

City of Milloughby Hills

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

Regular Council Meeting Minutes of September 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 Vice President Nancy E. Fellows serving as President of Council Pro-tem

Pledge of Allegiance

Moment of Silence for the victims and families of 9/11 who sacrificed their lives

Roll Call of Council

Members Present: Vice President Nancy E. Fellows, Councilman David M. Fiebig, Councilman Frank A. Germano, Councilman Christopher Hallum, Councilman John Plecnik

Absent: Councilman Christopher L. Biro and 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

MOTION WAS MADE BY COUNCILMAN HALLUM, seconded by Councilman Plecnik to excuse Councilman Biro and President Raymond C. Somich from the Regular Council Meeting of September 11, 2014.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Fellows stated that Councilman Biro and President Somich have been excused from the Regular Council Meeting of September 11, 2014.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Hallum to appoint Councilman Fiebig to serve as Vice-President of Council Pro-tem for the Regular Council Meeting of September 11, 2014.

Roll Call: Fellows-yes, Fiebig-abstain, Germano-yes, Hallum-yes, Plecnik-yes

MOTION PASSES: 4-AYES/1-ABSTENTION

President Pro-tem Fellows stated that Councilman Fiebig has been appointed to serve as Vice-President of Council Pro-tem for the Regular Council Meeting of September 11, 2014.

CHARTER REVIEW COMMISSION REPORT

President Pro-tem Fellows announced the first item on the agenda this evening is a report from Commission Chair Andy Gardner.

Thank you for the opportunity to give this report on behalf of the Charter Review Commission. As you know, the Commission was appointed in June; we had an organizational meeting on June 26 where the Commission was informed that although the City Charter provides that we have until September 1st to submit to Council recommended revisions, the Board of Elections had a strong preference, due to the many limitations and obligations put on them to get early ballots out on things, that we would have everything submitted by mid-August. To attempt to meet that deadline, the Commission very aggressively scheduled two meetings a week as well as promptly sought

input from City officials as well as scheduled two Public Hearings. The response to the request for input was pretty overwhelming; we received input from the Mayor's Office, several Council Members, the Economic Development Director, Law Director, the entire Civil Service Commission, and a number of residents including the 2008 Charter Review Chair Dale Fellows. The results of that was approximately fifty (50) discreet potential changes to the Charter with a range of complexity from very complex requiring reviews of state law and other issues down to changes for the purpose of consistency or dates; for example, moving the date up for submitting Charter Review recommendations to help comply with Board of Elections requests. To compare this to when he served on the same Commission in 2008, he would say at most they had twenty discreet issues; ten of them were raised by the Mayor's Office, the other ten came from the Commission Members themselves so there was quite a difference between the two different Commissions. Following the end of the Public Hearings and the input from the City Officials, the Commission prioritized those fifty issues to try to take the highest priority items and resolve them and put something on the ballot. In particular, they focused on Article IX of the Charter which is captioned "Personnel", but relates to two areas of financial conflict of interest by City Officials: hiring of employees related to City Officials, a nepotism provision, and a dismissal of City Officials who are charged with violations of the Charter. In order to evaluate those areas, the Commission engaged in a pretty in-depth review. With the Law Director's help, they were able to gather materials from the Ohio Ethics Commission, the Ohio Revised Code, they were given the opportunity to have one of the City's residents who is also one of the Assistant County Prosecutors come in to make a presentation, Karen Kowall, the Law Director and Gardner engaged in at least one lengthy conversation with the Ohio Ethics Commission staff Attorney, and then there were a number of other research endeavors by various members of the Commission. Although despite a significant amount of work in the time from when the Public Hearings ended in mid-July till our perceived deadline of mid-August, they were not able to come to conclusions. On August 17, they took action to defer making any recommendations for this year's ballot. It was really due to the Commission trying to do its best to tackle the hardest issues, but wanting to do the job right and instead chose to defer taking any action now for fear that they could either take action that would result in an unintended consequence or just not be good enough quality for the Members of the Commission's highest standards. The Commission is going to continue to meet; their appointment does not end technically until Election Day. They will be meeting on the first and third Monday of each month, starting next Monday, through Election Day. At this point, he thinks every member of the Commission has asked to be re-appointed for next year where they can continue and hopefully have managed to put on a ballot for November 2015 Election. He would like to express his appreciation as he has in the past to Council Clerk Savage for her help in giving notices and keeping them legal and also to Clerk Majeski who has done a fine job. When we have back-to-back two hour meetings and to be able to process through the Minutes and get them together so that they can be reviewed and approved by the next night is pretty phenomenal and a lot of work on her part. He would also note the dedication of the other Members of the Commission: Dr. Steve Atkins, Joyce Grady, C.J. Latsa, Judy Shrefler, Sandy Taddeo, Tanya Taylor-Draper, Vice-Chair W. James Walsh, and Jerry Wolanin. These folks dedicated sixteen evenings of meetings between June 26 and August 18 to come up here and many hours of outside research and many, many hours of drafting and discussion. Certainly, they deserve everybody's thanks.

