



**City of Willowick**  
**CITY COUNCIL REGULAR MEETING**

Tuesday, April 19, 2022 at 7:30 PM  
City Council Chambers

**ADA NOTICE**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

**AGENDA**

**CALL MEETING TO ORDER**

**PLEDGE ALLEGIANCE**

**INVOCATION**

**ROLL CALL OF COUNCIL**

**APPROVAL OF MINUTES**

1. Motion to approve the minutes of the Regular City Council Meeting of April 5, 2022.

**APPOINTMENTS, SPECIAL RESOLUTIONS & PROCLAMATIONS**

**ADMINISTRATIVE APPEALS**

2. Administrative Appeal Order No. 2022-2 Weisheit (Recommended by BZA)

An Order granting a variance and exception of 60 sq. ft. to construct a garage addition in the application of Section 1163.07 of the Codified Ordinances in Board of Zoning Appeals.

3. Administrative Appeal Order No. 2022-3 Clinger #1 (Recommended by BZA)

An Order granting a variance and exception of 3' from neighbor's shed (side property) for the construction of a storage shed in the application of Section 1171.02(e) of the Codified Ordinances in Board of Zoning Appeals.

4. Administrative Appeal Order No. 2022-4 Clinger #2 (Recommended by BZA)

An Order granting a variance and exception of 2' 4" from neighbor's garage (rear property) for the construction of a storage shed in the application of Section 1171.02(e) of the Codified Ordinances in Board of Zoning Appeals.

5. Administrative Appeal Order No. 2022-5 Rowell (Recommended by BZA)

An Order granting a variance and exception to allow double fencing along the rear property in the application of Section 1165.05 of the Codified Ordinances in Board of Zoning Appeals.

**REPORTS & COMMUNICATIONS FROM THE MAYOR/SAFETY DIRECTOR**

**COUNCIL DISCUSSION OF THE MAYOR'S REPORT**

**GENERAL COMMUNICATIONS & REPORTS – Directors & Officials**

**Service Director** – Todd Shannon

**Recreation Director** – Julie Kless

**City Engineer** – Tim McLaughlin

**Finance Director** – Cheryl Benedict

**Law Director** – Stephanie Landgraf

**Police Chief** – Brian Turner

**Fire Chief** – Joe Tennyson

**Chief Housing/Zoning Inspector** – Sean Brennan

**Economic Development Manager** – Monica Drake

## **WARD MATTERS**

### **PUBLIC PARTICIPATION**

*a) Public statement (1 minute maximum)*

*b) Council response to the public*

*c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)*

### **REPORTS OF STANDING COMMITTEES**

**Finance** – Vanni, Bisbee, Koudela

**Safety** – Phares, Malta, Bisbee

**Service, Utilities & Public Lands** – Malta, Phares, Bisbee

**Streets, Sidewalks & Sewers** – Vanni, Malta, Antosh

**Tax Compliance** – Koudela, Antosh, Patton

**Moral Claims** – Antosh, Phares, Patton

**Budget** – Vanni, Koudela, Patton

### **LIAISON REPORTS**

**Planning** – Phares/Alternate Koudela

**Board of Zoning Appeals** – Koudela/Alternate Vanni

**Volunteer Fire Fighters' Dependents Fund Board** – Antosh, Phares

**Recreation Board** – Bisbee/Alternate Phares

**Plan Review Board** – Antosh

**Hearts & Hammers** – Malta

### **FUND TRANSFERS & BID AUTHORIZATIONS**

### **CONTRACT APPROVALS**

### **INTRODUCTION & CONSIDERATION OF LEGISLATION**

- [6.](#) Ordinance No. 2022-20 (Finance Director)

An Ordinance amending Ordinance 2022-8 to provide for additional appropriations from the General Fund (101) for current expenses and other expenditures of the City of Willowick, State of Ohio, during the calendar year ending December 31, 2022, and declaring an emergency.

7. Ordinance No. 2022-21 (Finance Director)

An Ordinance fixing the compensation of adult school guards and declaring an emergency.

8. Ordinance No. 2022-22 (Law Director)

An Ordinance amending Chapter 922 of the Codified Ordinances of the City of Willowick, Ohio, titled, "Willoughby-Eastlake Wastewater Collection and Treatment System"; specifically, Section 922.06, titled "Fees," and declaring an emergency.

9. Resolution No. 2022-10 (Finance Director)

A Resolution to approve authorizations (Then and Now Certificate) to Comfort Control Systems in the amount of \$4,480.00, for the City of Willowick, and declaring an emergency.

10. Resolution No. 2022-11 (Finance Director)

A Resolution to approve authorizations (Then and Now Certificate) to Municode in the amount of \$5,000.00, for the City of Willowick, and declaring an emergency.

11. Resolution No. 2022-12 (Finance Director)

A Resolution authorizing the transfer of funds from the General Fund (101) to the Police Pension Fund (801) and declaring an emergency.

### MISCELLANEOUS

12. Motion to declare ID Networks Live Scan Booking Station, Serial Number 2250, and City Tag Number 2046 as surplus, unneeded, unfit for public use, and authorizing its disposal.

13. Motion to authorize the Mayor to execute an Ohio Deferred Compensation Adoption Agreement to add a Roth 457 option to the City's Ohio Deferred Compensation Plan.

14. Motion to declare an Arctic Air Commercial Refrigerator from Dudley Fieldhouse, Serial Number WA71302524, Model Number R22CWF3, and no City Tag Number, as surplus, unneeded, unfit for public use and authorizing its disposal.

### PUBLIC PARTICIPATION

*a) Public statement (1 minute maximum)*

*b) Council response to the public*

*c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)*

### ADJOURN TO EXECUTIVE SESSION

15. To discuss contract negotiations.

### RETURN TO THE TABLE FROM EXECUTIVE SESSION

### ADJOURNMENT



**City of Willowick  
CITY COUNCIL REGULAR MEETING**

Tuesday, April 05, 2022 at 7:30 PM  
City Council Chambers

**ADA NOTICE**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

**MINUTES**

**CALL MEETING TO ORDER**

(Total meetings to date - 6)

The seventh meeting of Council was called to order at 7:30 p.m. by Council President Patton.

**PLEDGE ALLEGIANCE**

**INVOCATION**

**ROLL CALL OF COUNCIL**

**PRESENT**

- Council President Robert Patton
- Ward 1 Councilwoman Monica Koudela
- Ward 1 Councilman Michael Vanni
- Ward 2 Councilwoman Theresa Bisbee
- Ward 3 Councilman Charles Malta
- Ward 3 Councilman David Phares

**ABSENT**

- Ward 2 Councilwoman Natalie Antosh

**ALSO PRESENT**

Mayor Regovich, Finance Director Benedict, Law Director Landgraf, Fire Chief Tennyson, Police Chief Turner, Service Director Shannon, Chief Housing and Zoning Inspector Brennan, Recreation Director Kless, City Engineer McLaughlin, Economic Manager Drake and Council Clerk Trend.

