND REFURBISHING OF ONE 2003 LIFELINE SUPERLINER AMBULANCE FOR USE BY THE FIRE DEPARTMENT WITH THE TRADE-IN AND CREDIT OF THE EXISTING CHASSIS.

President Somich stated that Ordinance No. 2014-31 would remain on Second Reading.

The **Mayor** stated that he passed out a brief summary of the ambulance and the savings that we have with the purchase and remounting of the ambulance. When we purchased the last ambulance, we almost purchased a Horton ambulance except they didn't have this remounting service. When the remounting service became available, we opted for it because it saves \$40,000-\$65,000. Since then, Horton has started their own remounting service, but we don't have a Horton, we have two Lifeline ambulances which carry a lifetime warranty on the box.

President Somich stated there is additional time we have to communicate on that issue; it is on Second Reading which means it will be set for Third Reading at the next meeting and consideration for adoption at that time.

ORDINANCE NO. 2014-32

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO STATE OF OHIO ADMINISTRATIVE SERVICES CONTRACT(S) FOR THE PURCHASE OF A 2014 FORD F350 SEWER VEHICLE FOR USE BY THE SERVICE DEPARTMENT.

President Somich stated that Ordinance No. 2014-32 would remain on First Reading.

The **Mayor** was asked for a justification of this truck; the cost from the sewer pumps from Barefoot Pump and all the reimbursements that we made over the last two years and our Service Director wrote the opinion of it on a separate memo. Council has two more times to review that.

Councilman Hallum stated that he had asked the Mayor for this information simply because he wants to make sure the payback was legitimate, that the payback wasn't going to be longer than the lifetime of the vehicle.

President Somich addressed Councilman Hallum stating that this information may not require an additional meeting, but if he, being Chair of Service, feels there is a need for further discussion on this together, President Somich will let Hallum consider this meeting.

NEW BUSINESS

President Somich addressed the Mayor's consideration for the panel of the Charter Review commission and stated that was suggested earlier as he recalled by the Law Director that we put together a Charter Review Commission by Council, for whatever reason that was not chosen to be acted on, it was placed on Committee and it was not acted on, so he is assuming that Council is not going to do that, and the Charter Review Commission has been proposed by the Mayor is to facilitate this. Is there a motion to approve this list so that this can get underway?

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to postpone the approval of the member list that was proposed.

President Somich asked is there any discussion on that motion? **The Mayor** stated to wait two more weeks, because we waited six weeks already for Council to make a decision on this and they hadn't, he can't see the reason to wait two more weeks, because the time period for them to come up with any Charter changes would be July 15-September 1, so we can get them working quicker, he would urge that we pass the list today in essence of timeliness. **Councilwoman Fellows** asked is this a complete Charter review or just Article IX? **The Mayor** responded that it cannot be just Article IX, it has to be a complete review. **Councilwoman Fellows** asked when this list was presented to us, it indicated that Joyce Grady was an attorney, is she? **The Mayor** responded that she is a lawyer, but she is not licensed in the State of Ohio. **Councilwoman Fellows** stated that she needs the opportunity to review the individuals and maybe chat with them, because she doesn't know if that is correct and she needs to know that. **Councilman Fiebig** stated he made a motion and it was seconded. **President Somich** stated there was a motion to second, is there any further discussion? Hearing none, we have a motion to postpone the approval of the Charter Review Commission Member List.

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

President Somich declared that there will be a delay of two weeks to further review and perhaps consider adopting the Member List provided by the Mayor.

Councilman Hallum asked with regard to vetting these people, where should we put this to do that? That's what we're talking about, right, trying to understand who these people are...**Councilwoman Fellows** interjected that it was initially in the Rules and stated it can be put in Rules on the Monday before Council. **President Somich** stated that has been placed back into Rules and Legislation. **The Law Director** stated while they do that, please look on Section 5.6 because that is one of the Charter Provisions on the Charter Review Commission, and it needs 9 electors so you can't go outside of the community and it has to have 5 that has never held public office and a few other things. **Councilman Biro** asked would it be okay to get a list of phone numbers to be able to contact them? **The Mayor** responded sure. **Councilman Biro** asked is that acceptable if we have any issues or any discussion? **The Mayor** responded yeah. **Councilwoman Fellows** stated that would be a good idea if individuals of Council want to contact these listed individuals, we would have some discussion for that on Rules on that Monday, for any questions or concerns. **President Somich** asked to clarify the meeting date, so we are aware. **Councilwoman Fellows** stated it's on May 19, Monday before Council. **President Somich** stated so one of the important meeting topics that evening, besides the Rules and Legislation typical agenda, will be the discussion of this list, so if you are interested in discussing/talking with any of the people, or in other ways investigating the worthiness of them being on this list, please try to have that done before the 19th.

FOR THE GOOD OF THE ORDER

Councilman Biro:

Wants to remind everyone to become a blood donor. President Somich added to call 1-800-Red Cross at any time to find the nearest donor, area, date and time.

Councilman Fiebig:

Wished a Happy 25th Anniversary to his wife, one of our resident attorneys, who was sworn in 25 years ago. Also, wished all of the mothers a Happy Mother's Day.

President Somich:

CityMusic Cleveland will be performing on Friday, May 16th at St. Noelle Church at 8:00pm and is free and open to the public.

Happy Birthday Councilwoman Fellows on May 13th.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adjourn the Regular Council Meeting of May 8, 2014.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Somich declared the Regular Council Meeting of May 8, 2014 to be adjourned at 7:58pm

APPROVED:

May 10, 2014
Date

Raymond C. Somich
Raymond C. Somich
President of Council

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council