President Pro-tem Fellows stated she herself attended many of those meetings as well as others and they really appreciate all of the hard work and dedication that everybody did on the Commission. She looks forward for that Commission to be together next year to start early and have a lot of quality time to work on making our Charter better.

Councilman Hallum wanted to say that he is happy to hear that they didn't try to rush through and that it was important not to try and come up with something; that is what he expected out of them and he is glad that you met those because he thinks they are a great group and he thinks they will do a great job.

Councilman Plecnik stated they had spent the summer together and although he has already expressed his thanks to the Commission, he wants to say that they realized what a serious job they had from day one and had a high standard and that is why they decided not to put something on the ballot and we are grateful that they took so much time and he is sure that work will pay off next year.

Disposition of the Journal

Regular Council Meeting of June 26, 2014

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to approve the Regular Council Meeting Minutes of June 26, 2014 as submitted.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Fellows stated that the Regular Council Meeting Minutes of June 26, 2014 have been approved as submitted.

Regular Council Meeting of July 10, 2014

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Plecnik to approve the Regular Council Meeting Minutes of July 10, 2014 as submitted.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Fellows stated that the Regular Council Meeting Minutes of July 10, 2014 have been approved as submitted.

Regular Council Meeting of July 24, 2014

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to approve the Regular Council Meeting Minutes of July 24, 2014 as submitted.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Fellows stated that the Regular Council Meeting Minutes of July 24, 2014 have been approved as submitted.

CORRESPONDENCE

WH Community Center Rental Report for July 2014 (Emailed: August 12, 2014)

WH Community Center Rental Report for August 2014 (Emailed: September 3, 2014)

City Engineer's Report dated August 21, 2014 (Emailed: August 21, 2014)

City Engineer's Report dated September 4, 2014 (Emailed: September 5, 2014)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month ended July 31, 2014 (Emailed: September 3, 2014)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month ended August 31, 2014 (Emailed: September 3, 2014)

Memo from Assistant Director of Finance to Council, dated August 12, 2014 re: New Hires (Emailed: August 12, 2014)

Memo from Assistant Director of Finance to Council, dated September 2, 2014 re: New Hires (Emailed: September 3, 2014)

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

Email from Nate Catania, Street Superintendent to Council Office, dated August 19, 2014 re: Street Inventory (Emailed to Members: August 19, 2014)

Email from Nate Catania, Street Superintendent to Council Office, dated August 21, 2014 re: 10 Year Vehicle and Equipment Replacement (Emailed to Members: August 21, 2014)

Email from Nate Catania, Street Superintendent to Council Office, dated August 21, 2014 re: 2015 Wish List (Emailed to Members: August 21, 2014)

Interoffice Memo from Mayor Robert M. Weger to Council President and Council Clerk, dated August 21, 2014 re: Declaring Vehicles Surplus (Emailed: August 21, 2014)

Email from Mayor's Assistant to Council Office, dated August 28, 2014 re: Recap for the Fall Corn Fest Summer Concert Series of 2014 (Emailed: August 28, 2014)

Email: from Clerk of Council to the Members, dated September 8, 2014 re: Charter Review Commission Meetings – Posted on the City's Website

FINANCIAL REPORTS FOR THE MONTH ENDING AUGUST 2014 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS (Emailed: September 10, 2014)

NOTIFICATIONS

Board of Building and Zoning Appeals Meeting of August 12, 2014
Board of Building and Zoning Appeals Meeting of September 9, 2014 (Emailed: September 8, 2014)
Standing Charter Review Commission Meetings for August 2014 (Emailed: July 25, 2014)
Standing Charter Review Commission Meetings for 2014 (Emailed: August 21, 2014)
Civil Service Commission Meeting of August 25, 2014 (Emailed: August 4, 2014)
Civil Service Commission Meeting of October 9, 2014 (Emailed: August 27, 2014)
Personnel Relations Committee Special Meeting of September 2, 2014 (Emailed: August 27, 2014)
Planning & Zoning Commission and Architectural Board of Review Meeting of August 7, 2014 (Emailed: August 5, 2014)
Planning & Zoning Commission and Architectural Board of Review Meeting of August 21, 2014 (Emailed: August 18, 2014)
APA Cleveland 26th Annual Planning and Zoning Workshop to be held Friday, October 24, 2014 (Emailed: August 27, 2014)
Service Committee Meetings scheduled for September 8th, October 6th and November 10th (Emailed: August 4, 2014)
Rules and Legislation Committee Meeting of September 8, 2014 (Emailed: September 4, 2014)
Utilities Committee Meeting of September 2, 2014 (Emailed: August 27, 2014)
Planning and Zoning Commission and Architectural Board of Review Meeting of September 4, 2014 (Emailed: August 29, 2014)