**APPROVAL OF MINUTES**

1. Motion made by Mr. Malta, seconded by Ms. Bisbee to approve the minutes of the Regular City Council Meeting of March 15, 2022.

**Discussion:** None.

**Vote:** all ayes. Motion carried.

**APPOINTMENTS, SPECIAL RESOLUTIONS & PROCLAMATIONS**

None.

**ADMINISTRATIVE APPEALS**

None.

**REPORTS & COMMUNICATIONS FROM THE MAYOR/SAFETY DIRECTOR**

The EPA is continuing work on Cresthaven to clean up contamination from an underground fuel tank that leaked. Kimble started yard waste pick up on Monday, April 4th. The new trucks for the Service Department are in the process of being delivered and the old trucks will be turned in. Classic Park in Eastlake will be having their free July 4th fireworks event sponsored by the cities of Eastlake, Wickliffe and Willowick. Mayor Regovich expressed his condolences on the passing of Gary Augustine a former Willowick resident and Army Veteran.

**COUNCIL DISCUSSION OF THE MAYOR'S REPORT**

None.

**GENERAL COMMUNICATIONS & REPORTS – Directors & Officials****Service Director – Todd Shannon**

Report submitted electronically. The EPA located a cracked tee on Cresthaven which was allowing fuel to leak into the sewer and the tee has been replaced. The hot patch plant has opened therefore the potholes will now have a more permanent fill. Mr. Phares inquired about a time frame for painting the light poles in Shoreland Crossing. Mr. Shannon stated that it is on their list of things to be done but does not have a time frame on it. Mr. Malta reported that there were some potholes on E. 310 St. that need attention.

**Recreation Director – Julie Kless**

The Easter Egg Hunt will be on Saturday, April 16 at Dudley.

**City Engineer – Tim McLaughlin**

Two items on the agenda are for the United Survey 2022 Lateral Program and Broadway Excavating for the Forestgrove Road and Fairway Boulevard emergency repair of the storm sewer. There is a pre-con next week to set a schedule and public notification for the 2022 Road Program. Mr. Phares inquired if the Fairway Project would start immediately if the legislation were approved tonight. Mr. McLaughlin stated that it would start quickly. Mr. Malta inquired if the \$50,000.00 was only for the intersection of Fairway and Forestgrove. Mr. McLaughlin stated that yes it was and the cost is due to the catch basin being in the middle of the intersection as well as some conflicts with water and utility lines. Mayor Regovich stated there will be a meeting with the City of Wickliffe to determine sharing of costs for the repairs.

**Finance Director – Cheryl Benedict**

Ordinance No. 2022-19 was amended to include \$50,000 from the Lake County Senior Citizen Levy Fund. This is a one time contingency fund for this year only.

**Law Director – Stephanie Landgraf**

No report.

**Police Chief – Brian Turner**

Report submitted electronically.

**Fire Chief – Joe Tennyson**

Report submitted electronically. The motion on the agenda for All American Fire Equipment is for the purchase of updated extrication equipment.

**Chief Housing/Zoning Inspector – Sean Brennan**

Report submitted.

**Economic Development Manager – Monica Drake**

There are five commercial properties for sale in the City. Cleveland Pizza is continuing to work on their design and plans before they start construction.

**WARD MATTERS**

None.

**PUBLIC PARTICIPATION**

*a) Public statement (1 minute maximum)*

*b) Council response to the public*

*c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)*

Mike Bowen, 472 E. 319 St., the Army figures he received for the Nike Site Memorial were not to scale for the project but offered them up for viewing.

Frank McCarty, 468 E. 328 St., requested the City remove a dead tree from his tree lawn. Mr. Patton stated that he would discuss the situation with the Mayor and someone from the City would be in touch with him.

**REPORTS OF STANDING COMMITTEES****Finance – Vanni, Bisbee, Koudela**

No report.

**Safety – Phares, Malta, Bisbee**

Mr. Phares reported that discussion at the Safety Committee meeting tonight was on fireworks. The committee has decided to follow the state law that goes into effect in July. The committee would like to see stricter penalties for anyone who violates the new state law and this will be addressed with the Law Director.

**Service, Utilities & Public Lands – Malta, Phares, Bisbee**

No report.

**Streets, Sidewalks & Sewers – Vanni, Malta, Antosh**

No report.

**Tax Compliance – Koudela, Antosh, Patton**

No report.

**Moral Claims – Antosh, Phares, Patton**

No report.

**Budget – Vanni, Koudela, Patton**

No report.

**LIAISON REPORTS**

**Planning** – Phares/Alternate Koudela

No report.

**Board of Zoning Appeals** – Koudela/Alternate Vanni

No report.

**Volunteer Fire Fighters’ Dependents Fund Board** – Antosh, Phares

No report.

**Recreation Board** – Bisbee/Alternate Phares

No report.

**Plan Review Board** – Antosh

No report.

**Hearts & Hammers** – Malta

Please contact Charlie Malta at 440-488-1757 to help with Spring cleanup.

**FUND TRANSFERS & BID AUTHORIZATIONS**

None.

**CONTRACT APPROVALS**

2. Motion made by Mr. Phares, seconded by Mr. Vanni authorizing the Mayor to enter into a contract with CIVICA North America for software and implementation fees to upgrade to Authority Finance, Authority Requisition Routing and Authority Fixed Assets in the amount of \$49,910.  
**Discussion:** None.  
**Vote:** All ayes. Motion carried.
3. Motion made by Mr. Malta, seconded by Ms. Bisbee authorizing the Mayor to enter into a contract with Sunset Cinema LLC for the purpose of the Outdoor Family Movie Night at Dudley Park scheduled for July 23, 2022 at a cost of \$1400.00.  
**Discussion:** None.  
**Vote:** all ayes. Motion carried.
4. Motion made by Mr. Phares, seconded by Mr. Vanni authorizing the Mayor to enter into a contract with United Survey, Inc for the 2022 Lateral Program in the amount of \$198,400.00.  
**Discussion:** None.  
**Vote:** All ayes. Motion carried.

**INTRODUCTION & CONSIDERATION OF LEGISLATION**

5. Report and recommendation from the Planning Commission on Ordinance No. 2022-12, 2022-13 and 2022-14.
6. Ordinance No. 2022-12 (Law Director)  
 An Ordinance enacting Chapter 788 of the Codified Ordinances titled “Medical Marijuana Licensure,” and declaring an emergency.  
*Tabled 3-1-22 and 3-15-22 pending report and recommendation from Planning Commission.*

Motion made by Mr. Malta, seconded by Mr. Vanni to waive the three readings on Ordinance No. 2022-12.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Motion made by Mr. Malta, seconded by Mr. Phares to adopt Ordinance No. 2022-12.

