

CHRISTOPHER HALLUM
President of Council

MICHAEL KLINE
Vice President of Council

GLORIA MAJESKI
Clerk of Council. Pro Tem
1/23/2020 meeting

COUNCIL:

NANCY E. FELLOWS

DAVID M. FIEBIG

JOE JARMUSZKIEWICZ

JANET R. MAJKA

TANYA TAYLOR DRAPER

City of Willoughby Hills

Regular Council Meeting

Minutes of January 23, 2020

Policy No. 2: All Council meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened whenever possible.

The Regular Council Meeting was called to order on Thursday, January 23, 2020, at 7:00 p.m. in Council Chambers. Council President Hallum presided.

Pledge of Allegiance

ROLL CALL

(Audio 1:28-3:47)

Members Present: Councilman David M. Fiebig, Council President Chris Hallum, Councilman Joe Jarmuszkiewicz, Council Vice President Mike Kline, Councilwoman Janet Majka and Councilwoman Tanya Taylor Draper.

Members Absent: Councilwoman Nancy Fellows

Motion made by Councilman Jarmuszkiewicz, seconded by Councilwoman Janet Majka to excuse the absence of Councilwoman Fellows from tonight's meeting.

At this point, **Council Vice President Kline** asked for a definition of "excused absence." **Council President Hallum** stated that he did not have the ORC in front of him with that definition, but believed that it was an excused absence for a "vacation, sick or a planned event."

Roll Call: AYES: Fiebig, Hallum, Jarmuszkiewicz, Majka and Taylor Draper

NAYS: Kline

Vote: 5/1

Motion Carries to excuse Councilwoman Fellows from tonight's meeting.

Others Present: Mayor Andy Gardner, Finance Director Frank J. Brichacek and City Engineer Pietro A. Difranco

APPOINTMENT OF CLERK PRO-TEM

(Audio 3:47-4:44)

Motion made by Councilwoman Taylor Draper, seconded by Councilman Fiebig to appoint Gloria Majeski as Council Clerk Pro Tem for tonight's meeting.

Roll Call: AYES: Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper

NAYS: None

Vote: 6/0

Motion Carries to appoint Gloria Majeski as Council Clerk Pro Tem for tonight's meeting.

ADMINISTRATION REPORTS AND COMMUNICATIONS

(Audio 4:44-10:54)

MAYOR GARDNER ADMINISTRATION OF OATH OF OFFICE TO POLICE & FIREFIGHTER:

Mayor Gardner administered the Oath of Office to Full-time Firefighter/Paramedic Brian Paladino and Full-time Police Officer Christian Powell and congratulated these individuals on their appointments.

DISPOSITION OF THE JOURNAL

(Audio 10:54-14:10)

Motion made by Councilman Fiebig, seconded by Council Vice President Kline to approve the December 12, 2019, Regular Council Meeting minutes. (Audio 10:45-12:12)

Roll Call: AYES: Hallum, Jarmuszkiewicz, Kline and Majka

NAYS: None

Abstention: Fiebig and Taylor Draper

4/0, 2 abstentions

Motion Carries to approve the December 12, 2019, Regular Council Meeting minutes.

Motion made by Councilman Fiebig, seconded by Councilman Jarmuszkiewicz to approve the January 6, 2020, Organizational Meeting minutes. (Audio 12:12-12:54)

Roll Call: AYES: Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper

NAYS: None

6/0

Motion Carries to approve the January 6, 2020, Organizational Meeting minutes.

Motion made by Councilwoman Taylor Draper, seconded by Councilwoman Majka to approve the January 6, 2020, Special Council Meeting minutes. (Audio 12:54-13:33)

Roll Call: AYES: Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper

NAYS: None

6/0

Motion Carries to approve the January 6, 2020, Special Council Meeting minutes.

Motion made by Councilwoman Taylor Draper, seconded by Councilman Fiebig to approve the January 9, 2020, Regular Council Meeting minutes. (Audio 13:33-14:10)

Roll Call: AYES: Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper
NAYS: None
6/0

Motion Carries to approve the January 9, 2020, Regular Council Meeting minutes.

COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS

(Audio 14:10-14:33)

- Interoffice Memo from Mayor Gardner dated 1/16/2020 re. proposed legislation
- City Engineer’s Report dated 1/17/2020
- Interoffice Memo from Mayor Gardner dated 1/17/2020 re. Confirmation of Noise Abatement Council (NAC) Representative Being a Mayoral Appointment
- Interoffice Memo from Mayor Gardner dated 1/21/2020 re. Legislation Request to Secure the Purchase of Two (2) Police Vehicles

PUBLIC PORTION #1

(Audio 14:33-16:33)

An opportunity for the public to address Council concerning anything pertaining to tonight’s agenda

Public Portion opened at 7:14 p.m.

Cheryl Ota – 2960 Marcum Blvd., Willoughby Hills, OH – Spoke of tonight’s legislation for Rockefeller Road grant and wondered what was going to be done on Rockefeller. She feels there is “a lot to be done on Rockefeller,” including the fact that it is “too narrow,” pointing out “the landscaper trucks that nearly knock you off the road” and there being “no soft shoulder.”

Public Portion closed at 7:14 p.m.

City Engineer DiFranco responded to resident Ota’s question. He indicated that the grant was to be used to resurface Rockefeller south of Chardon Road to the City limits with Highland Heights which will hopefully be done this fall. With regard to the width of the road, it won’t be part of the project to widen the road; however, he spoke with Road Superintendent Grubiss about potentially piping the ditches for driver safety.

MAYOR’S REPORT

(Audio 16:33-22:08)

- Quote for installation of new computers approved by Council at last meeting was received from Evolve (our IT provider) for the amount of \$3,200, which was, as Finance Director Brichacek explained at the last meeting, provide in the appropriation and able to be done under Mayor’s spending authority. The computers were delivered and secured in the Police Department. Installation has begun and should be done next Wednesday. The installation is being done by department to avoid interrupting City business.

- Thank you to the residents of the Willoughby Hills Senior Apartments for hosting “Meet the Mayor” day last week. It was enjoyable, with one resident bringing a Garfield School yearbook with my photo and her sons’ photos. I was happy to see former Mayor Schaefer and his wife, Jeannette as well.
- We are actively searching for Board/Commission volunteers. Volunteer forms are available.
- Longtime resident and Cleveland Audubon Society trustee John Lillich will be volunteering by hosting Spring Nature walks through Hach Otis. The dates are May 9 and May 16. More info to follow.
- Roads and Service Update – A tour of the City streets with Road Superintendent Grubiss was taken last week and the following streets were identified for the Road Plan resurfacing this year: Beech Hills, Graylock, Evergreen and Rockefeller south of Chardon. There is \$20,000 in additional funding for road rejuvenation for other projects as well. To Ms. Ota’s point, City Engineer DiFranco had applied for a grant for the Rockefeller project but we also received an additional \$62,000 from the County Commissioners which is on the agenda tonight to use toward that project. There is a separate budget item to repair other roads.
- On Monday, two proclamations will be presented at the Rotary meeting – Judge Larry Allen for “Citizen of the Year” and Retired Senior Volunteer Program (RSVP) for “Civic Organization of the Year.”
- Sympathies to the family of Steve Palinkas of Chardon Road and Slavko Kaulic of Pebblebrook who passed away this week.
- I support all legislation on tonight’s agenda.

FINANCE DIRECTOR’S REPORT

(Audio 22:08-2532)

- 2019 Financial Reports have been posted on City website.
- Ohio Checkbook has been updated on the site through November 2019; they have been provided the December 2019 information which will be posted to the site shortly.
- Good solid financial year for the City with an increase in the General Fund of \$543,000 from \$1.32m to \$1.86m by the end of 2019. We collected 103% of what we budgeted in terms of revenue in the General Fund. Overall, throughout the funds, we collected 99% of what we budgeted. On the expense side, the General Fund obligated 96% of what we budgeted for the year and overall the funds expended 91% of what was budgeted. The growth in the income tax is what really put us over the top this year.

Questions for the Finance Director:

Council President Hallum asked when the budget would be ready. **Finance Director Brichacek** indicated it would be early February as he is closing out now.