MINUTES

Board of Building & Zoning Appeals Meeting of May 13, 2014 – Posted on the City’s Website as of August 28, 2014 (Emailed: August 28, 2014)
Planning and Zoning Commission and Architectural Board of Review Meeting of July 17, 2014 – Posted on the City’s Website as of August 28, 2014 (Emailed: August 29, 2014)
Planning and Zoning Commission and Architectural Board of Review Meeting of August 7, 2014 – Posted on the City’s Website as of August 29, 2014 (Emailed: August 29, 2014)

ON FILE

Willoughby Hills Community Garage Sale Day – Address List, Saturday, August 9, 2014 (Emailed: July 25, 2014)
Willoughby Hills Police Department Thank You Letter to Resident in response to a Donation used for the Safety Town Educational Program, dated August 22, 2014 (Emailed: September 3, 2014)
WH Senior Center News Letter for August 2014, Issue Number 76
WH Senior Center News Letter for September 2014, Issue Number 77

MAYOR’S REPORT – Robert M. Weger

Just want to welcome Council back from Recess and hope they will approve tonight’s Ordinances for the good of our residents.

Acknowledgements:

Welcome to News-Herald reporter Amy Popik and best wishes to Elizabeth Lundblad who has been assigned another area to cover.

Thank you to everybody that participated in and those that attended the August Corn Fest Concert

Events:

Art Gallery Reception--Quilt Exhibit – Friday, September 12th from 7 to 9pm at WH Community Center

W-E Library Author Book Signing – Saturday, September 13th from 11 to 3pm at WH Community Center

W-E Library and WH Historical Society’s “Great Lakes Expo of 1936” Program—Wednesday, September 24th from 7 to 9pm.

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

LAW DIRECTOR'S REPORT – Thomas G. Lobe

New litigation piece that was filed in Mahoning Municipal Court that was filed against our magistrate by a disgruntled defendant in Mayor's Court. We filed some early motions to dismiss based upon procedural, substantive, and other legal grounds including sovereign immunity. We got a favorable ruling from the Court without further hearing. This individual has a propensity to bring these types of suits.

Safety and concerns with our residents is always a big thing. The Police Department continues to make a good series of arrests regarding Drug Enforcement.

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

No formal report was given.

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

Clover Senior Housing Project and the **Maple Valley Subdivision** construction are ongoing. Maple Valley is still going on with some seeding and final restoration. However, a house has started and they have received building plans for several others.

Continuing to work on the **Lamplight and the Knecht/O'Brien Culvert Projects**—a few changes will need to be incorporated

Dunkin Donuts Project—hoping for approval at the October 2nd Planning and Zoning Commission Meeting.

COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

PERSONNEL RELATIONS – Christopher Biro, Chair

Committee Members: John Plecnik, Mayor Robert M. Weger

Councilman Plecnik, as a member of the Personnel Relations Committee, noted that we did have a Personnel Relations Committee Meeting on September 2nd; Chairman Biro is not here to report on it, but it was largely an Executive Session so there is not much to be reported.

RULES & LEGISLATION – Nancy E. Fellows, Chair

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

COMMITTEE MEETING OF SEPTEMBER 8, 2014

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

Also Present: Councilman Christopher Hallum, Law Director Thomas G. Lobe, Finance Director Frank Brichacek, Mayor Robert M. Weger

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

Meeting convened at 6:32pm

Order of Business

Legislation for the Council meeting of September 11, 2014:

Ordinance 2014-57 – **This Ordinance is on 3rd Reading.** Appropriations for the River Road North Storm Sewer Replacement Project (\$142+). At our last Rules meeting we were still awaiting approval from the Lake County Storm Water Mgmt. Dept. Discussed this with the Road Superintendent, Nate Catania; Lake County has responded that they do not have grant money to award us this year for this project, we do not have funds either. It is the **recommendation of the Rules and Legislative Committee of Council to Table this Ordinance** and bring the project back around in 2015.

Ordinance 2014-58 – An Ordinance authorizing and directing the Mayor to execute an Agreement (contract) between the City of Willoughby Hills and the Willoughby Hills Fire Fighters, Local #3149 of the International Association of Fire Fighters, AFL-CIO. Will be as amended (Exhibit amended to reflect hours involving overtime and Kelley days earned to (144 hours). This contract has been signed. Therefore, **this being the 3rd Reading, The Rules and Legislation Committee of Council recommends this Ordinance be Adopted.**

