

# *The Village of Walton Hills*

## *Committee of the Whole Meeting*

Date: February 7, 2017

Time: 6:00 p.m.

Location of Meeting: Council Chambers

Mayor Hurst called the meeting to order. The roll call was taken by Vic Nogalo. Present: Councilpersons Denny Linville, Mary Brenner-Miller, Paul Rich, Gloria Terlosky, Don Kolograf, and Brian Spitznagel. Mayor Hurst states that Katie is unable to be here this evening and Mr. Vic Nogalo and Brad Trice are standing in for her. Mayor Hurst acknowledges the presence of Mr. William Mason, Law Director, as well.

Item C – Persons having business before Council – There are none.

Item D – Approval of Special Council meeting minutes of January 3, 2017 – Councilman Kolograf asks for approval of the Special Council meeting minutes of January 3, 2017, seconded by Councilwoman Terlosky. No questions or comments, and six ayes approve.

Item E – Approval of Committee of the Whole meeting minutes of January 3, 2017 - Councilman Kolograf asks for approval of the Committee of the Whole meeting minutes of January 3, 2017, seconded by Councilwoman Terlosky. No questions or comments, and six ayes approve.

Item F – Approval of Committee of the Whole meeting minutes of January 10, 2017 – Councilman Spitznagel asks for approval of the Committee of the Whole meeting minutes of January 10, 2017, seconded by Councilwoman Brenner-Miller. No questions or comments, and six ayes approve.

Item G – Discussion of Street Commissioner's contract for renewal – Mayor Hurst states that this is on first reading. He states that Councilman Linville was in his office on Monday and he gave a package to each councilmember of information with proposals of hire and re-hire, and database, because he did not put it on the agenda. He got this totally off of the internet. He said that he could not find a local municipality on the internet or by conversation that had a policy so basically, this is something for the council to review. He says we can also discuss it next week. Mayor Hurst is hoping to have a possible special council meeting next week and have Executive Session so we can all come to an agreement on what we want to do with this particular contract and go from there. He wants us to follow the policy and procedures there. Most of this is from colleges and universities and other states. New Jersey has a very firm law and there is all kinds of information in there. Mayor Hurst is requesting that, regardless of the outcome of this contract, we request Mr. Mason to review this proposal and then come with something for us to talk about and put into legislature before years end; saying five-years retirement, ten-years retirement, 15-years retirement, etc. so we have some kind of benchmark that we are all comfortable with and we have some language. He states that this has brought up a lot of discussion and a lot of questions. He thinks that if we put something in place, it will be something we can live with. He would suggest that we leave the language in the ordinance that the council can extend it or move it if they have to. Councilman Linville clarifies that we are going to discuss the actual contract next week in Executive Session rather than discussing it right now here on the floor and wants to be sure that is the Mayor's recommendation. Mayor Hurst confirms this is true. Everyone is okay with this. He opens the floor to the audience for comments or questions or discussion on the street commissioner's contract at this time. There are none.

Item H – Retrofitting roof. Mayor Hurst put together a booklet about retrofitting from a flat roof to a pitched roof. There are details from Gardiner Trane. Mayor Hurst wants to invite them next week to go over this and put them on the items first on the agenda because it does go into their language about the roof. Our roof is out of warranty. He also passed out a memo from Dan Stucky from August that tells the year of

this building and the history of this roof, etc. Also, on the 2<sup>nd</sup> page, it shows his recommendation of a pitched roof and the approximate price tags. Of course, we are going to need the winter engineers. Mayor Hurst clarifies that everything in the book is done by him and not engineers. On the last page, there is a photo chop-shop where the Mayor took the building picture and he put a pitched roof on top of it so they could see what it would look like. So everyone would have an idea. He wanted the council to have these things in front of them for when Gardiner Trane comes to explain about our forced air. We have water heat and it's the original furnace. We have this in front of the council to give them some examples. Mayor Hurst points out that everything that is on the table is from 1992, 1995, 1997, 2002, 2004, 2005. The master plan from Mr. Thellmann, the former Mayor, had the 10 acres on Walton Road. We have done this several times about gymnasiums, multipurpose rooms, renovating the Village Hall, renovating and changing things. We have talked about this. Councilman Spitznagel shakes his head because he was on the building committee before he became a councilman. There are several different analogies and different engineers that have looked at all of our facilities and we have never acted on it and former administration never did much with it.