**Discussion:** Mr. Phares stated that this Ordinance is similar to what the cities of Mentor on the Lake and Wickliffe have.

**Vote:** All ayes. Motion carried.

7. Ordinance No. 2022-13 (Amended) (Law Director)

An Ordinance enacting Chapter 789 of the Codified Ordinances titled “party event centers,” and declaring an emergency.

***Tabled 3-1-22 and 3-15-22 pending report and recommendation from Planning Commission.***

Motion made by Mr. Phares, seconded by Mr. Vanni to waive the three readings on Ordinance No. 2022-13.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Motion made by Mr. Malta, seconded by Mr. Phares to adopt Ordinance No. 2022-13.

**Discussion:** Ms. Landgraf stated the report from the Planning Commission was for certain modifications to be made. The recommendation was to strike the limitation for how many centers were in the City and to change the chapter name from "Party Centers" to "Event Centers". Mr. Vanni, Mr. Phares and Mr. Malta are in agreeance with the recommendations from the Planning Commission.

Motion made by Mr. Malta, seconded by Mr. Phares to adopt Ordinance No. 2022-13 as amended and consistent with the recommendation from the Planning Commission.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

8. Ordinance No. 2022-14 (Law Director)

An Ordinance adopting a moratorium on applications for, and the granting of, zoning permits for any building, structure, use or change of use that would enable the adult use cultivation, processing, distribution or sale of marijuana for non-medical purposes for a period not to exceed twelve (12) months in order to allow the city to review applicable state and local laws, to plan for regulations relating to such uses, and declaring an emergency.

Tabled on 3-15-22 pending report and recommendation from Planning Commission.

***Tabled 3-1-22 and 3-15-22 pending report and recommendation from Planning Commission.***

Motion made by Mr. Phares, seconded by Ms. Bisbee to waive the three readings on Ordinance No. 2022-14.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Motion made by Mr. Phares, seconded by Mr. Malta to adopt Ordinance No. 2022-14.

**Discussion:** Mr. Phares stated the State of Ohio is looking into making recreational marijuana use legal. This moratorium is temporary and will be able to be amended as changes take place. Mayor Regovich stated that marijuana use is currently illegal in the state. The moratorium is good for twelve months and is in place in case the state makes a change during



that time.

**Vote:** All ayes. Motion carried.

9. Ordinance No. 2022-16 (Finance Director)

An Ordinance providing for the compensation of appointed officials and certain other employees of the City, repealing certain ordinances and declaring an emergency.

Motion made by Mr. Phares, seconded by Mr. Vanni to waive the three readings on Ordinance No. 2022-16.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Motion made by Mr. Malta, seconded by Mr. Phares to adopt Ordinance No. 2022-16.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

10. Ordinance No. 2022-17 (Law Director)

An Ordinance authorizing the approval of the Collective Bargaining Agreement between the City of Willowick and the American Federation of State, County, and Municipal Employees, Ohio Council 8, AFL-CIO and AFSCME Local 688 (Service Unit), and declaring an emergency.

Motion made by Mr. Phares, seconded by Ms. Bisbee to waive the three readings on Ordinance No. 2022-17.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Motion made by Mr. Malta, seconded by Mr. Phares to adopt Ordinance No. 2022-17.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

11. Ordinance No. 2022-18 (Law Director)

An Ordinance authorizing the approval of the Collective Bargaining Agreement between the City of Willowick and the American Federation of State, County, and Municipal Employees, Ohio Council 8, AFL-CIO and AFSCME Local 688 (Secretarial Unit), and declaring an emergency.

Motion made by Mr. Phares, seconded by Mr. Malta to waive the three readings on Ordinance No. 2022-18.

**Discussion:** None.

**Vote:** All ayes, Motion carried.

Motion made by Mr. Phares, seconded by Ms. Bisbee to adopt Ordinance No. 2022-18.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

12. Ordinance No. 2022-19 (As amended) (Finance Director)

An Ordinance amending Ordinance 2022-8 to provide for additional appropriations from the General Fund (101) for current expenses and other expenditures of the City of Willowick, State of Ohio, during the calendar year ending December 31, 2022, and declaring an emergency.

Motion made by Mr. Malta, seconded by Mr. Phares to waive the three readings on Ordinance No. 2022-19 as amended.

**Discussion:** None.

**Vote:** All ayes, Motion carried.

Motion made by Mr. Phares, seconded by Ms. Bisbee to adopt Ordinance No. 2022-19 as amended.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

13. Resolution No. 2022-6 (Finance Director)

A Resolution to approve authorizations (Then and Now Certificate) to Aladtec in the amount of \$4,295.00, for the City of Willowick, and declaring an emergency.

Motion made by Mr. Phares, seconded by Mr. Vanni to waive the three readings on Resolution No. 2022-6.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Motion made by Mr. Malta, seconded by Mr. Phares to approve Resolution No. 2022-6.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

14. Resolution No. 2022-7 (Law Director)

A Resolution authorizing the City of Willowick to participate in the Ohio Department of Transportation Contract (2022-2023) for the purchase of road salt, and declaring an emergency.

Motion made by Mr. Phares, seconded by Mr. Malta to waive the three readings on Resolution No. 2022-7.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Motion made by Mr. Phares, seconded by Mr. Vanni to approve Resolution No. 2022-7.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

15. Resolution No. 2022-8 (Finance Director)

A Resolution to approve authorizations (Then and Now Certificate) to Sherman Valuation & Review, LLC in the amount of \$4,835.32, for the City of Willowick, and declaring an emergency.

Motion made by Mr. Phares, seconded by Mr. Malta to waive the three readings on Resolution No. 2022-8.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Motion made by Mr. Phares, seconded by Mr. Vanni to approve Resolution No. 2022-8.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

16. Resolution No. 2022-9 (Law Director)

A Resolution authorizing the Mayor to enter into a contract with Broadway Excavating in an amount not to exceed \$55,000 for the emergency repair of the storm sewer at the intersection of Forestgrove Road and Fairway Boulevard, and declaring an emergency.