Ordinance 2014-59 – An Ordinance to appropriate funds for budget revisions specifically for the Service and Fire Labor settlements/contracts. The following inquiries were addressed by Frank Brichacek: concerning the Service and Fire budget revisions being represented on the same Ordinance? Interpretation of the chart attached looks as though \$400 is being taken from 234 Safety Service Fund and being deposited into the 610 Sewer Service Fund and \$100 from the Fire Levy Fund and being deposited into 285 Park Maintenance. While this may be an incorrect interpretation, it appears that funds from Safety and the Fire Levy are being decreased... or, this is where the monies are being found/used to support the “estimated cost of the negotiated labor agreements with the Service and Fire Unions.” And finally, what will these contracts finally cost the city annually/or per contract? **See the Finance Director’s response below*.** **Rules and Legislation recommends this Ordinance be on 2st Reading.**

Ordinance 2014-60 – An Ordinance to appropriate funds for budget revisions specifically for Rockefeller Road North Drainage Improvement Project. Still awaiting grant funds from the Lake County Storm Water Mgmt. Dept. Service would still like to complete this project this year. It is not started. **Rules and Legislation recommends this Ordinance be on 2st Reading.**

Ordinance 2014-61 - An Ordinance amending Section 1 of **Ordinance – 43** to appropriate funds for the Bishop Road sinkhole. This project is completed and was funded by Lake County Storm Water Mgmt. **Rules and Legislation recommends waving the 3 Reading Rule and Adopt.**

Ordinance 2014-62 – Is in reference to **Ordinance 2014-49** – An Ordinance to allow (require) mailbox numbering to be on both sides (Chapter 1345, Building numbering). **Ordinance 2014 – 49** was tabled and the topic placed in Rules and Legislation Committee of Council to re-examine the issue of requiring identifying address numbers be affixed to mailboxes to serve as a means for the identification of a residence or building. At a previous Rules meeting, Councilwoman Fellows shared information from the Post Master General, where he indicated, “that mailboxes, regulated by the U.S.P.S., are not a means of identifying a home, it is only a vehicle to deliver mail.” This new Ordinance is being presented to “modernize” the current building code concerning the numbering of buildings. **The Rules and Legislation committee of Council recommends this Ordinance be on 1st Reading** so that the Building Commissioner and the members of the Planning and Zoning Committee have an opportunity to review this revision and present any questions or concerns.

Ordinance 2014- 63 – An Ordinance reauthorizing a Cooperation Agreement between the City of Willoughby Hills and the Lake County Commissioners to participate in the Housing and Urban Development Entitlement Program.

The Rules and Legislation committee of Council recommends the 3 Reading Rule be waived and the Ordinance be Adopted to comply with the tight deadline for the agreement to be submitted to HUD (Sept. 19, 2014).

Ordinance 2014-64 – This Ordinance is in reference to Voluntary Sick Leave Donation and the amendment of Funeral Leave (so that the definition of family is the same for both, currently defined for funeral leave by the Administration section of the ORC) for the full time, non-union employees of the City of Willoughby Hills. **The Rules and Legislation committee of Council recommends this Ordinance be on 1st Reading and placed in the Personnel Relations Committee for further dialog.**

Ordinance 2014-65 – An Ordinance to increase the staff level from 10 to 15 and incorporate a minimum age level (16) for part time positions at the Community Center. Concerns that the age limit is not necessarily appropriate with level of responsibilities. For the record, Law Director Tom Lobe recommends that the minimum age be 18. **The Rules and Legislation committee of Council recommends this Ordinance be on 1st Reading and placed in the Personnel Relations Committee for further dialog.**

Ordinance 2014-66 – An Ordinance declaring surplus vehicles. 1995 Chevrolet Caprice classic black with 261,727 miles For \$1000.00 and a 2007 Dodge Charger with 100,475 miles \$2,000. By motion at Council this Thursday, a 2002 Oldsmobile Aurora dark green with 158, 698 miles for scrape at \$700 as suggested by the Police Chief. **The Rules and Legislation committee of Council recommends waiving the 3 Reading Rule and Adopting this Ordinance.**

Ordinance 2014–67 CRA Investment. This is aligned with the development of the Dunkin’ Donuts on Rt. 91.

A discussion followed. **The Rules Committee agreed that a number would be assigned to the Ordinance and that this will be on 1st Reading.** Niyati Enterprises did not return the Final Development Plans with comments or compliance

in a timely manner, therefore this project has still not been approved in its finality from the Planning & Zoning Committee. It does not make good business sense to vote on giving money to a developer, even if it is through the Community Reinvestment Act, when a project has not been finalized/approved.

Resolution 2014-4 – A Resolution accepting the amounts and rates for the year 2015 as determined by the Budget Commission of Lake County. **The Rules Committee recommends that the 3 Reading Rule be waived and the Ordinance be Adopted since the filing date with the County Auditor is October 1, 2014.**

Resolution 2014-5 – A Resolution recognizing the establishment of the City’s official motto “Where the City Meets the Country” by former Mayor Melvin G. Schaefer. This Resolution was brought forth by Councilman Fiebig. After discussion, **it was decided that this topic should be discussed in Committee of the Whole; therefore it will be on 1st Reading.**

Resolution 2014-6 – A Resolution in support of the “Ready Lake County” initiative by making emergency preparedness a priority. Council President Ray Somich brought this to the table. **It was the consensus of the Rules Committee to waive the 3 Reading Rule and Adopt.**

Public Portion

Public portion opened at 7:29 p.m.

