



Village of  
**Glenwillow**

Honoring the Past - Welcoming the Future

Council Meeting – Council Chambers  
January 17, 2018– 7:30 pm  
Mayor Mark A. Cegelka presiding

The Mayor, Mark A Cegelka called the meeting to order at 7:30 p.m. and all present said the Pledge of Allegiance.

Present: Jeffrey Adie, Don Banas, Anthony DeCarlo, Barbara DiBacco, Gurvis Smith,  
Larry Sylver

Others Present: Law Director Mark Marong, Finance Director John Veres, Engineer Mike Henry,  
Clerk of Council Lori Pepera

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#### APPROVAL OF MINUTES

The minutes of the Regular Council Meeting of January 3, 2018 were approved as presented.

(DiBacco/Sylver)

Roll Call: Yeas - Adie, Banas, DeCarlo, DiBacco, Smith, Sylver  
Nays – None

6 yeas – 0 nays  
Motion Carried

Mark Marong reported; Item 1 and 2 on the agenda is changing the change of the Village's regular meeting and Work Session time of Council from 7:30 pm to 7:00pm.

Items 3 thru 6 deal with the Tax Code and are required by State Law. Chapter 718 of the Revised Code has been amended by the General Assembly through HB 49. They mandated certain changes be made through our local code. The threat is if we do not make them by the end of January the State may not let us receive Income Tax. There is currently a challenge to the home rule as of the constitutionality of HB 49. Don Banas questioned if all of the changes relate to the collection process itself. Mark Marong responded; it is not quite all about the collection process. It is some definitions and other nuances in the Tax Code.

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**NEW BUSINESS:**

<p>2018-1-4 Ordinance</p>	<p><b>An Ordinance amending Section 105.02 of the Administrative Code to update the Village's regular meeting time of Council; and declaring an emergency. (Mayor &amp; Council)</b></p> <p>Motion to suspend 3 reading rule (Sylver/Banas) Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver Nays— None</p> <p>6 yeas – 0 nays Motion carried</p> <p>Motion to approve (DiBacco/DeCarlo) Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver Nays— None</p> <p>6 yeas – 0 nays Ordinance carried</p>
<p>2018-1-5 Ordinance</p>	<p><b>An Ordinance amending Section 111.01 of the Administrative Code to update the Village's Work Session meeting time of Council; and declaring an emergency. (Mayor &amp; Council)</b></p> <p>Motion to suspend 3 reading rule (Banas/Sylver) Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver Nays— None</p> <p>6 yeas – 0 nays Motion carried</p> <p>Motion to approve (DiBacco/Adie) Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver Nays— None</p> <p>6 yeas – 0 nays Ordinance carried</p>

<p>2018-1-6 Ordinance</p>	<p><b>An Ordinance amending Section 183.02 of the Administrative Code to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and declaring an emergency. (Mayor &amp; Council)</b></p> <p>Motion to suspend 3 reading rule (Banas/Adie) Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver Nays— None</p> <p style="text-align: right;">6 yeas – 0 nays Motion carried</p> <p>Motion to approve (Banas/DiBacco) Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver Nays— None</p> <p style="text-align: right;">6 yeas – 0 nays Ordinance carried</p>
<p>2018-1-7 Ordinance</p>	<p><b>An Ordinance amending Section 183.05 of the Administrative Code to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and declaring an emergency. (Mayor &amp; Council)</b></p> <p>Motion to suspend 3 reading rule (Adie/DeCarlo) Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver Nays— None</p> <p style="text-align: right;">6 yeas – 0 nays Motion carried</p> <p>Motion to approve (DiBacco/Banas) Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver Nays— None</p> <p style="text-align: right;">6 yeas – 0 nays Ordinance carried</p>