Mayor Gardner pointed out that after the budget is presented, we will need to review the Road Levy. He plans to present it as a renewal and then also with three other options with higher increments to do more with the roads. It is something we would anticipate having hearings on and leave it up to the residents as to “what kind of City they want Willoughby Hills to be.” We will present the options. We will listen to

alternatives. If the residents want to support a more robust Road Levy, that's great. If they support a renewal, we need to get the renewal done for this November so we have funding in 2021.

Finance Director Brichacek gave background on the Road Levy, indicating five years ago, Willoughby Hills passed a five-year levy which provided \$600,000 a year in funding which ends this year. In order to continue with road work, the levy needs to be renewed or replaced.

CITY ENGINEER'S REPORT

(Audio 25:32-26:35)

- Planning and Zoning – Public Hearing to be held on February 6, 2020 at 7:00 p.m. for public input regarding a proposed conditional use of a freestanding ATM for PNC Bank in the parking lot of the shopping center of the former Borally's.
- Supports Ordinance 2020-03, Change Order for United Survey, Inc. 2019 Sewer Rehabilitation Project which increases the budget of that project, as well as suspending the Three Readings so it will pass and the work can begin.
- Supports Ordinance 2020-04, which is the Lake County Commissioner's grant for road resurfacing.

COUNCIL COMMITTEE REPORTS/OTHER COUNCIL REPRESENTATIVE REPORTS

(Audio 26:35-36:43)

Council Vice President Kline – Finance Committee (Audio 26:35-28:10)

- No meeting of Finance Committee was held, but he selected the following members to be on the Committee: Council President Hallum and Councilwoman Taylor Draper
- Plans to have Standing Committee meetings of the Finance Committee to be held on the Monday before the first Council meeting and, if necessary, on the Monday before the second Council meeting at 6:30 p.m. in Council Chambers. If no business, the meeting will be cancelled. This mimics the procedure from the 2014 Council which seemed to work out well then. The first meeting then will be held on Monday, February 10, 2020 at 6:30 p.m.

Council President Hallum – Rules & Legislation Committee (Audio 28:10-28:41)

- No meeting of Rules and Legislation was held, but he too selected the following members to be on the Committee: Councilwoman Taylor Draper and Councilman Jarmuszkiewicz.
- Rules & Legislation Committee met this evening, but he will give a complete report at the next Council meeting in order to have time to put it all together.

Councilman Jarmuszkiewicz – Recreation Commission (28:41-34:00)

- Attended Recreation Commission Subcommittee meeting last night held at the Grange. Appreciated the hard work of volunteers Tom Majeski and Bob Bartolotta to maintain the Grange with the Boy Scout troop. The historic building has some restrictions with regard to renting to

groups because it is not ADA compliant but might be a good place to begin Cub Scout or Brownie troops to have a place to meet. There is currently only one Girl Scout troop that meets there. The Recreation Commission will be discussing options moving forward.

- The Winterfest and Breakfast with Santa events were recapped. Both were successful and the Commission is looking at ways to make them even better for this year.
- Pancake Breakfast is set for Sunday, March 8 and Lions Breakfast is March 15th. Still seeking volunteers. Tickets are \$7.00 advance and \$8 at the door, children 3 to 12 are \$4 and children under age 2 are free. Council members will be given tickets to sell and are asked to try to sell as many presale tickets as possible. Please consider volunteering to help get the work done and to come and meet new people.
- Willoughby Hills Youth Sports League is taking baseball and softball applications at the pancake breakfasts and through the end of March. Applications will be made available on the City website and at the Community Center. The League is still looking for volunteers to help out with baseball, softball, basketball and flag football programs.

Questions for Recreation Commission Representative Jarmuszkiewicz:

Councilwoman Taylor Draper asked if there were fees to use the Grange. **Councilman Jarmuszkiewicz** said that they are just starting to look into sanctioning the groups that will be there and if they are able to set fees and more discussion is to follow. **Council President Hallum** indicated that there are currently no fees established to use the Grange. **Councilman Fiebig** added that our “Code 941” governs the use of City property and the Grange is not included in that ordinance. It is Council’s purview to determine rates. If they choose to include it as a property then it would be able to be rented.