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

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

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

Public portion closed at 7:36 p.m.

Meeting adjourned at 7:36pm

***Finance Director’s Response:**

To the best of my knowledge, the Service Contract has been signed because it was authorized by Council but the Fire Contract has not been signed as it is still awaiting approval by City Council. It is my understanding that there will be a request to amend to proposed Fire contract to reduce the number of hours worked by a Firefighter before they are paid at time and one half from 159 hours to 144 hours.

There is no issue relative to amending the appropriation ordinance to provide for these two contracts. The single purpose of the proposed ordinance is to provide for wage and benefit adjustments related to negotiated labor agreements.

Relative to the appropriation changes, because the numbers are similar you are drawing the wrong conclusion. The \$400 decrease in the Safety Forces Fund appropriation results from the following changes in the new fire contract:

- \$500 – Increase in the Fire Dept. wage budget to provide for the negotiated increase beginning in November.
- (\$800) – Decrease in the Fire Dept. wage budget resulting from increasing the employees contribution to the cost of their health insurance by 1% for the remainder of 2014.
- (\$100) – Decrease in the subsidy to the Fire Levy Fund resulting from the impact of rounding the total estimated cost of healthcare.

These changes will reduce the General Fund Subsidy to the Safety Forces Special Revenue Fund by \$400.

The \$400 increase in the Sewer Fund results from the impact of the Service Contract on the employees paid out of this fund. The Service Contract results in the following changes:

- \$500 – Increase in the Service Department wage budget for the 1 Full Time Equivalent (two positions, half time each)
- (\$100) – A rounding decrease in the total cost of the pension and Medicare benefits that are a percentage of wages.

This increase will be financed by the sewer user fees credited that finance the Sewer activity.

The \$100 decrease in the Fire Levy Special Revenue Fund results from correcting the rounding the cost of employee healthcare to the nearest \$100.

The \$100 increase in the Park Maintenance Special Revenue Fund results from the impact of the wage adjustment in the Service Contract on the 25% FTE position charged to this fund. This increase will be financed by the resources of the Park Maintenance Fund.

The projected three year total cost to all funds of Service Department labor settlement is \$29,900. The projected three year cost of the Fire Department labor settlement is \$50,800 less a savings of approximately \$10,000 resulting from the settlement not being retroactive to January 1, 2014.

Frank

Frank J. Brichacek

Director of Finance

SERVICE – Christopher Hallum, Chair

Committee Members:

Frank A. Germano, John Plecnik

Chair Hallum stated that he would be presenting the minutes of the Service Committee Meeting held on September 8th at the next Regular Council Meeting to be held September 25, 2014.

UTILITIES – Frank A. Germano, Chair

Committee Members:

Christopher L. Biro, Nancy E. Fellows

COMMITTEE MEETING OF SEPTEMBER 2, 2014	
Members Present: Councilman Frank A. Germano, Chair, Councilman Christopher L. Biro	
Also Present: Councilman David M. Fiebig, President Raymond C. Somich, Finance Director Frank Brichacek, Road Superintendent Nate Catania, Mayor Robert M. Weger	
Purpose of the Meeting was to discuss: (1) <u>Stark Drive Force Main Replacement</u>, (2) <u>Meadow Brook Pump Station Control Panel Replacement</u> and (3) <u>Westside Sanitary Flow Monitoring</u> and any other business.	
Meeting convened at 7:34pm	
<i>Order of Business</i>	
Replacement of Meadowbrook Pump Station – Electrical Panel – Estimated Cost of \$15,000 for next year's Budget.	
Stark Forced Main Replacement – went out of service a few times – Approximate 950' – Estimated cost of \$50,000 for next year's Budget; funding from the Sewer Fund for the Force Main	
Recommendation made to have the Mayor authorize the City Engineer to Design the Stark Force Main under Retainer.	
<i>Public Portion</i>	
Public portion opened at 7:52 p.m.	
Frank – Willoughby Hills Towers use back parking lot for retention	
Linda – What is the status of the O'Brien Property? – Storm Water Issue	
Public portion closed at 7:54 p.m.	
Meeting adjourned at 7:54pm	

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 7:43pm

1. Robert Kowalsky

2585 Timberline Drive

Re: Tabled a \$250,000 grant (CRA Grant) and is now back on the agenda (Ordinance 2014-67). Aren't you supposed to do something to get it off the table? Building size is larger and the total employees are cut almost by

half from 30 employees stated originally to 17 employees with more part-timers. It was indicated that Dunkin Donuts was changing the deal and wants the \$250,000 grant approval now before going forward. This money comes from our real-estate tax. Our school system will now lose their portion of this property tax. This grant is bad.