Motion made by Mr. Malta, seconded by Mr. Phares to waive the three readings on Resolution No. 2022-9.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Motion made by Mr. Vanni, seconded by Mr. Phares to approve Resolution No. 2022-9.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

**MISCELLANEOUS**

17. Motion made by Mr. Phares, seconded by Mr. Vanni to authorize the Mayor to sign the service agreement with Municode for an initial term of four (4) years.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

18. Motion made by Mr. Malta, seconded by Mr. Phares to declare all items listed on Exhibit "A" as surplus, obsolete, unneeded, unfit for public use, and authorizing its sale or subsequent disposal.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

19. Motion made by Mr. Vanni, seconded by Mr. Phares authorizing the purchase of extrication equipment for the Fire Department from All American Fire Equipment in the amount of \$34,885.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

20. Motion made by Mr. Vanni, seconded by Mr. Malta authorizing the purchase of new hardware and software from SHI in an amount not to exceed \$20,000. The hardware and software is required to support the upgraded financial software from CIVICA International.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Mr. Malta added that a poll on social media named the Willowick Aldi and Alecis as one of the top five grocery stores in Lake County.

**PUBLIC PARTICIPATION**

*a) Public statement (1 minute maximum)*

*b) Council response to the public*

*c) Public clarification (30 seconds to 1 minute for the purpose of restating or rearticulating an original question, concern, suggestion or idea)*

None.

**ADJOURN TO EXECUTIVE SESSION**

21. Motion made by Mr. Phares, seconded by Mr. Malta to adjourn to Executive Session to discuss contract negotiations at 8:15 p.m.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

**RETURN TO THE TABLE FROM EXECUTIVE SESSION**

Motion made by Mr. Malta, seconded by Ms. Bisbee to return to the table from Executive Session at 9:30 p.m.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Motion made by Mr. Malta, seconded by Mr. Vanni to table the tentative agreement that was presented by the Willowick Firefighters Association.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

**ADJOURNMENT**

Motion made by Mr. Phares, seconded by Mr. Vanni to adjourn.

**Discussion:** None.

**Vote:** All ayes. Motion carried.

Meeting adjourned at 9:32 p.m.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL

ADMINISTRATIVE APPEAL ORDER NO. 2022-2

AN ORDER GRANTING A VARIANCE AND EXCEPTION OF 60 SQ. FT. TO CONSTRUCT A GARAGE ADDITION IN THE APPLICATION OF SECTION 1163.07 OF THE CODIFIED ORDINANCES IN BOARD OF ZONING APPEALS

CASE 21-532  
PAUL WEISHEIT  
28514 GILCHRIST

WHEREAS, at its meeting of April 13, 2022, the Board of Zoning Appeals, in Case No. 21-532, heard the appeal of Paul Weisheit for the requested variance and has recommended to Council that the variance to Section 1163.07 of the Codified Ordinances of the City of Willowick be **granted**; and

WHEREAS, upon review of the record presented to the BZA and consideration of the Applicant's request, the Council finds and determines that said variance and exception be \_\_\_\_\_.

NOW, THEREFORE BE IT ORDERED, BY THE COUNCIL OF THE CITY OF WILLOWICK, STATE OF OHIO:

SECTION 1. That the Applicant's variance to Section 1163.07 of the Codified Ordinances is hereby \_\_\_\_\_.

SECTION 2. This order shall take effect and be in force from and after its passage.

PASSED: \_\_\_\_\_ 2022 \_\_\_\_\_  
President of Council

ATTEST: \_\_\_\_\_  
Clerk of Council

ADMINISTRATIVE APPEAL ORDER NO. 2022-3

AN ORDER GRANTING A VARIANCE AND EXCEPTION OF 3' FROM NEIGHBOR'S SHED (SIDE PROPERTY) FOR THE CONSTRUCTION OF A STORAGE SHED IN THE APPLICATION OF SECTION 1171.02(e) OF THE CODIFIED ORDINANCES IN BOARD OF ZONING APPEALS

CASE 21-533  
ROBERT CLINGER  
32510 SHOREHAM

WHEREAS, at its meeting of April 13, 2022, the Board of Zoning Appeals, in Case No. 21-533, heard the appeal of Robert Clinger for the requested variance and has recommended to Council that the variance to Section 1171.02(e) of the Codified Ordinances of the City of Willowick be **granted**; and

WHEREAS, upon review of the record presented to the BZA and consideration of the Applicant's request, the Council finds and determines that said variance and exception be \_\_\_\_\_.

NOW, THEREFORE BE IT ORDERED, BY THE COUNCIL OF THE CITY OF WILLOWICK, STATE OF OHIO:

SECTION 1. That the Applicant's variance to Section 1171.02(e) of the Codified Ordinances is hereby \_\_\_\_\_.

SECTION 2. This order shall take effect and be in force from and after its passage.

PASSED: \_\_\_\_\_ 2022 \_\_\_\_\_  
President of Council

ATTEST: \_\_\_\_\_  
Clerk of Council

ADMINISTRATIVE APPEAL ORDER NO. 2022-4

AN ORDER GRANTING A VARIANCE AND EXCEPTION OF 2' 4" FROM NEIGHBOR'S GARAGE (REAR PROPERTY) FOR THE CONSTRUCTION OF A STORAGE SHED IN THE APPLICATION OF SECTION 1171.02(e) OF THE CODIFIED ORDINANCES IN BOARD OF ZONING APPEALS

CASE 21-533  
ROBERT CLINGER  
32510 SHOREHAM

WHEREAS, at its meeting of April 13, 2022, the Board of Zoning Appeals, in Case No. 21-533, heard the appeal of Robert Clinger for the requested variance and has recommended to Council that the variance to Section 1171.02(e) of the Codified Ordinances of the City of Willowick be **granted**; and

WHEREAS, upon review of the record presented to the BZA and consideration of the Applicant's request, the Council finds and determines that said variance and exception be \_\_\_\_\_.

NOW, THEREFORE BE IT ORDERED, BY THE COUNCIL OF THE CITY OF WILLOWICK, STATE OF OHIO:

SECTION 1. That the Applicant's variance to Section 1171.02(e) of the Codified Ordinances is hereby \_\_\_\_\_.

SECTION 2. This order shall take effect and be in force from and after its passage.

PASSED: \_\_\_\_\_ 2022 \_\_\_\_\_  
President of Council

ATTEST: \_\_\_\_\_  
Clerk of Council

ADMINISTRATIVE APPEAL ORDER NO. 2022-5

AN ORDER GRANTING A VARIANCE AND EXCEPTION TO ALLOW DOUBLE FENCING ALONG THE REAR PROPERTY IN THE APPLICATION OF SECTION 1165.05 OF THE CODIFIED ORDINANCES IN BOARD OF ZONING APPEALS

CASE 21-534  
ERNEST ROWELL  
31801 PENDLEY

WHEREAS, at its meeting of April 13, 2022, the Board of Zoning Appeals, in Case No. 21-534, heard the appeal of Ernest Rowell for the requested variance and has recommended to Council that the variance to Section 1165.05 of the Codified Ordinances of the City of Willowick be **granted**; and

WHEREAS, upon review of the record presented to the BZA and consideration of the Applicant’s request, the Council finds and determines that said variance and exception be \_\_\_\_\_.