Mayor Hurst is asking the council to review these things so we can make a long-term plan on how we can use the facility we have and the footprint would bring it up to a safety level, for heat, for long-term roofs, etc. A pitched roof gives you 50 years and a flat roof gives you 15 years according to the rules. So, they can decide. It is approximately \$350,000 for a flat roof and approximately \$500,000 for a pitched roof. Gardiner Trane is talking about forced gas heat instead of water heat because of our system and it would be easier to do things. Mayor Hurst would like Gardiner Trane to explain it at the meeting next week as to why they suggest gas heat instead of water heat. He would like the councilmembers to take time to read this. He states that a lot of money was spent on Burgess & Niple in 2005 and there is a lot of renderings with pitched roofs and everything. He wants us to make a decision on what we are going to do so we do not have leaky roofs and tiles that we have to keep replacing because of the brown rusty circles and everything else that is going on in the Village. We have the original windows and original doors, all since 1971. So, the records itself shows that we need to talk about this and decide. He states that we are not being pushed by Gardiner Trane, but the council should understand that we did sign an agreement and if we put this on the shelf, it is still another \$18,000 that we are going to put out. He is guessing there is about \$138,000 sitting on the table that we have never acted on. Mayor Hurst states he realizes that he is overwhelming them with information and they need this information to make a decision. He is not asking that we change the footprint, he is only asking to fix the buildings we are in and possibly cover the courtyard. He is not asking to close it in as office space, he is simply asking the council to consider that in five years, maybe we will put glass around it and use it for space, but if we put a roof on it, we could actually put administration there and put all the Police and Fire in this building, and this would benefit everyone. He states that there is a lot of opportunity here, we simply have to make a decision on what we want to do. Discussion ensues regarding ideas with using this information. Mayor Hurst would like everyone to consider this over the next week until Gardiner Trane comes next week to discuss this. He says that it is anywhere between \$400,000 to \$800,000. He says that of course, we do not want the \$800,000, but we need to look at what is in there and takes notes to ask them because they are the professionals. No other questions or concerns from the council. No questions or comments from the audience either.

Item I – Progress on the new community building. Mayor Hurst states that we have completed most of the drop ceilings and all the grids have been re-painted. The LED lighting has been done in the sanctuary part, which we are going to call the multipurpose room, and then the gateway entrances and things. We have finalized most of the low-voltage tasks. The reason we have low voltage is for internet services and also for the LEDs and such, for our cost effectiveness, and we did all of this in house. We have also installed wireless internet for all four corners and we put some sort of booster antenna so there should be wireless internet, instead of having to have a connection in every room, it should be able to be done with wireless internet. We will start the process of laying new floor tiles next week in the multipurpose room because that was half carpet and half tile. It was not all tile and the carpet was not on top of tile. So, we had to take it

all out and restart it. It is going to be the thin vinyl, industrial-grade/commercial-grade tile. It is not ceramic. He provides a picture of the nature stone. He says that we got it for \$3 a square yard. They gave us two tones and they put our emblem in the middle that says "WH" with our symbol in the middle of the floor. This is just where you come in the foyer and in the main area. No other questions regarding the progress on the new community building.