President Pro-tem Fellows addressed Mr. Kowalsky's comments by stating some Motions are Tabled and then at the end of the year if there has been no action on them they will be dissolved. In terms of the Community Reinvestment Act, a new Ordinance was written because of some of the changes.

Councilman Hallum stated because he is a real estate agent and is the Chairman of the Economic Development Task Force with regards to Community Reinvestment Acts and Dunkin Donuts in particular, national chains look to see what national chains are in particular areas. They decide, in part, where they are going to build their next location with that in mind. Yes, we are considering doing a CRA for Dunkin Donuts and is one way we can incent these national chains to come to Willoughby Hills to overall long-term improve the tax base. So from a real estate perspective and the understanding that we need to invite and welcome new businesses to this area so that long-term we can increase our tax base; that is what we need to focus on.

Law Director commented that the school board and all of those good organizations are really not getting any taxes because it's a vacant piece of property. They really start to get their taxes once the property is improved and even then all the CRA is 50% of it which is permissible by law. So right now, to say that money is being taken from those good organizations, the school, the mental boards, etc, is not a fair statement, because right now it is a piece of unapproved vacant property. Once the property is approved, then the taxes go up and then they will at least start getting something. Secondly, besides the real estate taxes, it is also in here that the minimum is that they are going to bring in \$250,000 of additional annual payroll for the property owners which comes into the City's coffers. Just so everybody understands that money is not being taken away from the schools and other good organizations.

Public Portion was closed at 7:40pm

UNFINISHED BUSINESS

There is no Unfinished Business brought forth by the Members.

LEGISLATION

ORDINANCE NO. 2014-57 – THIRD READING

1st Reading: July 10, 2014

2nd Reading: July 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 RIVER ROAD NORTH STORM SEWER REPLACEMENT PROJECT AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to table Ordinance No. 2014-57.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Fellows declared that Ordinance No. 2014-57 has been tabled.

ORDINANCE NO. 2014-58 – AS AMENDED (9/11/2014)-THIRD READING

1st Reading: July 10, 2014

2nd Reading: July 24, 2014

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND THE WILLOUGHBY HILLS FIRE FIGHTERS, LOCAL #3149 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Plecnik to adopt Ordinance No. 2014-58 as amended.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Fellows declared that Ordinance No. 2014-58 has been adopted.

ORDINANCE NO. 2014-59 – SECOND READING

1st Reading: July 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 SERVICE AND FIRE LABOR SETTLEMENTS AND REPEALING CONFLICTING LEGISLATION.

President Pro-tem Fellows declared that Ordinance No. 2014-59 would remain on Second Reading.

ORDINANCE NO. 2014-60 – SECOND READING

1st Reading: July 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 ROCKEFELLER ROAD NORTH DRAINAGE IMPROVEMENT PROJECT AND REPEALING CONFLICTING LEGISLATION.

President Pro-tem Fellows declared that Ordinance No. 2014-60 would remain on Second Reading.

ORDINANCE NO. 2014-61

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 BISHOP ROAD SINKHOLE EMERGENCY REPAIR PROJECT AND REPEALING CONFLICTING LEGISLATION.

President Pro-tem Fellows stated that it was recommended by Rules and Legislation that the Three Reading Rule be waived and adopted since the project is completed and has already been paid for.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to suspend the Three Reading Rule for Ordinance No. 2014-61.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Fellows declared that the Three Reading Rule for Ordinance No. 2014-61 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to adopt Ordinance No. 2014-61.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Fellows declared that Ordinance No. 2014-61 has been adopted.

ORDINANCE NO. 2014-62

AN ORDINANCE AMENDING PART THIRTEEN – BUILDING CODE, TITLE THREE – LOCAL BUILDING PROVISIONS, CHAPTER 1345 – BUILDING NUMBERING OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Pro-tem Fellows declared that Ordinance No. 2014-62 would remain on First Reading.

ORDINANCE NO. 2014-63

AN ORDINANCE REAUTHORIZING A COOPERATION AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND THE BOARD OF COUNTY COMMISSIONERS, LAKE COUNTY, OHIO ON BEHALF OF THE CITY OF WILLOUGHBY HILLS IN ORDER TO PARTICIPATE IN THE LAKE COUNTY, OHIO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ENTITLEMENT PROGRAM AND ABIDE BY THE COVENANTS OF SAID PROGRAM, AND DECLARING AN EMERGENCY.

President Pro-tem Fellows stated that it was recommended by Rules and Legislation that the Three Reading Rule be waived and adopted to submit this timely.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to suspend the Three Reading Rule for Ordinance No. 2014-63.

Councilman Fiebig announced that there was a time deadline for this Ordinance; that is the reason for this Ordinance be waived and adopted quickly so that we can expedite.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Fellows declared that the Three Reading Rule for Ordinance No. 2014-63 has been suspended.