NOW, THEREFORE BE IT ORDERED, BY THE COUNCIL OF THE CITY OF WILLOWICK, STATE OF OHIO:

SECTION 1. That the Applicant’s variance to Section 1165.05 of the Codified Ordinances is hereby \_\_\_\_\_.

SECTION 2. This order shall take effect and be in force from and after its passage.

PASSED: \_\_\_\_\_ 2022 \_\_\_\_\_  
President of Council

ATTEST: \_\_\_\_\_  
Clerk of Council



## ORDINANCE NO. 2022-20

**AN ORDINANCE AMENDING ORDINANCE 2022-8 TO PROVIDE FOR ADDITIONAL APPROPRIATIONS FROM THE GENERAL FUND (101) FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF WILLOWICK, STATE OF OHIO, DURING THE CALENDAR YEAR ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY.**

**SECTION 1.** Be it ordained by the Council of the City of Willowick, State of Ohio, that to provide for the current expenses and other expenditures of said City of Willowick during the calendar year ending December 31, 2022, that the following sums be and they are hereby set aside and appropriated as follows:

**SECTION 2.** That there be appropriated from the General Fund:

**GENERAL FUND****Leisure Time Activities****Recreation Programs (including Camp)****Other**

Small Equipment & Supplies	101.303.5430	2,500.00
<b>Total Other Expense</b>		<b>2,500.00</b>
<b>Total Recreation</b>		<b>2,500.00</b>

**Technology Dept.****Other**

Network Equipment & Supplies	101.700.5431	8,000.00
<b>Total Other Expense</b>		<b>8,000.00</b>
<b>Total Technology Dept.</b>		<b>8,000.00</b>

**Legislative****Other**

Miscellaneous Expenses	101.705.5568	10,000.00
<b>Total Other Expense</b>		<b>10,000.00</b>
<b>Total General Govt.</b>		<b>10,000.00</b>

**Economic Development****Other**

Contract Services	101.714.5354	10,000.00
<b>Total Economic Development</b>		<b>10,000.00</b>

**TOTAL GENERAL FUND: 30,500.00**

**TOTAL ALL FUNDS 30,500.00**

**SECTION 3.** That the Finance Director is hereby authorized to make expenditures or payments from any of the foregoing appropriations upon receiving proper certification and vouchers therefore, approved by the Board of Officers authorized by law to approve the same, or an Ordinance or Resolution of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

**SECTION 4.** All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 3.12 of the Charter of the City of Willowick and Section 121.22 of the Ohio Revised Code.

**SECTION 5.** That the Clerk of Council be and she is hereby requested to deliver a certified copy of this Ordinance to the Lake County Auditor.

**SECTION 6.** That this Ordinance is hereby declared and determined to be an emergency measure necessary for the preservation of the public peace, health and safety of said City for the reason that immediate provision must be made for the appropriation herein provided for and it shall, therefore, be in effect immediately upon its approval by the Mayor of the City.

**PASSED:** \_\_\_\_\_, 2022

**Submitted to the Mayor for his approval**  
**on \_\_\_\_\_, 2022**

**ATTEST:**

\_\_\_\_\_  
**Clerk of Council**

\_\_\_\_\_  
**Council President**

**Approved by the Mayor on**  
\_\_\_\_\_, 2022

\_\_\_\_\_  
**Mayor**

**ORDINANCE NO. 2022-21**

**AN ORDINANCE FIXING THE COMPENSATION OF ADULT SCHOOL GUARDS AND DECLARING AN EMERGENCY.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, LAKE COUNTY, STATE OF OHIO:**

**SECTION 1.** That effective with the first full pay period in January 2022 , adult school guards shall receive compensation at a rate of Eleven Dollars and Fifty Cents (\$11.50) per hour; provided, however, that in no event shall the compensation paid to any adult school guard for any one day of work be less than \$11.50.

**SECTION 2.** That school guards will be paid up to five (5) days’ pay, per school year, when schools close for inclement weather.

**SECTION 3.** That Ordinance No. 2021-6, passed February 2, 2021 and any and all other ordinances or parts thereof in conflict herewith be and the same are hereby repealed effective January 2, 2022.

**SECTION 4.** That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willowick and further provides for the usual daily operation of a municipal department; wherefore, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

**PASSED: \_\_\_\_\_, 2022**

**Submitted to the Mayor for his approval on \_\_\_\_\_, 2022**

**ATTEST:**

\_\_\_\_\_  
**Clerk of Council**

\_\_\_\_\_  
**President of Council**

**Approved by the Mayor on \_\_\_\_\_, 2022**

\_\_\_\_\_  
**Mayor**

**ORDINANCE NO. 2022-22**

**AN ORDINANCE AMENDING CHAPTER 922 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOWICK, OHIO, TITLED, “WILLOUGHBY-EASTLAKE WASTEWATER COLLECTION AND TREATMENT SYSTEM”; SPECIFICALLY, SECTION 922.06, TITLED “FEES,” AND DECLARING AN EMERGENCY.**

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Willowick, County of Lake, and State of Ohio:

**Section 1.** That Chapter 922 of the Codified Ordinances of the City of Willowick, Ohio, titled “WILLOUGHBY-EASTLAKE WASTEWATER COLLECTION AND TREATMENT SYSTEM”; specifically Section 922.06, titled “Fees”, is hereby amended, to read and provide as follows:

922.06 FEES

(a) Sewage Surcharge:

(1) Establishment. A sewage surcharge . . .

\* \* \*

(c) Surcharge for Excess Concentration.

(1) When the total suspended solids, CBOD, COD, phosphorus and/or oil and grease of a water or waste accepted for admission to the system exceed the values of their constituents for normal sewage, the excess concentration in any or all, as the case may be, shall be subject to a surcharge as follows:

- A. Pounds of excess suspended solids per day x ~~\$0.49~~ **\$0.57** per lb.=suspended solids surcharge.
- B. Pounds of excess CBOD per day x ~~\$0.55~~ **\$0.56** per lb.=CBOD surcharge
- C. Pounds of excess COD per day x ~~\$0.24~~ **\$0.25** per lb.=COD surcharge.
- D. Pounds of excess phosphorus per day x ~~\$0.74~~ **\$0.85** per lb.=phosphorus surcharge.
- E. Pounds of excess oil and grease per day x ~~\$0.49~~ **\$0.57** per lb.=oil and grease surcharge.

(2) In addition to the above surcharges, the City shall have the right to surcharge any user for the discharge of any other pollutant into the sewage system.

**Section 2.** That the existing Section 922.06 of the City’s Ordinance is hereby repealed in that said Section is superseded by this legislation.