Council President Hallum and **Councilman Jarmuszkiewicz** reminded all that scrambled eggs are included at this year’s Pancake Breakfasts, with it being limited to a single serving, not “all you can eat” as the pancakes and French toast are.

Councilwoman Taylor Draper – Planning Commission and Architectural Board of Review (PC-ABR): **(Audio 34:00-36:43)**

- PC-ABR met on Thursday, January 16, 2020, as an Organizational Meeting. Appointed Tom Elliott as Chairman and John Lillich retained his Vice Chairman role. Tom Elliott is a great fit as he is a journeyman bricklayer who is a director of a company who works with architects in his line of work. Ron Lewis Jr. was also a new member to the group and it is a great group to work with.
- Business during the January 12, 2020, meeting included approval of three main signs for the Shoppes of Willoughby Hills for two of the businesses there. The basic information was presented and the signs were approved.
- As City Engineer DiFranco mentioned there will be a Public Hearing on February 6, 2020 regarding the freestanding PNC ATM.

Comments following Councilwoman Taylor Draper's Report:

Councilman Fiebig reported that the former Chairman of the PC-ABR, Chris Smith, was an architect and he did a fantastic job for us, replacing someone who we had formerly paid for their architect expertise. It is in the budget and is permissible to allow an architect to come in and review plans if we don't have that among the residents serving on that board. He recommended that she bring that back to the board. In addition, he recommended a resolution being in order for past Chairman Chris Smith for the outstanding work he did for the committee.

Mayor Gardner added that Ron Lewis Jr. is on that board now and he is a licensed architect currently working in Project Management (not sure of active licensure since he is not signing reports) and we are happy to have his experience and Tom's (Elliott's) joining us.

UNFINISHED BUSINESS

(Audio 36:43-49:25)

Council Vice President Kline indicated he wanted to revisit an item from the last Council meeting since he had a chance to listen to the tape and he really did not convey his request to ban texting during Council meetings by Council members adequately when he made his motion. He agrees that other electronic devices should be permitted as an aid to refer to Council documents or look up information during a meeting, but rather does not feel communication by Council members via text during a meeting should be permissible. If an emergency should arise via a text message to them, the Council member should confer with the President to be excused to take care of that issue. He then made the following motion: (Audio 36:43-44:39)

Motion made by Council Vice President Kline, seconded by Councilwoman Taylor Draper to amend the Policies of Council to ban texting and other forms of electronic communication by Council members during meetings.

Discussion on the Motion:

Councilman Jarmuszkiewicz had concerns about there being an emergency or emergency call and if there would be provisions to exempt that. **Council President Hallum** assured him that emergency situations should be handled in the way **Council Vice President Kline** previously spoke about, having the Council member get the attention of the Council President to ask to be excused.

Councilwoman Majka brought up the previously discussed item of "policing each other" and feels that this is in that same category in the way of a concern. She feels it may even be more distracting if a Council member is trying to police the other members rather than paying attention to the business at hand.

Councilman Fiebig reiterated that he had requested this matter be tabled until we get a Law Director, questioning the Mayor as to what the status of the Law Director appointment is currently. (Council President asked that we hold off that discussion in the middle of a motion). **Councilman Fiebig** did not feel that it is a big problem at this time but had some concerns about the legality of being able to pass this without a Law Director weighing in on it.

Council President Hallum agreed that when a Law Director is appointed, we can certainly have him review this and if there are any problems with it, they can be addressed then.

Councilwoman Taylor Draper spoke about “policing it” and the point that all of Council should be acting on the honor system, similar to the laws of taking a position, adhering to the job requirements. To Councilman Fiebig’s point, she equated having speed limits on streets to imposing this policy in that you hope you may not have to enforce them, but they are put in place to make people obey them and to lay the ground rules for what is expected at the Council meetings now with a new year and a new attitude.

Roll Call: **AYES: Hallum, Jarmuszkiewicz, Kline and Taylor Draper**

NAYS: Fiebig and Majka

4/2

Motion Carries to add a Council Policy to ban texting or any other form of electronic communication during Council meetings.

Mayor Gardner, in response to Councilman Fiebig’s previous inquiry, responded concerning the status on the appointment of a Law Director. He indicated that he has interviewed three good candidates, has received two of the three proposals back and is waiting for the third. His goal would be to have Council meet with the recommended candidate before the next meeting and ask for confirmation at the next Council meeting.