MOTION WAS MADE BY COUNCILMAN HALLUM, seconded by Councilman Germano to adopt Ordinance No. 2014-63.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Fellows declared that Ordinance No. 2014-63 has been adopted.

ORDINANCE NO. 2014-64

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 Pro-tem Fellows declared that Ordinance No. 2014-64 would remain on First Reading and be placed in the Personnel Relations Committee for further review.

ORDINANCE NO. 2014-65

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

President Pro-tem Fellows declared that Ordinance No. 2014-65 would remain on First Reading and be placed in the Personnel Relations Committee for further review.

ORDINANCE NO. 2014-66

AN ORDINANCE TO DECLARE CITY VEHICLE(S) AND/OR EQUIPMENT AS SURPLUS PROPERTY AND GRANTING AUTHORIZATION TO SELL SAID SURPLUS VEHICLE(S) AND EQUIPMENT ON THE OPEN MARKET, UPON SUCH TERMS AND AT SUCH PRICES AS ARE DEEMED MOST ADVANTAGEOUS TO THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to suspend the Three Reading Rule for Ordinance No. 2014-66.

Councilman Fiebig stated it was important that we move these vehicles along because time decreases their value so they are decreasing in value every day. It is important that we get these on the market as soon as possible.

Roll Call: 5 AYES – unanimous **MOTION PASSES**
President Pro-tem Fellows declared that the Three Reading Rule for Ordinance No. 2014-66 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to adopt Ordinance No. 2014-66.

Councilman Plecnik questioned the 2007 Dodge Charger valued at \$2000. He does not know the condition of the vehicle, but that strikes him as a very low value. Does anyone have a sense as to why this value is assigned?

Councilman Hallum stated there is some serious frame issues and that knocks it down considerably in value.

Roll Call: 5 AYES – unanimous **MOTION PASSES**
President Pro-tem Fellows declared that Ordinance No. 2014-66 has been adopted.

ORDINANCE NO. 2014-67

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

President Pro-tem Fellows stated that it was recommended by Rules and Legislation to be on First Reading.

Councilman Plecnik stated he noticed there was a change as was noted during Public Portion in the number of jobs that the Dunkin Donuts businesses were going to bring in, but the increase in dollars in payroll is the same as between the two contracts. Is that a condition of the Tax Abatement? If they failed to have at least that amount do they lose it at some point or is that just a promise? **The Law Director** stated that this is just a promise at this point. Law Director Lobe further stated that he made the determination to amend the previous Ordinance, not because the dollar amount changed, the construction time changed, the size of the building changed, and there were one or two other things, but not dollar wise. Law Director Lobe then went on to say that this has to be approved by the State, they are really the ones that make that final determination. **President Pro-tem Fellows** stated that Economic Development Director Roszczyk sent us a pretty detailed outline of that. **Councilman Plecnik** stated that if there was a way to alter the legislations so that it was a condition, he would like to hold them to their promises. Obviously, we are not starting out assuming the worst, but we are proposing and considering this Tax Abatement on the rationale that it is going to bring \$250,000 worth of revenue, taxable payroll to the City. If it turns out to be half that, along with the other jobs, he thinks we would have to reevaluate the amount of the abatement as well. If it is still \$250,000, the number of employees really doesn't make a material difference, but if the amount of payroll goes down by half, he thinks it does. **Steve Roszczyk** stated that there are penalties in the State Code regarding failure to abide by the CRA promises; they are pretty severe. Law Director Lobe stated that we should keep an eye on this too, no question.

RESOLUTION NO. 2014-4

A RESOLUTION AUTHORIZING THE CITY OF WILLOUGHBY HILLS TO ACCEPT THE AMOUNTS AND RATES FOR THE YEAR 2015 AS DETERMINED BY THE BUDGET COMMISSION OF LAKE COUNTY, OHIO AND AUTHORIZING THE NECESSARY TAX LEVIES AND THE CERTIFICATION THEREOF TO THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY.

President Pro-tem Fellows stated that the Rules and Legislation Committee had recommended that the Three Reading Rule be waived and adopted because of the timeliness of when the report has to be submitted to the County Auditor on October 1st.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to suspend the Three Reading Rule for Resolution No. 2014-4.

Councilman Hallum stated that one of the things that came up at the Rules and Legislation Committee was that the delay and the reason that we have to do this was not anything to do with our City, it was when we got the information from the County.

Roll Call: 5 AYES – unanimous **MOTION PASSES**
President Pro-tem Fellows declared that the Three Reading Rule for Resolution No. 2014-4 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to adopt Resolution No. 2014-4.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Fellows declared that Resolution No. 2014-4 has been adopted.

RESOLUTION NO. 2014-5

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

President Pro-tem Fellows stated that the Rules and Legislation Committee recommended that this Resolution be placed in the Working Committee of Council for further review; therefore Resolution No. 2014-5 would remain on First Reading.