Item J – Discussion of rental agreement and updates for the new community building. Mayor Hurst put the package of what we have on file and he passed out a memo to them of what he gave to his staff. They are currently pursuing all of the details. The memo is to Lisa Canzoni, Carol Stanooszek, Katie Iaconis, and Jenilee Mason basically asking what other communities charge for rent, their by-laws, and their rules for residents and non-residents, legislation from other communities that we can copy, on who provides the catering, rental, etc. Mayor Hurst states that they do not foresee renting it out right away, but we want to be sure we are ahead of the curve and not behind it. He says there is some fairly extensive language in the community room here, but he wants to be sure that we include the new address to this new facility so it is not where everyone is estimating and guessing, etc. He says that they have already had residents call to rent it and we had to tell them that it was not for rent yet. The multipurpose room can serve as the same principle as this one, but there is no kitchen there, of course. Then, there is the banquet hall. If we cover the roofs and we tie the building together, then this will fall off the ability to be used and we can turn that into a cafeteria for the employees or whatever, multipurpose meeting rooms, etc. and then we can have the two meeting rooms down there. It just depends on the language on how we do it. Mayor Hurst says that it was addressed in 2004 and then again in 2009 when it was updated with their codes and things. Councilwoman Terlosky asks about restaurants that would like to cater there. She is wondering if there have been any more contact on this. Mayor Hurst states that there has been one more. They just hear by word-of-mouth and that he is not advertising. He simply tells them that we are not at that position right now and it will be drawn up by the legal department and we will go from there. Discussion ensues regarding this between the Mayor and the council members. He says that he did have breakfast with the Mayor of Valley View and he approached him about basketball leagues and some kind of agreement where they would start winter leagues and fall leagues were our kids can play at either place. Discussion ensues on this subject. Mayor Hurst states that AARP has also contacted him and he has made no obligations to them either. Mayor Hurst opens the floor to the audience. No questions or comments from the audience at this time.

Item K - Mayor Hurst gave a copy of all of the ordinances in place. Chapter 1292 with some improvements to demonstrate the clear intent of the Village of Walton Hills for enforcement of code, upgrading parking lots, and other commercial districts. Mayor Hurst gave a draft of this to Mr. Mason and he is going to present it to us at some point. Mayor Hurst explains that what happened when we had a case across the street, the judge had a hard time interpreting the code. So, Mr. Mason has made a recommendation and we have talked about it, so we want to present it to you. He will give a "red line" on what he wants to change with the language so it is a bit clearer and interpretation is done correctly. Mayor Hurst reads off some numbers of codes that he wants to address. They ask that language be clarified for occupancy permits, as well as enforcement of penalty language. We also ask that the law director address the language of penalties and fines for zoning codes for 2002.99, 1260.10, 1276.99, 1278.99, 1284.99, 1288.99, 1289.99, 1290.99, 1448.99, 1291.99, 1490.99, and 1492.99. These codes right now state that this is recognized as a first-degree misdemeanor, which is a large fine and a large process. We want to lower the charge of the fine to say "Minor misdemeanor" and this will stop a lot of confusion and will speed the process up, eliminating any confusion on these codes. Mayor Hurst explains that late last year, we spent \$3,000 on legal fees and about \$1,200 on court fees to make someone pick up their trash on their property and clean up the side of the building because of interpretation and going through jury trials and going through a lot of process. So, we want to get this cleared and have one general reference. Mr. Mason is confident that he can make this happen. This code was addressed in 2009 and, without mentioning any names, the judge was very confused about the entire code. Mayor Hurst is only speaking about these specific things. As far as the occupancy permits, Mayor Hurst wants everyone to understand that we have a

fire department that does annual reports and so, for the last year, he put out a letter to all businesses stating that they are required by law to have an occupancy permit and that we will forego any charges for 12 months to be registered and to update our information. Once that information is updated, it goes from the fire department to the zoning building department and then it goes to the tax department. Then, we compare the names and tax IDs and all of the information to tighten up our policy. So, it is working out. Right now, we are finding businesses that are not getting occupancy permits so the owners of these businesses are in other states so we are trying to change the language for occupancy to say that the owner of the property and the business has to have it on record. We want it posted. We want to put the language in the ordinance stating that it has to be posted. So, when the fire department comes in there, there is a checklist. That checklist will be electronically sent to the tax department and the building department, and once again, we get on top of it. This will be proposed and voted on next month in March. Mr. Mason said he will try and get a draft to us. We are not charging a fee, unless they are not in compliance and then there will be a penalty. That is the language we want to put in there. No other questions or comments from the council or the audience.

