

City of Milloughby Hills

Regular Council Meeting Minutes of April 12, 2018

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. Council minutes shall be written, and approved by Council.

The Regular Council Meeting was called to order on Thursday, April 12, 2018 at 7:00pm in Council Chambers. President Fellows presided.

Members Present: Councilman Christopher Hallum, Councilwoman Laura Lenz, Councilwoman Janet R. Majka, Councilwoman Laura Pizmoht, Vice President John Plecnik, President Nancy E. Fellows, Councilman David M. Fiebig

Others Present: Finance Director Frank J. Brichacek, Jr., City Engineer Pietro A. Di Franco, Clerk of Council Victoria Ann Savage

Absent: Mayor Robert M. Weger

DISPOSITION OF THE JOURNAL

President Fellows: First order of business is the Disposition of the Journal for the Regular Council Meeting Minutes of February 22nd and also the Regular Council Meeting Minutes of March 8th.

Vice President Plecnik: Madame President. Move to adopt the Regular Council Meeting Minutes of February 22, 2018.

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to adopt the Regular Council Meeting Minutes of February 22nd. Is there any discussion on the motion?

Roll call: YEAS: Lenz, Majka, Pizmoht, Plecnik, Fellows, Fiebig
Abstain: Hallum

Motion PASSED.

President Fellows: Tthe Regular Council Meeting of February 22nd have been adopted.

Vice President Plecnik moved to adopt the Regular Council Meeting Minutes of March 8, 2018. Councilwoman Majka seconded.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to adopt the Regular Council Meeting Minutes of March 8th. Is there any discussion on the motion?

Roll call: YEAS: Lenz, Majka, Pizmoht, Plecnik, Fellows
Abstain: Hallum, Fiebig

Motion PASSED.

President Fellows: The Council Meeting Minutes of March 8th have been adopted.

CORRESPONDENCE

President Fellows: The next order of business is Correspondence.

Vice President Plecnik: Madam President. Motion to override the Mayor's veto on Ordinance No. 2018-19.

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to override the motion, override the veto on Ordinance No. 2018-19. Is there any discussion on the motion?

Roll call: **YEAS:** **Lenz, Majka, Pizmoht, Plecnik, Fellows, Feibig**
 NAYS: **Hallum**

President Fellows: The motion to override the Mayor's veto on Ordinance No. 2018-19 has passed.

Vice President Plecnik: Madam President. Motion to override the Mayor's veto on Ordinance No. 2018-21.

Councilwoman Lenz: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Lenz to override the Mayor's veto on Ordinance No. 2018-21. Is there any discussion on the motion?

Councilwoman Hallum: Madam President. I restate, I'm not going to go through all of them, but I had stated my concerns at the last Special, so I'll leave it at that.

President Fellows: Thank you.

Roll call: **YEAS:** **Lenz, Majka, Pizmoht, Plecnik, Fellows, Feibig**
 NAYS: **Hallum**

President Fellows: The motion to override the Mayor's veto on 2018-21 has passed.

ADMINISTRATION REPORTS & COMMUNICATIONS

President Fellows: The next order of business is the Finance Director's Report, Mr. Brichacek.

FINANCE DIRECTOR'S REPORT: No report tonight.

President Fellows: Are there any questions for the Finance Director this evening?

Councilman Fiebig: Madam President. Mr. Brichacek, how are you this evening?

Finance Director: I'm very well.

Councilman Fiebig: Were you able to get budget submitted to the County and all those...

Finance Director: The budget was submitted on a timely basis. The County certified the appropriation on the 5th prior to the Council Meeting. There was no confusion regarding the vetoes.

Councilman Fiebig: Thank you.

President Fellows: Any other questions for Mr. Brichacek this evening? Mr. Di Franco.

CITY ENGINEER'S REPORT: Thank you, no report tonight.

President Fellows: Are there any questions for the City Engineer this evening?

Councilman Fiebig: Madam President. Just to share what I was thinking. We discussed, just prior to the meeting, Stark Drive and a fence that's there, that's the Church's property and I'd asked Mr. Di Franco to revisit that and I'm going to also talk with our Fire Chief about that and see if there's something that we can do to beautify that area as expressed by some of our residents on that street, so that's what I was talking to him about, just prior. Thank you.