Councilman Fiebig indicated that he had sent an email to the Mayor with a suggestion of a candidate, which the Mayor confirmed receipt of.

Council President Hallum stated that he had one more Council Policy that he would like to amend, namely Council Policy #2 regarding meeting minutes. As he stated in the Rules meeting, he would like to make a motion to add into the policy that we allow for minutes to be shortened where possible, in the written minutes with the understanding that the audio is the official minutes of the meeting. (Audio 44:39-49:25)

Motion made by Council President Hallum, seconded by Councilwoman Taylor Draper to amend Council Policy #2 “to shorten minutes whenever possible.”

Discussion on the Motion:

Council Vice President Kline asked about a time reference on the written minutes as well. **Council President Hallum** confirmed that there would be a time stamp at each section of the meeting. **Councilman Jarmuszkiewicz** asked about the ability for inclusion of all wording of a certain section, if needed. **Council President Hallum** agreed that this could be arranged, upon the request of the Council member to the Clerk prior to transcription. **Councilman Fiebig** had concerns about “openness” of Council and would not be in support of this change as he felt most would like to “read” verbatim. **Council President Hallum** pointed out the time it takes to transcribe verbatim minutes, indicating he had researched several transcription software options that would not be conducive to more than one speaker such as we have at the Council meetings. The software is trained to one voice. “Other folks use a company to transcribe their lengthy meetings verbatim” and he felt that it was expensive as opposed to “shortening whenever necessary” and relying on the audio as the official record.

Roll Call: AYES: Hallum, Jarmuszkiewicz, Kline and Taylor Draper
NAYS: Fiebig and Majka
4/2

Motion Carries to amend Council Policy #2 to “shorten whenever possible.”

LEGISLATION
(Audio 49:25-1:16:10)

ORDINANCE NO. 2020-03- AMENDED - SECOND READING (Audio 49:25-51:28)

1ST Reading: January 9, 2020

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO APPROVE CHANGE ORDER NO. 1 INCREASING THE CONTRACT AMOUNT FOR UNITED SURVEY, INC. ON THE 2019 SEWER REHABILITATION PROGRAM AND DECLARING AN EMERGENCY.

Motion was made by Councilwoman Taylor Draper to waive the Three Readings on 2020-03, as Amended, seconded by Councilwoman Majka.

Roll Call: AYES: Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper
NAYS: None
6/0

Motion Carries to waive Three Readings on Ordinance 2020-03 as Amended.

Motion was made by Councilman Jarmuszkiewicz, seconded by Councilwoman Majka, to adopt Ordinance 2020-03 as Amended.

Roll Call: AYES: Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper
NAYS: None
6/0

Motion Carries to Adopt Ordinance 2020-03 as Amended.

ORDINANCE NO. 2020-04 - FIRST READING (Audio 51:28-53:08)

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT LAKE COUNTY ROAD IMPROVEMENT AND ECONOMIC DEVELOPMENT GRANT PROGRAM GRANT AND DECLARING AN EMERGENCY.

Motion was made by Councilman Fiebig to waive the Three Readings on 2020-04, seconded by Councilwoman Taylor Draper.

Discussion on the Motion:

Councilman Fiebig pointed out that City Engineer DiFranco had previously stated the need to accept these funds and then the City will be able to move forward with the project.

Roll Call: **AYES:** Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper

NAYS: None

6/0

Motion Carries to waive Three Readings on Ordinance 2020-04.

Motion was made by Councilman Fiebig, seconded by Councilwoman Majka, to adopt Ordinance 2020-04.

Roll Call: **AYES:** Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper

NAYS: None

6/0

Motion Carries to Adopt Ordinance 2020-04.

ORDINANCE NO. 2020-05 - FIRST READING (Audio 53:08-54:46)

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT AND DECLARING AN EMERGENCY.

Motion was made by Councilman Jarmuszkiewicz to waive the Three Readings on 2020-05, seconded by Councilwoman Taylor Draper.

Roll Call: **AYES:** Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper

NAYS: None

6/0

Motion Carries to waive Three Readings on Ordinance 2020-05.