**Section 3.** All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal

requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

**Section 4.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare and dignity of the residents of the City of Willowick, insofar as it provides for the necessary and usual daily operation of the City and its Department of Service, and further to ensure payment compliance with the surcharge rate changes for extra-strength wastes for the Willoughby-Eastlake Wastewater Collection and Treatment System passed by the City of Willowick April 5, 2022 and effective May 5, 2022.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: \_\_\_\_\_, 2022

\_\_\_\_\_  
Robert Patton, Council President

Submitted to the Mayor: \_\_\_\_\_, 2022

\_\_\_\_\_  
Richard J. Regovich, Mayor

Approved by the Mayor: \_\_\_\_\_, 2022

ATTEST: \_\_\_\_\_  
Angela Trend, Clerk of Council

**RESOLUTION NO. 2022 - 10****A RESOLUTION TO APPROVE AUTHORIZATIONS (THEN AND NOW CERTIFICATE)  
TO COMFORT CONTROL SYSTEMS IN THE AMOUNT OF \$4,480.00, FOR THE CITY  
OF WILLOWICK, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ohio Revised Code 5705.41(D)(1) provides that if prior certification of funds by the Fiscal Officer was not obtained before the contract or order involving the expenditure of money was made, then the Fiscal Officer may instead certify; and

**WHEREAS**, that there was at the time of the making of such contract or order and at the time of the execution of such certificate, a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund, free from any previous encumbrances; and

**WHEREAS**, the Fiscal Officer is accordingly certifying that there were appropriations available and funds in the treasury or in the process of collection at the time the contract or order was made (then), and there are still sufficient appropriations and funds in the treasury or in the process of collection at the time the certificate is being issued (now); and

**WHEREAS**, the amount of the certificate exceeds \$3,000.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Willowick, County of Lake, and State of Ohio that:

**Section 1.** It is hereby certified that both at the time of the making of the attached contract(s) or order(s) and at the date of execution of this certificate, the amount of funds required to pay this contract(s) or order(s) has been appropriated for the purpose of this contract or order, attached hereto, and is in the treasurer or in the process of collection to the credit of the fund free from any previous encumbrances.

**Section 2.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 123 of the Codified Ordinances of the City of Willowick.

**Section 3.** This Resolution constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willowick; and so that the certificate meets the timeliness requirement of the Ohio State Auditor; wherefore, this Resolution shall be in full force and take effect immediately upon its passage by Council and approval by the Mayor.

**PASSED:** \_\_\_\_\_, 2022

\_\_\_\_\_  
**Robert Patton, President of Council**

**SUBMITTED** to the Mayor for his approval  
on \_\_\_\_\_, 2022

**APPROVED** by the Mayor on  
\_\_\_\_\_, 2022

**ATTEST:**

\_\_\_\_\_  
**Angela Trend, Clerk of Council**

\_\_\_\_\_  
**Richard J. Regovich, Mayor**

# COMFORT CONTROL SYSTEMS

Item #9.



10147-H Royalton Road  
North Royalton, Ohio 44133  
Phone: 440/877-2000 Fax: 440/877-2001

<b>Bill To:</b>
City of Willowick 31230 Vine St Willowick, OH 44095 ATTN: Terry McCarthy

## Invoice

P.O. No.	Terms	Work Location	Date	Invoice #
	Net 30	Senior Center	3/31/2022	96875-1

Item	Description	Qty	Rate	Amount
Description	Extra material for added duct work This was for quote 867852 dated 10.25.21	1	4,480.00	4,480.00

WE CERTIFY THAT THE GOODS, MATERIALS,  
AND SERVICES SHOWN IN THIS INVOICE HAVE BEEN  
RECEIVED AND RENDERED ON BEHALF OF THE  
CITY OF WILLOWICK

*54456*  
*4-6-20*

Please contact Traci directly with any billing questions. (440)241-7203 EMAIL: Traci@ccshvac.com SEND REMITTANCE TO: COMFORT CONTROL SYSTEMS 10147 ROYALTON RD STE H N. ROYALTON, OH 44133	<b>Total</b>	<b>\$4,480.00</b>
	<b>Payments/Credits</b>	<b>\$0.00</b>
	<b>Balance Due</b>	<b>\$4,480.00</b>



**RESOLUTION NO. 2022 - 11**  
**A RESOLUTION TO APPROVE AUTHORIZATIONS (THEN AND NOW CERTIFICATE)**  
**TO MUNICODE IN THE AMOUNT OF \$5,000.00, FOR THE CITY OF WILLOWICK,**  
**AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ohio Revised Code 5705.41(D)(1) provides that if prior certification of funds by the Fiscal Officer was not obtained before the contract or order involving the expenditure of money was made, then the Fiscal Officer may instead certify; and

**WHEREAS**, that there was at the time of the making of such contract or order and at the time of the execution of such certificate, a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund, free from any previous encumbrances; and

**WHEREAS**, the Fiscal Officer is accordingly certifying that there were appropriations available and funds in the treasury or in the process of collection at the time the contract or order was made (then), and there are still sufficient appropriations and funds in the treasury or in the process of collection at the time the certificate is being issued (now); and

**WHEREAS**, the amount of the certificate exceeds \$3,000.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Willowick, County of Lake, and State of Ohio that:

**Section 1.** It is hereby certified that both at the time of the making of the attached contract(s) or order(s) and at the date of execution of this certificate, the amount of funds required to pay this contract(s) or order(s) has been appropriated for the purpose of this contract or order, attached hereto, and is in the treasurer or in the process of collection to the credit of the fund free from any previous encumbrances.

**Section 2.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 123 of the Codified Ordinances of the City of Willowick.

**Section 3.** This Resolution constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willowick; and so that the certificate meets the timeliness requirement of the Ohio State Auditor; wherefore, this Resolution shall be in full force and take effect immediately upon its passage by Council and approval by the Mayor.

**PASSED:** \_\_\_\_\_, 2022

\_\_\_\_\_  
**Robert Patton, President of Council**

**SUBMITTED** to the Mayor for his approval  
on \_\_\_\_\_, 2022

**APPROVED** by the Mayor on  
\_\_\_\_\_, 2022

**ATTEST:**

\_\_\_\_\_  
**Angela Trend, Clerk of Council**

\_\_\_\_\_  
**Richard J. Regovich, Mayor**

Resolution 2022-1  
101-705 5500

Item #10.