<p>2018-1-8 Ordinance</p>	<p><b>An Ordinance amending Section 183.07 of the Administrative Code to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and declaring an emergency. (Mayor &amp; Council)</b></p> <p>Motion to suspend 3 reading rule (DiBacco/Banas)  Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver  Nays— None  6 yeas – 0 nays  Motion carried</p> <p>Motion to approve (Smith/Adie)  Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver  Nays— None  6 yeas – 0 nays  Ordinance carried</p>
<p>2018-1-9 Ordinance</p>	<p><b>An Ordinance amending Section 183.18 of the Administrative Code to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and declaring an emergency. (Mayor &amp; Council)</b></p> <p>Motion to suspend 3 reading rule (Banas/DeCarlo)  Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver  Nays— None  6 yeas – 0 nays  Motion carried</p> <p>Motion to approve (Sylver/DiBacco)  Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver  Nays— None  6 yeas – 0 nays  Ordinance carried</p>

<p>2018-1-10 Ordinance</p>	<p><b>An Ordinance amending Ordinance No. 2018-01-06 and appropriating funds to provide for the expenditures of the Village of Glenwillow, Ohio for the fiscal year beginning January 1, 2018 and ending December 31, 2018; and declaring an emergency. (Mayor &amp; Council)</b></p> <p>Motion to suspend 3 reading rule (Sylver/Adie) Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver Nays— None</p> <p style="text-align: right;">6 yeas – 0 nays Motion carried</p> <p>Motion to approve (DiBacco/Banas) Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver Nays— None</p> <p style="text-align: right;">6 yeas – 0 nays Ordinance carried</p>
<p>2018-1-11 Resolution</p>	<p><b>A Resolution approving a Change Order to the contract with Ronyak Paving, Inc. for the 2017 Glenwillow Asphalt Program; and declaring an emergency.(Mayor &amp; Council)</b></p> <p>Motion to suspend 3 reading rule (Adie/DeCarlo) Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver Nays— None</p> <p style="text-align: right;">6 yeas – 0 nays Motion carried</p> <p>Motion to approve (Adie/Smith) Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver Nays— None</p> <p style="text-align: right;">6 yeas – 0 nays Resolution carried</p>

Mike Henry explained items 8 thru 10; the three items are change orders for work done in the Village. Projects to be done go through a public bidding process. The lowest and best bid is accepted. The contractor lists line items by price to do the project. If anything happens outside of that scope, the Engineer then has to come back to Council with a change order for approval of the contract. In some cases it will not be a change in the cost to the total bottom line, but letting the contractor proceed with the unit price for that modification to the contract with the conditions or



<p>2015-1-13  Resolution</p>	<p><b>A Resolution approving a Change Order to the contract with Chagrin Valley Paving, Inc. for the Tinkers Creek Parking Lot; and declaring an emergency.(Mayor &amp; Council)</b></p> <p>Motion to suspend 3 reading rule (Smith/DiBacco)  Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver  Nays— None    6 yeas – 0 nays  Motion carried</p> <p>Motion to approve (DiBacco/Adie)  Roll Call: Yeas— Adie, Banas, DeCarlo, DiBacco, Smith, Sylver  Nays— None    6 yeas – 0 nays  Resolution carried</p>
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Mayor Cegelka reported on the Construction Debris and Demolition Landfill in Solon that Waste Management operates. A resident on Tinkers Valley questioned how high the landfill can go. The Mayor called and spoke with representatives from Waste Management, asking for maps of the location of the entire site. When this topic came up, Mayor Cegelka and Councilman Banas went on a tour of the landfill. When the topic of the C&DD landfill has come up in the past as far as questions or complaints, the Village was always advised that the C&DD landfill was entirely in the City of Solon and operated by Waste Management with associated permit approval from the County Board of Health and the EPA. It was not until recent inquiries by the Village that representatives from Waste Management contracted with their engineers and agreed that approximately 6 acres of the 35 acre site of the C&DD landfill is in the Village of Glenwillow.