Motion was made by Councilwoman Taylor Draper seconded by Council Vice President Kline to adopt Ordinance 2020-05.

Roll Call: **AYES:** Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper

NAYS: None

6/0

Motion Carries to Adopt Ordinance 2020-05.

ORDINANCE NO. 2020-06 – FIRST READING (Audio 54:46-55:16)

AN ORDINANCE FIXING THE SALARY AND COMPENSATION FOR THE POSITION OF FULL-TIME ASSISTANT FINANCE DIRECTOR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Council President Hallum has referred this to the Working Committee of Council of the Whole and will schedule a meeting in the near future to review it thoroughly before adopting.

ORDINANCE NO. 2020-07 - FIRST READING (Audio 55:16-59:48)

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE – TITLE THREE – LEGISLATIVE, SUBSECTION 121.01(d) ORDER OF BUSINESS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS BY THE INCLUSION OF A SECOND “PUBLIC PORTION,” REPEALING ANY CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Motion was made by Councilwoman Taylor Draper to waive the Three Readings on 2020-07, seconded by Council Vice President Kline.

Discussion on the Motion:

Councilman Fiebig asked the need to waive the three readings on this ordinance. **Councilwoman Taylor Draper** stated that she thought it was important to hear from our residents as often as we can (before, during and after legislation). **Councilman Fiebig** agreed about giving our residents an opportunity for discussion, but explained the history of reading an ordinance three times before adoption. **Council President Hallum** pointed out that this Ordinance was discussed in the Organizational Meeting, as well as in the first Regular Council meeting where the Second Public portion was implemented; in fact, therefore, it has been discussed at three different meetings.

Roll Call: AYES: Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper

NAYS: None

6/0

Motion Carries to waive Three Readings on Ordinance 2020-07.

Motion was made by Councilwoman Taylor Draper seconded by Council Vice President Kline to adopt Ordinance 2020-07.

Roll Call: AYES: Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper

NAYS: None

6/0

Motion Carries to Adopt Ordinance 2020-07.

Council President Hallum then explained to the public that they would be given an opportunity at the second Public Portion to speak about anything, not limiting them to only what is on that evening's agenda.

ORDINANCE NO. 2020-08 - FIRST READING (Audio 59:48-1:04:20)

AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO SECURE THE PURCHASE OF TWO (2) NEW POLICE VEHICLES AND DECLARING AN EMERGENCY.

Motion was made by Councilman Jarmuszkiewicz to waive the Three Readings on 2020-08, seconded by Councilwoman Majka.

Discussion on the Motion:

Mayor Gardner gave the background with the State Purchasing Program options for the Police vehicles and the City's fleet replacement plan of purchasing two to three vehicles per year. Chief Collins is interested in purchasing two Chevy Tahoes, other models have had some performance concerns. There will be a fair amount of competition to get these vehicles since the State Purchasing Program has a limited number available. Since Chief Collins feels that this is his first and perhaps only alternative, we need to order them as soon as possible to ensure our timely receipt of them.

Finance Director Brichacek indicated that this was included in the Temporary Appropriation Ordinance. Last year we budgeted \$102,000 to replace two Police vehicles and this includes the equipment necessary to make them Police vehicles and would be included in the permanent Operating Budget when it is presented.

Councilman Fiebig pointed out that we may have a little more expenditure in switching out equipment because we have changed from the Dodge and Chevy products previously used by the Police Department.

Roll Call: AYES: Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper

NAYS: None

6/0

Motion Carries to waive Three Readings on Ordinance 2020-08.

Motion was made by Councilman Fiebig seconded by Councilman Jarmuszkiewicz, to adopt Ordinance 2020-08.

Roll Call: AYES: Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper

NAYS: None

6/0

Motion Carries to Adopt Ordinance 2020-08.

ORDINANCE NO. 2020-09 – AMENDED (Audio 1:04:20-1:13:10)

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE THREE – LEGISLATIVE, CHAPTER 121 –COUNCIL, SECTION 121.01 SUBSECTION (C) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, AMENDING COMMITTEES OF COUNCIL, REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Council President Hallum explained that the amendment resulted in the following changes to the original Ordinance:

- 1) We amended Subsection 1(c) to read “Subsection 1”,
- 2) We numbered the actual committees so that you can see that there were three separate committees, which were 1) Finance, 2) Rules & Legislation, and 3) Committee of the Whole, and
- 3) We removed a duplicate Section 4 (for non-emergency).