Item L – Miscellaneous. Mayor Hurst addresses follow up with the concerns at the Town Hall meeting. Basically, of the four people who were negative, he has received a lot of phone calls from people and positive emails and he has no problem sharing these with the council. It seems like a positive thing and people support this. The bottom line of what he wants people to understand is that nobody gets charged for fire, nobody gets charged for ambulance, nobody gets charged for police calls, nobody gets charged for trash, and nobody gets charge for brush chipping and leaf pickup. The council is aware of this. Mayor Hurst passed out a memo to everyone about Macedonia and their tax increases coming up showing how they are going to do it. He also passed out a memo to everyone about Macedonia now considering \$3 per home for a leaf pickup charge. They have also discussed a charge for brush chipping of around \$8. So, either you pay \$23/month to live in the Village of Walton Hills or pay \$36 with trash and leaf pickup and ambulance service, etc. This is impacting all of us and it has a four-year window. It drops off in four years. It has to go back to the vote of the people. He is confused as to why we are getting this resistance. The next Town Hall meeting will be more structured. He asks all of the council to sit up front with me and he will ask someone else besides the councilmembers to pass the microphone around. He would also ask the police chief to sit up front with us because it is in his department, and he feels he carries a lot of weight. The false statement of us being sued for millions of dollars and everyone knows that was a false statement. Everything we have been sued for, we have won or our insurance has paid. Everyone remembers this. So, this is a false statement. These comments are ongoing that make no sense. Councilman Linville comments and states that he has talked to several people and how they are raved about how prepared and how well you knew the things you were talking about.

Mayor Hurst would like to have a CIC meeting next week, Thursday after court at 6 p.m. He has a business that is looking to do expansion in the Village. He is only negotiating that one piece of property that we purchased from First Energy, that 2-1/2 acres. Mayor Hurst put out that he wanted Councilwoman Brenner-Miller and Councilman Kolograf to be on the committee. He is hopeful that everyone can be at that meeting. It is an organizational meeting where Mr. Mason is going to explain our rules and what we have to do. Council has full authority, no matter what it is. He says that we have a business that is international. Prince, the singer who passed away, has a recording studio in Minnesota and this is the only one on the east coast. The other one goes back to the west coast. This company has broadcasting rights and has a program every Saturday afternoon on UAB Channel 43, of Upbeat Dancer and now they are doing a kids program too. They have two programs. It goes from Minnesota all the way to Canada, a big market. They would like to build a studio here in Walton Hills for broadcasting and satellite, and other things. So, this is what he would like to see happen and this is what he would like to discuss at this CIC meeting. We will then have them come in and do a presentation to us. Mayor Hurst is getting the property appraised, etc. so we will have a working number to know what the valuation is and to know what we are working with. Each deal is different. Councilman Linville points out that the CIC meeting is a public

meeting and anyone can attend. Mayor Hurst agrees but states that we are going to have Executive Session when we talk about deals and numbers and things like that.

Finally, for the last thing under other business. Mayor Hurst states that they had a meeting with the family at 16883 South Meadowpark on 01/23/2017. Mayor Hurst gave a copy of the memo to the councilmembers and he did send a memo explaining what happened at the meeting. Everything was agreed upon a couple of days later and so now there is a process. This is about the drainage issue on South Meadowpark. Mr. Mason needs to draw up a proposal and we all have to come together and agree upon a number. We verbally agreed upon the numbers and everything has been agreed upon that the council has offered, but we have to do a resolution because it is a public contract. We have to go out for bids and we have to apply to the Northeast Ohio Sewer District. We hope that by August, we could get this project started, or maybe sooner, and then we are going to have wait on our money until the end of the year to be reimbursed. We have \$96,000 and this particular project is about \$75,000, and this would be more than enough to be covered. These are approximates only. So, Mayor Hurst's goal is to get everyone on the same page, get the engineers to do their engineering, and then go out for bids. These would be resolutions. Then, once all of these things are accomplished, then we set a date when we want to get this done. Then, we talk to the Northeast Ohio Sewer District to make sure they are on page to pay us before the end of the year so we have no shortfall on money. Sara Blondin from 16883 South Meadowpark stands and comments that she wants to specify that while we did not verbally agree exactly, we simply want to see what the agreement would look like. They do appreciate everybody's input on this, but they really want to see what the agreement looked like before they committed on any aspect. Mayor Hurst verifies that Mr. Mason will be directed to draw up the contract, the council will review it, and then she will review it; then once we have a signed document, we will move forward. Council is okay with this. Councilman Spitznagel asks Mr. Mason that when they walked that area, there were a couple of what he would consider very big holes and if this were his property, he would be scared to death that a kid were going to walk back in there and fall in there, and not be able to get out and maybe taken down into the tube or whatever. Especially the one towards the back. He is inquiring that if the Blondin's agree to this and everything is signed and sealed, whether there is anything we can do in the interim that would not cost much money to cord off the area so maybe people do not wander back there, as a deterrent. He also asks that if the Village did do something like that and someone did get past it, would we be on the hook for any liability. Mr. Mason says that we would start with the premise that this is all on private property. The private property owner is going to be responsible for this. The reason we are engaging the way we are is to help and the Village is doing something that he does not think they are required to do by law. This is something that we are taking care of because if that should give way, there is potential damage to the road up near Alexander Road. As far as putting the fencing, he would think that something like that to help isolate the area sounds okay. He does not know if that is going to create liability from the Village or not. Mayor Hurst states that if we get a signed agreement and we are all on the same page, and the engineers go out there, he thinks they could put some kind of concrete barriers that they could lift with a back-hoe and sit there. He is not saying they would do that – he is just using his common sense. He would do something to deter people from going back there while we were working, just like any other construction site. Before that ever transpires, we sign a hold-harmless agreement or easement. Mayor Hurst does not think we are on the hook for any damages here yet.