# municode

## INVOICE

Page 1

P.O. Box 2235 Tallahassee, FL 32316  
info@municode.com • 800.262.2633

Bill To:

Willowick, Ohio  
susanwovrosh@gmail.com \*Sue Wovrosh  
30435 Lake Shore Blvd  
Willowick, OH 44095

Invoice Number	00368144
Invoice Date	12/14/2021
PO Number	
Customer ID	70-583
Payment Terms	Net 30

Quantity	Description	Unit Price	Extended Price
1	Municode Meetings Subscription Renewal 12/01/2021 to 11/30/2022	\$5,000.000	\$5,000.00
			<b>Total Credit</b>
LESS CREDIT ON ACCOUNT			\$0.00

*Please note, CivicPlus, LLC as the acquirer and sole parent company of Municode, LLC shall become the billing entity and payee for all Municode services starting April 2022. If you have any questions, or need any further information, please contact [accounting@civicplus.com](mailto:accounting@civicplus.com)*

Subtotal	\$5,000.00
Discount	\$0.00
Freight	\$0.00
Tax	\$0.00
<b>Total</b>	<b>\$5,000.00</b>

**EFT Payment Instructions**  
 Bank Name: Hancock Whitney Bank  
 ABA Routing Number: 0210-5205-3  
 Account Number: 22937310  
 Account Name: Municipal Code Corporation

**Check Payment Instructions**  
 Payee: Municode  
 Mailing Address: PO Box 2235  
 Tallahassee, FL 32316-2235  
 FEIN: 59-0649026

**RESOLUTION NO. 2022-12**

**A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND (101) TO THE POLICE PENSION FUND (801) AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Willowick has adopted Ordinance No. 2022-08 appropriating funds for the calendar year 2022; and

**WHEREAS**, said Ordinance requires the transfer of certain funds.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOWICK, LAKE COUNTY, STATE OF OHIO:**

**SECTION 1.** That the following transfer is hereby authorized to be made from the General Fund (101) to the account and in the amount indicated below:

<b>Transfer to the Police Pension Fund</b>	<b>\$217,500.00</b>
<b>(801-814-4961)</b>	

**SECTION 2.** That all formal actions of the Council concerning the passage of this Resolution were adopted in an open meeting, and all deliberations of this Council, or any of its committees, that resulted in such formal actions were in meetings open to the public in compliance with all legal requirement, including Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That all Resolutions or parts thereof in conflict with the provisions of this Resolution are hereby repealed.

**SECTION 4.** That this Resolution constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willowick; wherefore, this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

**PASSED:** \_\_\_\_\_, 2022

**Submitted to the Mayor for his approval on \_\_\_\_\_, 2022**

**ATTEST:**

\_\_\_\_\_  
**Clerk of Council**

\_\_\_\_\_  
**President of Council**

**APPROVED by the Mayor on \_\_\_\_\_, 2022**

\_\_\_\_\_  
**Mayor**



# OHIO DEFERRED COMPENSATION

## ROTH 457 OPTION EMPLOYER ADOPTION

- ✓ Employers who choose to offer the Roth 457 option must execute an Adoption Agreement, Exhibit B, Payroll/Administrative Procedures.
  - Return the completed and executed form.
    - Email: [Ohio457@Nationwide.com](mailto:Ohio457@Nationwide.com)
    - Fax: 614-222-9457
    - Mail: 257 East Town Street, Suite 400, Columbus, Ohio 43215-4626
  - An acknowledgment email and additional information will be sent to the employer upon receipt of an executed Exhibit B.
- ✓ Employers will need to set-up a separate post-tax payroll deduction for Roth contributions.
- ✓ Pre-tax deferrals and Roth contributions will be billed separately. Ohio DC will create a new bill code assigned to Roth contributions.
- ✓ Pre-tax deferral and Roth contribution billings can be obtained and filed on the Ohio Business Gateway at [Ohiobusinessgateway.ohio.gov](http://Ohiobusinessgateway.ohio.gov).

### Comparison of the traditional pre-tax option and the Roth post-tax option:

Feature	Traditional 457(b)	Roth 457(b)
Payroll Deductions	Yes	Yes
Contributions	Pre-tax dollars	Post-tax dollars
2021 Annual Limits	\$19,500 (\$26,000 if age 50+, \$39,000 for Special Catch-Up) Combined contributions to Traditional (pre-tax) and Roth options must remain within the annual limits.	
Investment Growth	Accumulates tax-deferred	Accumulates tax-free
Federal Tax on Distributions	Taxable income	Tax free if certain criteria are met

Enter Employer Name below. Execute the agreement on page five.

EXHIBIT B

**PAYROLL/ADMINISTRATIVE PROCEDURES**

An Employer that establishes the Plan shall determine whether its employees will be permitted to make (i) pre-tax deferrals only or (ii) pre-tax deferrals and Roth contributions.

**[Enter Employer Name]** elects to offer eligible employees one of the following options:

\_\_\_\_\_ Pre-tax deferrals only

**OR**

Pre-tax deferrals and Roth contributions

*The effective date shall be a date no sooner than 30-days after Ohio DC receives the executed Exhibit B and the Employer receives their first pre-billing invoice for pre-tax deferrals and/or Roth contributions.*

**Deductions**

A. **Pre-tax Deferrals.** The Employer will ensure that federal and state income taxes for each participating employee are calculated after excluding the amount being deferred under the Plan. Please note that pre-tax deferrals are not excluded from local income tax calculations.

B. **Roth Contributions.** The Employer will ensure that Roth contributions are after-tax contributions. This means the Employer includes the amount of the Roth contributions in the employee's gross income at the time the employee would have otherwise received the amount in cash if the employee had not made the election. Roth contributions are subject to all applicable wage-withholding requirements.

The Internal Revenue Code requires that participant deferral/contribution agreements be entered into in the month before they begin. The Program will monitor this regulation and notify Employers of new enrollments and valid changes. The Employer may not make any such contractual changes until the effective date specified on the Payroll Reduction Change Report, except to prevent deferrals/contributions from exceeding the maximum annual limits.

**Reporting**

The Employer may utilize one of the following methods for reporting deferral/contribution amounts.

A. **A pre-billing invoice.** The Program will create an invoice(s) for the Employer at least ten (10) days before each pay date, listing the name, last four digits of the employee's social security number, and dollar amount of the deferral/contribution expected from each employee. Pre-tax deferrals and Roth contributions will be invoiced separately. The employer can obtain these invoices from the Ohio Business Gateway website. The Employer will note any changes on the invoices before reporting these amounts.

B. **A computer file.** The use of computer files is recommended for all Employers who will have more than 100 participants in the Plan. Pre-tax deferrals and Roth contributions must be in separate files. This confidential data must be transmitted using the secure express upload feature of the Ohio Business Gateway at [business.ohio.gov](http://business.ohio.gov). Computer files must be formatted as indicated below.