Councilman Fiebig stated that he did not feel that he could support this Ordinance because he just got the amendment about one hour ago and had concerns that the caption did not explain what the Ordinance does.

Council President Hallum explained that it says “amending Council Committees.” **Councilman Fiebig** stated that he would like to be given more time and allow others to weigh in on this. **Council President Hallum** reviewed the current ordinance, indicating that Chairs of all Committees must be named by this meeting and, after several conversations, the three committees were established. **Councilwoman Majka** shared her concerns about changing something that has been done for fourteen years, indicating she felt it was “a little sudden.” Further, she felt that specialized committees allow you to go more in depth and get more of an analysis going. She would like to see the Ordinance state the tasks involved in each committee. **Councilman Jarmuszkiewicz** verified that at any time in the future, should Council decide to add another committee, they could do so at that later date.

Motion was made by Councilwoman Taylor Draper to waive the Three Readings on 2020-09, as Amended, seconded by Council President Kline.

Roll Call: AYES: Hallum, Jarmuszkiewicz, Kline and Taylor Draper

NAYS: Fiebig and Majka

4/2

Motion Carries to waive Three Readings on Ordinance 2020-09 as Amended.

Motion was made by Councilwoman Taylor Draper seconded by Council Vice President Kline, to adopt Ordinance 2020-09 as Amended.

Discussion on the Motion:

Councilman Fiebig stated that he thought it was nice for each member of Council to be assigned as a Chair to a committee to give them the opportunity to deal with that one particular area of City government. That individual could hone in on one subject and he feels that is being taken away from each member.

Roll Call: **AYES: Hallum, Jarmuszkiewicz, Kline and Taylor Draper**
 NAYS: Fiebig and Majka
 4/2

Motion Carries to Adopt Ordinance 2020-09 as Amended.

RESOLUTION NO. 2020-02 - FIRST READING (Audio 1:13:10-1:16:10)

A RESOLUTION REQUESTING THE LAKE COUNTY AUDITOR TO MAKE ADVANCE PAYMENTS OF TAXES AND DECLARING AN EMERGENCY.

Motion was made by Councilman Jarmuszkiewicz to waive the Three Readings on Resolution 2020-02, seconded by Councilwoman Majka.

Discussion on the Motion:

Council President Hallum indicated that this Resolution had one word pluralized in the fourth line where the word “fund” was changed to “funds” in reference to Lake County Auditor. This was not a substantive change to have to add the word “Amended” to the Resolution.

Councilwoman Taylor Draper asked Council President Hallum to reiterate what Finance Director Brichacek said in the Rules Meeting to explain the purpose of this resolution. **Council President Hallum** explained that in order for the City to receive property tax funds prior to May, they are now required to submit a resolution to the Lake County Auditor in order to do so. It will give us three separate distributions then in order to be able to use the funds prior to May. This is an Ohio law compliance issue.

Roll Call: **AYES: Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper**
 NAYS: None
 6/0

Motion Carries to waive Three Readings on Resolution 2020-02.

Motion was made by Councilman Fiebig seconded by Councilman Jarmuszkiewicz, to adopt Resolution 2020-02.

Roll Call: **AYES: Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper**
 NAYS: None
 6/0

Motion Carries to Adopt Resolution 2020-02.

NEW BUSINESS
(Audio 1:16:10-1:20:07)

Motion was made by Councilman Jarmuszkiewicz to declare 2020 Easter Eggstravaganza as a Public Purpose, seconded by Councilman Fiebig. (Audio 1:16:10-1:18:26)

Councilman Fiebig stated that it is a nice event, nice partnership with a local church and is looking forward to another great event this year. **Councilman Jarmuszkiewicz** agreed that it grows bigger and better every year, brings people together and is a fun event a week or two before Easter. **Council President Hallum** added that people come from other cities and can enjoy shopping or dining here. **Mayor Gardner** added that Volunteer Forms are available.

