

MINUTES LEGISLATIVE CAUCUS

7:40 p.m.

August 10, 2010

Pursuant to Codified Ordinance Section 111.01 (17) and ORC Section 121.22, notice of the following meeting was given on August 6, 2010:

Council Members Present: Mr. Ranally, Mr. Harrold, Mrs. Manning, Mr. Carr, Mr. Black, Mr. Fiala, Mr. Woodin

Others Present: Mayor Anderson, Law Director Wiles, City Engineer Sayles, Service Director Tomaselli, Fire Chief Zwegat, Police Chief Straube, Chief Building and Zoning Inspector Smith, Parks and Recreation Director Katz, Deputy Finance Director Bosley, Lake County Gazette Reporter Borstnik, Clerk Radebaugh

The Legislative Caucus Meeting was held at the Fire Station, 37000 Euclid Avenue.

OLD BUSINESS

ORDINANCE NO. 2010-92

An Ordinance amending Chapter 432 of the Codified ordinances of the City of Willoughby, Ohio, titled, "Operations Generally", to establish Section 432.43 titled, "Text Messaging While Driving", and declaring an emergency.

Mayor Anderson commented that if text messaging while driving becomes a wide spread problem, it should become illegal and enforced on a statewide basis. He is not in favor of adopting this ordinance because there is a real difficulty in the practical enforcement of this type of law.

Law Director Wiles said he considers this ordinance a deterrent rather than a law to arrest people. He read an article from an insurance company that states that texting while driving causes more accidents than using cell phones.

Police Chief Straube said it is easy to prove weaving while driving or switching lanes, but trying to prove what caused them to make that movement such as texting would be extremely difficult.

The majority of Council agreed that it would be difficult to enforce this ordinance and we should wait to see if the State takes action. Councilman Black was not in agreement. He said the deterrent aspect is more important than the enforcement aspect. He said that if this needs to be done, the city should do it and not wait for the state to take action.

Council President Ranally recommended that this ordinance be permanently tabled and to wait to see if something is done statewide or in other communities. He suggested that at that time we should also discuss cell phone use.

Ordinance No. 2010-92 will be permanently tabled. Council President Ranally asked Law Director Wiles to forward any further information he may receive to council.

NEW BUSINESS

RESOLUTION NO. 2010-101

A Resolution authorizing the Mayor to apply to the Northeast Ohio Areawide Coordinating Agency for the purpose of acquiring Transportation Enhancement Funds necessary to the construction of an improved trail from Daniels Park to Todd Field located adjacent to the Chagrin River (Magic Mile Project), and declaring an emergency.

Mr. Katz explained that this is another funding source for the Magic Mile. Mr. Ranally confirmed with Mr. Katz that the city's share would be 20% of whatever amount of money the city accepts. The maximum amount is \$600,000.

RESOLUTION NO. 2010-102

A Resolution approving a sublease between TowerCo and Sprint (Nextel West Corp.) for use of space on the proposed Cellular Communications Tower located at Daniels Park.

Mr. Wiles explained that our lease requires the city to approve any subleasing on the tower.

RESOLUTION NO. 2010-103

A Resolution declaring certain equipment owned by the City of Willoughby and no longer necessary to the operation of the Willoughby Fire Department as surplus and authorizing the disposal thereof, and declaring an emergency.

Chief Zwegas explained that this is equipment that has outlived its useful purpose. He reviewed the various items on the list. Councilman Fiala asked if the city would incur any liability if something were to happen with any of the items donated to another community. Mr. Wiles said that the city does not incur any liability.

RESOLUTION NO. 2010-104

A Resolution approving Change Order No. 1 in the contract with Joseph L. Myers, Architect, Inc. to prepare the plans and specifications necessary for the renovation of the Municipal Building Located at One Public Square, and declaring an emergency.

Mr. Wiles explained that the power going into the building was changed to a 3 phase system. This was agreed to before the signing of the contract, but did not get written into the contract. This change order is for the amount needed to pay the electrical engineers. Mr. Sayles commented that the 3 phase is much more efficient energy use. He said that this was not in the design contract, but before it went out for bid it was included in the design.

Council President Ranally said that council has not had any updates from Joe Myers, the Architect, as to the status of this project. He asked if the architect was to submit a report as part

of his contract. Mr. Wiles said he didn't think the architect needed to submit a report, but he does attend the construction meetings every Wednesday morning with Finance Director Rogowski, Chief Building Inspector Smith, Law Director Wiles, the contractor and the subs.

Mr. Wiles reviewed the status of the project. Everything will be finished on August 24th. Council will be able to hold their September 7th council meeting in the new council chambers.

Council President Ranally asked if we anticipate any other change orders. Mr. Wiles said that the job was not completed when they anticipated it would be. That will be a change order for time only.

Council agreed to table this ordinance. The architect will be invited to the next meeting. Mr. Fiala asked the Finance Department for a recap on the accounting for the project – how much was bid and the percentage for change orders.

RESOLUTION NO. 2010-105

A Resolution authorizing an expenditure in an amount not to exceed \$28,000 for replacement of the Incinerator Exhaust Gas Scrubber Water Pump and two (2) Primary Clarifier Sludge Pumps at the Willoughby-Eastlake Water Pollution Control Center, and declaring an emergency.

Mr. Tomaselli said that this expenditure was discussed at the WPCC Joint Committee meeting. The pumps are being purchased from two separate suppliers and both are under \$25,000.

ORDINANCE NO. 2010-106

An Ordinance granting an Easement for a nitrogen gas line to OsAir, Inc. on a portion of Permanent Parcel No. 027-A-013-A-00-061-0, and declaring an emergency.

Mr. Wiles said that the purpose of this line is to bring nitrogen into Cast Nylons, Inc. The city received \$1000 for the easement which is on 800 ft of city property. The easement is granting the right to put the line on city property, but OsAir will have to have their plans approved by Mr. Sayles and will have to comply with city ordinances. Mr. Sayles explained that this is a ten foot strip along the southern edge of the city's retention basin property. There will be no maintenance required by the city. Mr. Ranally asked if OsAir is paying for the inspections. Mr. Sayles said that OsAir has already provided the inspection deposits.

The Legislative Caucus meeting adjourned at 8:23 p.m.

Date approved _____

Jerome P. Ranally, Chairman

Clerk of Council