President Fellows: If there are no other questions for the Finance Director and the City Engineer, if I have no objections, I'd like to excuse them if they would like to be excused from the rest of the meeting.

Finance Director: [undecipherable]

City Engineer: I'll stay.

President Fellows: Okay. All right, thank you. All right, moving on, we have Committee Reports. And Councilman Fiebig, do you want to touch base on Planning and Zoning?

COMMITTEES OF COUNCIL/OTHER COUNCIL REPRESENTATIVE REPORTS

Councilman Fiebig: Madam President. Thank you, yes. I will mention there was an active Planning and Zoning and Architectural Board of Review meeting last Thursday, where there were, actually two new houses were approved. One on Chardon Road and one on Milann and the steel building will be constructed that will house a basketball court at the new fitness facility at the old Office Max. So, we're looking forward to seeing a business there that will add some benefit to the City. So, that's going to be, I believe there's, called Aspire Fitness and we're looking forward to working with them to make that, so that was approved as well. In the cell tower issue for the Miller Road property, they did come back and ask us for an extension of time. They have approximately a year to complete that because of some things that needed to line up with other approvals, they did ask for an extension. So, we granted them, they asked for six, well, we were first thinking six months, but they had asked for a year, twelve months, so we did grant that twelve-month extension. But, they are moving forward with all due diligence to get a cell tower on our city owned eight acres of property on West Miller. The other topic of some discussion, some concern of residents, was the plasma donation center that was proposed in the building that's housed in where the Marc's is, where the LaSalle Furniture is. So, there was quite a bit of discussion about that, what happened, ultimately, though, was referred to the Planning and Zoning Committee of Council so that we can review the zoning code because this particular type of business doesn't fit exactly into our B-2 zoning. So, we're going to have to review that and I do plan to hold that, touch base with one or so of my committee members, but we'll need to plan a meeting and we'll discuss it in greater detail to see if, what we will recommend to the Planning Commission whether they should approve it or not.

President Fellows: Thank you. Any questions for Councilman Fiebig on any thing from Planning and Zoning? The next would be Recreation. Mr. Hallum, do you want to touch base on your meeting?

Councilman Hallum: Yes, thank you. So, we held a meeting just before this meeting tonight at 6pm. Mrs. Fellows and, Councilwoman Fellows, Councilwoman Majka were present as well as Gloria Majeski, Tom Elliott were also there. And we were discussing the Boy's League MOU which is an agreement between the City of Willoughby Hills and the Boy's League that runs all but currently runs all, except for girls softball in the City and there's an agreement that has been in place with them that involves some financial aspects of who's, collection of funds, as well as the responsibilities for who's responsible for uniforms and ref's fees and all those things as well as, most importantly to them, was the background checks of coaches that are going to be watching over our kids as well as insurance for, if someone was to get injured while participating in the sports. So, Tom Elliott gave us a great overview of kind of the history of it, and basically, what they've done, with the new MOU is that they've taken all the financial responsibility out of the City's hands because they want to be able to move more towards electronic means and the City is not comfortable with having our accounts tied to some service that does electronic payments so, they said, look we'll take care of all of the payments, all of, they at least wanted us to collect registrations, perhaps checks that are made out to the Boys League or whatever, I think that they might be changing their name in a little bit. So, that was the crux of it as well as, obviously, making sure that we were still going to be able to cover them insurance wise, for when people are on the field as well as checking the background check. Those were the two main things. Councilwoman Fellows asked about whether other cities around us that had similar groups that handled the sports. Tom Elliott mentioned that Richmond Heights, Mayfield, Lyndhurst, Wickliffe, Willowick, most of the communities around us does, do have some similar setup. And the second question was, how do they handle their insurance. Is it similar to how we're doing it or was it something different in how they're handling it? So, we're going to look into that because they didn't really know the answer. Also, the concern over that we currently do not have a Law Director, so reviewing of the applicants that come back from the BCI where in the past, we were able to have a Law Director review those, we wouldn't have that. However, I mentioned to Councilwoman Fellows and Councilwoman Majka after the meeting, I spoke to Tom Elliott and he realized that, after the fact, that really the Law Director only comes into play if something comes back as a red flag. So, their opinion was, you know, if they do get someone who comes back as red, they just, and as long as we don't have a Law Director, they just won't be able to be reviewed or allow that person to be able to coach. As long as it comes back green, it wouldn't be an issue. So, I think that we got around that hurdle at the moment, however, we still need to look into the insurance and whether, what everybody else is doing or if there is some other way that's being handled. We opened Public Portion at 6:26pm. No one came forward. It was closed again and the Committee suggested that we leave this on 3-Reading until we can get answers. At this point, in my opinion, unless you guys disagree with me, that until we can get an answer as to how other communities are handling the coverage of insurance with their sports groups and then the meeting closed at 6:27pm. And I stand open to any questions.