<u>Field Name</u>	<u>Data Type</u>	<u>Start/End Pos.</u>		<u>Contents</u>
Transaction Type	X(3)	1	3	'114'
Employer ID	X(6)	4	9	Ohio DC will assign this number
Pay Date*	9(8)	10	17	Your payroll date
Social Security5	9(5)	18	22	First 5 digits of social security number
Social Security4	9(4)	23	26	Last 4 digits of social security number
Termination Code	X(2)	27	28	Does participant still work for you? Yes = SPACES No = 'TT'
Filler	X(8)	29	36	Spaces
Termination Date*	9(8)	37	44	Date employee was terminated or zeros for current employees
Transaction Amount**	9(7)	45	51	Deferral/contribution amount 9999999
Name	X(25)	52	76	Participant name
Filler	X(4)	77	80	Spaces

\* All dates must use CCYYMMDD format (20190101)

\*\* The transaction amount must not include the decimal point. Example, a \$125.00 deferral amount would be sent as 0012500.

Fields are **NOT** packed.

For regular deferrals (pre-tax), the file must be named **defcomp.txt**.

For Roth contributions (post-tax), the file must be named **roth\_defcomp.txt**

**Please note that regular deferrals and Roth contributions are on separate bills and cannot be combined in the same file**

If you need further assistance, please call 614-466-7245.

C. **An acceptable Employer generated listing.** The Employer may generate their own listing which will identify the name, last four digits of the employee's social security number, and dollar amount of the individual deferrals/contributions. The format must be (by pay frequency) in ascending alphabetic or social security number order with totals for each frequency. Pre-tax deferrals and Roth contributions must be reported separately. The list must contain Employer name, Employer number, and pay date. Do not list reductions by department or full social security numbers.

**Changes**

Ohio DC will create a Payroll Change Report(s) showing all employees who are newly enrolled or changing the amount of their deferrals/contributions. This report will be available to the Employer at least ten (10) days before the effective pay date on the Ohio Deferred

Compensation secure section of the Ohio Business Gateway website, [business.ohio.gov](http://business.ohio.gov). Separate Payroll Change Reports will be produced for pre-tax deferrals and Roth contributions.

### **Terminating Employees**

For any participants who have terminated employment, the Employer will note on each invoice, file, or listing, the date of termination, last four digits of the social security number, and name of the employee(s).

### **Remittance**

For each pay date, the Employer will forward payment for the gross amount of deferrals/contributions with supporting documentation. The Employer is responsible for the correct and timely remittance of deferrals/contributions. The Employer may use one of the following methods for remittance:

ACH debit: Use the Ohio Business Gateway at [business.ohio.gov](http://business.ohio.gov). (*preferred method*)

ACH credit: The Program will provide banking information to Employers using this method.

#### Check mailed to:

Ohio Deferred Compensation  
257 East Town Street, Suite 400  
Columbus, Ohio 43215-4623

**The payment amount must be exactly equal to the total amount of deferrals/contributions on the detailed report.**

### **Refunds**

If deferrals/contributions are erroneously made on behalf of a participant and the money must be returned to that participant, the Employer may not use amounts to be refunded to the participant as an offset or credit against the gross amount of deferrals/contributions for the next pay period. The Employer must notify the Program in writing of such errors and the Board will return the money to the Employer. For pre-tax deferrals the Employer must then refund the money to the employee after withholding all appropriate taxes, etc., since the refund will not have been previously included as taxable income to that employee.

### **Annual Limits**

Consistent with IRS regulations, the Employer is responsible for ensuring that any combination of the participant's annual pre-tax deferrals and Roth contributions do not exceed the lesser of (i) the limits allowed by the Internal Revenue Code or (ii) 100% of includible compensation. Participants age 50 and older or in their three years prior to Normal Retirement Age may be eligible for higher annual limits. The Program will annually provide notice to the Employer regarding such limits. The Program will be careful to enroll the participant for deferral/contributions amounts that will not exceed the IRS's maximum limits. If events occur (requested changes to deferral/contribution amounts are not made timely, a year with 27 bi-weekly pay periods, etc.) whereby those limits could be exceeded, the Program will work with the participant and Employer to adjust deferral/contribution amounts accordingly.



**Form W-2**

The Employer will be responsible for issuing a correct Form W-2 at year-end, which will identify the gross amount of wages subject to federal and state taxes and the gross amount of wages subject to local taxes. The Employer will list on the participant's Form W-2 the amount of pre-tax deferrals or Roth contributions for the year, as required by the IRS.

**Program Withdrawals**

The Program will be responsible for overseeing the disbursement of all withdrawals from the Program to the participant or beneficiary(ies) and to discharge on behalf of the Employer all reporting and withholding responsibilities required by Federal and State Regulatory Authorities.

**Employer Statements**

The Program will provide the Employer with a quarterly statement that will include the total amount received during the quarter and the total value of accounts held on behalf of the employees or beneficiaries.

Note: The Program statements will reflect deferral/contribution activity based on the date received and invested, which may not always coincide or agree with the Employer's records, due to timing of deposits and transfers into and out of individual accounts at the beginning or ending of the statement period.

**Confidentiality**

The Employer shall maintain the confidentiality of individual participants and related account information.

It is the Program's policy to limit the display of social security numbers. Billing and change reports will only display the last four digits of each participant's social security number, unless you provide the Program with a signed release on your Employer letterhead accepting all responsibility for transmitting this sensitive data. If the Employer generates their own listing, the Employer will be responsible for this confidential information while in transit. It is important that the display of social security numbers is limited to the last four digits.

**Other Deferred Compensation Plans**

If the Employer offers deferred compensation programs in addition to the Program as permitted under Section 148.06 of the Ohio Revised Code, then the Employer is responsible for assuring that participants do not exceed the maximum annual limits under IRC Section 457(b).

**Execution**

The duly authorized responsible official has executed this document for the Eligible Employer, and the Board (by its representative) has accepted as of the date so noted below.

**[Enter Employer Name]**

Eligible Employer

Responsible Official (printed name)

Responsible Official Signature

Title

Date

**OHIO PUBLIC EMPLOYEES DEFERRED COMPENSATION BOARD**

Accepted for the Program

Date

**Employer Services for You**

The Board Office is responsible for administration of the Program, which includes maintaining employer and employee account records, investing payroll deferrals/contributions, processing withdrawal requests and generating employer and employee account statements.

Employers with questions or needing assistance should contact the finance department of the Board Office.

**Board Office:**

Ohio Deferred Compensation  
257 East Town Street, Suite 400  
Columbus, Ohio 43215-4623

**Phone:** 614-466-7245

**Phone Hours:** The Board Office staff is available to assist employers Monday-Friday from 7:30 a.m.-4 p.m.

**Fax:** 614-728-2601

**Email:** [finance@OhioDC.org](mailto:finance@OhioDC.org).