Mayor Hurst asks for a motion at the next Council meeting to accept the lawn care contractor. It is in the clause and he just wants to renew it again to do lawn care for the 2017 season. No increase or anything. It will be a motion, not a resolution, because it is in the contract.

Councilman Spitznagel has two things. He asks if we can work on the solicitation ordinance that Councilwoman Brenner-Miller brought up to get the lanyards, etc. We have not done anything with this. Mayor Hurst states that we were going to put a policy in place. The police chief's recommendation was to keep your license here and get a badge, and then you pick your license back up. We did not want them to

have the laminated badge and then come back another day. This way, they would have to come here and leave their license and have a record of who is in charge, etc. Mayor Hurst will give a copy out. It would run through the dispatch department because that is where they would register. The last thing is if there is something in the zoning codes that we can enforce for the water tower on Northfield Road at the Ford Road, and the two towers on the north side that are sitting there rusting. He does not believe that people should have to look at this. He understands that Ford has left and they are leaving that building, but in his opinion, they have a responsibility to keep that building looking decently rather than blight. He thinks that right now, it is starting to look blight. Mayor Hurst states that we have had extensive discussion regarding the water tower, the one beside the race track, and they did have it tested and it is safe and secure. They were talking about leaving it and the discussion I had with them in 2013 and 2014 was for them to paint it and put our logo on it, like in other communities, because it would be free advertisement. Instead of it being white with blue letters, Mayor Hurst would rather it all be blue with white letters so it is different and it is not recognized as Ford, but recognized as Walton Hills. That has been discussed and that is on the drawing board for us to talk about. The other two towers that are in the back are all scheduled to be torn down. They have to go through a safety inspection so it does not fall on things. They have passed their inspection in 2013 and 2014 with that fire code. We do have a list of every one of their chemicals and I go through the checklist; this is how we know the contaminations. He took that book and compared it to Twinsburg's book. They had the exact same soluble and same water base. These also have the ratings of those towers and the weight limits and everything else, and what the Mayor understood is that those will come down with the building comes down. We do not have a confirmed date on the building yet.

Councilman Kolograf makes a comment on the Town Hall meeting. He thought it actually went very well. We knew it was going to be an uphill battle. None of us want to pay more taxes, whether it is a levy or whether it is temporary, whether it is for one year or what. Whenever it comes out of our pockets, we are all going to be concerned. Overall, though, he thinks that as the message got out, the feeling in the room got better and as the Mayor suggested, we move forward and with more education, he thinks it will even get better. He was very happy with the meeting.

Councilwoman Brenner-Miller motioned to adjourn the meeting of February 7, 2017, seconded by Councilwoman Terlosky, and six ayes approved. The meeting adjourned at 7:09 p.m.

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Katie Iaconis, Fiscal Officer