RESOLUTION NO. 2014-6

A RESOLUTION IN SUPPORT OF THE “READY LAKE COUNTY” INITIATIVE BY MAKING EMERGENCY PREPAREDNESS A PRIORITY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to suspend the Three Reading Rule for Resolution No. 2014-6.

Councilman Fiebig stated that the idea behind this was that September is “Lake County Readiness Month”, so not passing this Resolution right away would be rather silly. There is a readylakecounty.com website that he urges everybody to go to and review.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Fellows declared that the Three Reading Rule for Resolution No. 2014-6 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to adopt Resolution No. 2014-6.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Fellows declared that Resolution No. 2014-6 has been adopted.

NEW BUSINESS

MOTION MADE BY COUNCILMAN GERMANO, seconded by Councilman Fiebig to declare as surplus a 2002 Oldsmobile Aurora, Dark Green, (VIN#1G3GR64H024200797), Mileage of 158,698, value scrap of \$700 – (Note: suggested disposition per Police Chief Collins is to sign over to O’Connor’s Towing for towing and storage fees; care is damaged from crash).

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Pro-tem Fellows declared that the abovementioned 2002 Oldsmobile Aurora has been declared as surplus.

Councilman Plecnik stated that he has taken several calls from residents with respect to the condition of the roads in Willoughby Hills and obviously we are doing the best that we can with the current budget but in particular he has heard from some residents on Lamplight Lane and he knows that Councilman Hallum has as well and one of them asked if he would be willing to walk the street and Councilman Plecnik stated that he knows that many of the members have already been up and down; he believes that Councilman Fiebig drove up and down the street today. Councilman Plecnik stated that he had been there last year but he has been told that with the winter it has even been worst in some conditions, so he actually plans to be walking up and down the street on Tuesday. This particular resident asked if every member of Council could take the time to check out Lamplight Lane and see the potholes and encourage us to move on that and while we obviously have to balance our concerns with every street, he certainly hopes that we can continue to push forward as Mr. Di Franco has recommended with getting the flooding project completed hopefully by the end of this year, and as our Service Superintendent Nate Catania had said that hopefully we can get some of the worse holes patched on Lamplight Lane. Councilman Plecnik is going on Tuesday and take a close personal look at the potholes but he would

commend everyone to take a look at Lamplight Lane for the stake of the residents there and hopefully we can get the flooding problem resolved and at least patch the issues but on a boarder point, he has heard from residents on a lot of other streets as well, they didn't make quite as many pointed requests, but they share the frustration that we have not been able to repair their roads as quickly as they would hope and we do pay a lot of taxes in Willoughby Hills because we don't have a full credit, a lot of us effectively pay 2.50 percent on our local income tax, we have property taxes to pay, we have very high sewer bills that were recently raised. We have a lot of money coming into this City from those sources and he thinks that residents are not out of line when they say that they feel that their roads should be dealt with. Councilman Plecnik stated that he hopes that in the next budget, when we are looking to next year, we prioritize our roads and infrastructures and we move them up on the list of what we are concerned with because he thinks that we can do better as a City.

FOR THE GOOD OF THE ORDER

President Pro-tem Fellows:

Wanted to echo the comments of the Mayor on the concert that we had on Wednesday night at the Community Center a few weeks back. It was extremely well attended, the band was awesome, the food was great, the fireworks were outstanding and she does know that the Mayor's Assistant put a lot of work into it. President Pro-tem wanted to thank the Mayor's Assistant and all the volunteers that helped; it was great, she really enjoyed it.

Councilman Plecnik:

Wanted to reflect on the day; September 11th is something that we should never forget. He remembers that he was in an accounting class that day, he had no idea that five years later that he would be hired by a law firm that was in the Twin Towers that day and although a lot of Americans lost their lives, thank God, no paralegals, no lawyers, secretaries, at Thatcher Proffitt & Wood died. Councilman Plecnik wanted to acknowledge the bravery of the law firm partners at Thatcher Profit and the other businesses in New York that came back to the downtown area; a lot of people were scared that this was going to happen again, and again and again. And with insurance proceeds those businesses could have relocated anywhere, not just New York City, not just New York State, the firm had millions of dollars to put their office wherever they wanted but they moved right across the street from the Twin Towers. Because of the decision that they made, himself and so many other attorneys have had a chance to start in downtown Manhattan because of bravery of the people of New York; we really have rebuilt and he would be remised if he didn't thank all of them for that opportunity and for their courage to not stand by and let America be anything less than what it truly is the Greatest Nation in the World.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to adjourn the Regular Council Meeting of September 11, 2014.

Roll Call: 5 AYES - unanimous

MOTION PASSES

President Pro-tem Fellows declared the Regular Council Meeting of September 11, 2014 to be adjourned at 8:04pm

APPROVED:


Date



Raymond C. Somich
President of Council

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council