Roll Call: AYES: Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper
NAYS: None
6/0

Motion Carries to declare 2020 Easter Eggstravaganza a Public Purpose.

Motion was made by Councilman Jarmuszkiewicz, seconded by Councilwoman Majka to go out to bid for the purchase of twenty-two (22) new self-contained breathing apparatus (SCBA) for the Fire Department. (Audio 1:18:36-1:20:07)

Discussion on the Motion:

Council President Hallum reminded Council that this is the equipment that Council adopted an Ordinance for at the last meeting to accept the grant for the equipment.

Mayor Gardner thanked Firefighter Bob Vencl and Fire Chief Gandee for their work on the grant to get the equipment and to Gloria Majeski for helping the Fire Department with her expertise in getting grants in addition to her other duties. “This is a pretty significant grant to secure some pretty important equipment for our firefighters.”

Roll Call: AYES: Fiebig, Hallum, Jarmuszkiewicz, Kline, Majka and Taylor Draper
NAYS: None
6/0

Motion Carries to approve the purchase of twenty-two new self-contained breathing apparatus (SCBA) for the Fire Department.

PUBLIC PORTION #2
(Audio 1:20:07-1:28:38)

An opportunity for the public to address Council with any comments, issue or concern.

Public Portion opened at 8:19 p.m.

Frank Cihula, 35060 Dixon Road, Willoughby Hills, OH - Mr. Cihula explained about the Willoughby Hills Seniors, Inc. being incorporated now thanks to Gloria Majeski taking care of the incorporation following an issue with the initial bank account for the seniors. Trustees who have been named to the account are: Bob Weger, Gloria Majeski, Mary Cihula and Laurie Feltham. All other aspects such as the potluck luncheon, speakers and newsletter will remain the same.

Tony Miller, 2875 Hayes Drive, Willoughby Hills, OH - Mr. Miller expressed his reluctance to come to Public Portion and “do the right thing all of the time,” but explained his concern following Councilwoman Janet Majka’s appointment to the Council seat previously held by Councilman John Plecnik. Mr. Miller reference a packet put out by Mayor (Weger) indicating that the appointment was “illegal based on case law and other law.” He stated that he intends to file a lawsuit to get the appointment nullified, null and void. He said that if this goes to Court, there is case law that states that there is a chance that there is not just “null and voiding this appointment,” but “criminal charges, felony charges, which include fines and prison time.” Mr. Miller again stated that he intends to “file a lawsuit to have that vacated.” The second thing that Mr. Miller advised everyone was that “we are going to revisit the Taxpayer Lawsuit.” He stated that previous Law Director O’Leary “basically sabotaged our case by not representing the citizens of this City at all and was the Defendant’s best lawyer.” He stated he is in possession of the reviewing attorney’s report which “contradicts O’Leary’s report in significant ways and in which” he “believes allows them to refile the lawsuit against the six members of the supermajority who held positions.” Mr. Miller indicated that when we get a new Law Director, he will be approaching him to refile the case, looking for a misfeasance or malfeasance verdict and possible removal from office. Further, Mr. Miller made a statement that he is looking for a resolution to have the Elected Officials sign an agreement that will not let these individuals continue to serve now, ever serve or even volunteer in the City of Willoughby Hills in the future.

Linda Fulton, 2990 Marcum Blvd., Willoughby Hills, OH Ms. Fulton had four points to make: 1) Agrees with Councilman Fiebig regarding the Emergency Clause – “you don’t want to use that all of the time”, 2) PC-ABR meeting – concerns about signs being approved despite an address error (on the agenda) – should they revote on that? 3) PC-ABR or Council of the Whole issue – has concerns about completion dates of new homes not being identified, including additions, etc. Years can go by without completion and 4) Does not agree with where the first Public Portion is placed.

Public Portion closed at 8:27 p.m.

FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY
(Audio 1:28:38-1:31:22)

Councilwoman Taylor Draper stated that she thinks it is important for the residents to know that the grants the City are getting are a result of the work of individuals such as Gloria Majeski, Frank, Pete and a small group of others who take on that task because we do not pay a professional grant writer. She thinks it is a remarkable challenge and knows that professional grant writers make a lot of money. She is in awe and thinks it is fantastic.