In 1998 Waste Management applied for a permit in the City of Solon and to the BOH. It was also brought to the attention that there is a C&DD Tipping Fee that is \$.04 per yard and \$.08 per ton that the City of Solon passed. Every truck that goes through and dumps material was calculated and the BOH was sent the information and sends out the invoices. The BOH would then divide up the tipping fees and distribute; therefore the Mayor questioned if Glenwillow is entitled to any of the fees. Mark Marong commented; the BOH was put on notice that the Village knows that part of the landfill is located in Glenwillow and would like to be notified and updated with any changes to the site. It has not been exactly determined how much of the site is in Glenwillow and if there is C & D material being dumped in Glenwillow. If they are, legislation is needed to accept the Tipping Fee. The land was surveyed by a company in Pennsylvania around 1999, the permit was granted around 2000 and Solon started collecting fees in 2005. The whole landfill site is approximately 35 acres. Don Banas commented; the managers of the landfill thought the permit was from the EPA and the permit controls the height. Don and the Mayor were told the landfill can grow by an additional 45 feet high. They were told the permit process was to have a public hearing that was posted in the newspaper (around 1999). At the time they applied for the permit, there were no homes on Tinkers Valley and the neighborhood around there was different. There are homes that are affected by the site now. There can never be anything more than grass planted on the site. Anything with big roots would affect the drainage. Don Banas is more interested in stopping the growth of the landfill than collecting fees. Mayor Cegelka commented; Landfills such as this one is built like a pyramid. To go the 45 feet that's left could take another 5 or 6

years. Mark Marong commented; the BOH is a Statutory State Agency and has statutory immunity. The County does not oversee them the State does. Don Banas questioned; does the map show a boundary line that ended in Solon that was simply exceeded or was the map misdrawn at its inception. Mike Henry commented; the map never showed the corporate boundary of Solon and Glenwillow. Don questioned; what is the liability of the agency that did the survey and misdrew the map. Mark Marong stated; the EPA and the State are the ones that give the height and authority to go forward. Mayor Cegelka stated; Mark Marong will summarize the chronological dates of when approvals were given for the landfill and will update Council as more information is gathered.

Mark Marong reported; RITA's general counsel called and asked if Mayor Cegelka would testify at a preliminary Junction Hearing on HB 49, and the impact of it. Next Friday the Mayor will be testifying before a judge in Lorain County.

Mayor Cegelka reported; the Council Committees are set for this year. A Service Committee was added.

The Mayor is appointing Barb Dibacco as the Council Representative to the ARB. Every two years the Mayor will appoint a different Council person to that position.

#### **COUNCIL COMMENTS:**

Larry Sylver scheduled a Recreation Meeting for February 7, at 7:45p.m.

Don Banas scheduled an Infrastructure Meeting for February 7, at 6:15 p.m.

Jeff Adie reported; the July Council meeting falls on July 4<sup>th</sup>. Council will have to decide if the July meeting will be held on the 11<sup>th</sup> instead. Council will have to make a motion to move the meeting.

Mark Marong reported; he will be attending the annual Attorney General Sunshine Law updates on February 22<sup>nd</sup>.

Lori Pepera reported; Terry Tung will be at the February 7, 2018 Council meeting to take new pictures of Council.

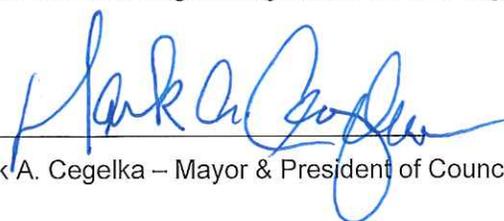
The employee appreciation luncheon put on by Council will be Monday January 22<sup>nd</sup> at 12:30 pm.

#### **CITIZEN COMMENTS:**

**None**

There being no further business to come before Council, motion by Jeff Adie, seconded by Gurvis Smith to adjourn the meeting. Vote on the motion to adjourn was all yeas and no nays.

Mayor Mark A. Cegelka adjourned the meeting at 8:45p.m.

  
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Mark A. Cegelka – Mayor & President of Council

  
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Lori Pepera, Clerk of Council