President Fellows: Thank you Councilman Hallum. Are there any questions for the Councilman on the Memorandum of Understanding for the Boys League? Seeing none, we'll move on.

Councilwoman Pizmoht: Madam President. I have a new member of Personnel Relations I'd like to nominate or appoint. The original members of the committee, Personnel Relations Committee, that I Chair, were resident Chris du Laney, resident Greg McCarthy, resident Laura Lenz, but now Laura Lenz is a Councilwoman so we now have an opening for a resident member of Personnel Relations and I would like to make a motion to appoint Kathy Strancar as the newest member of the Personnel Relations Committee.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Vice President Plecnik to appoint Kathy Strancar to the Personnel Relations Committee. Are there any, discussion on that motion? Any questions?

Roll call:	YEAS:	Lenz, Majka, Pizmoht, Plecnik, Fellows, Feibig
	Abstain:	Hallum

President Fellows: Kathy Strancar has been appointed to the Personnel Relations Committee and so we welcome her to that Committee.

Additional information about the Personnel Relations Committee. So, the Mayor had sent memos to Council requesting salary increase on the Fire Chief and also the Road Supervisor. So, that information will go to the Personnel Relations Committee and/or Finance and then their recommendation, they'll review and discuss it and make recommendations to Council which will then come into Rules and then at that point it will be put on the agenda. And we'll see what we are going to do moving forward with those recommendations.

Councilman Hallum: Madam President. You had said Fire Chief, I think that you meant Police Chief.

President Fellows: Oh, Police Chief. Thank you.

Councilman Hallum: No problem.

President Fellows: Any other information, questions or concerns about Committees? Are there any other Council Representative Reports?

Vice President Plecnik: Madam President. The Cuyahoga County Airport Noise Abatement Council met at 10am earlier today for it's quarterly meeting in April. And as your representative to the Noise Abatement Council, I want to share that there were eighteen aircraft complaints for the first quarter of the year, fourteen of which were from Willoughby Hills. If we look at the total operations, there was four thousand, one hundred and forty-two (4,142) aircraft operations for the quarter which was down somewhat from the five thousand (5,000) operations in the first quarter of last year and if we compare once again the last fully year of 2017 there was nineteen thousand, nine hundred and fifty-one (19,951) operations versus forty-three thousand, one hundred-four (43,104) in 2010, so we see more than half a decline over that period.

There was a significant spike in reported and unreported complaints regarding jet engine maintenance run-up tests and for those of you who aren't familiar, that's when they are either testing an engine in a plane or one that they're working on and they are literally running it while it's on the ground, sometimes for a sustained period of time. So, you don't hear it for just a few minutes, it might go for twenty minutes, thirty minutes, so it can be a little bit more intrusive than a take-off or a landing. We had a lot of those complaints in December and both the Councilwoman Cathy Murphy of Highland Heights who serves as their representative and I raised the issue and I think we saw a pretty substantial decline in both reported and unreported complaints since the last meeting, so I certainly give thanks to the operators and tenants who heard our concerns and were responsive to residents.

We did get an update on the Joint Statement which sets our relationship with the airport that's adopted by both the surrounding cities in Cuyahoga County. The amendment that allows for turnoffs and safety issues of single engine planes are only allowing them to turn away if safety requires it, did pass Cuyahoga County Council and was signed by the County Executive, so it's going to be coming to Willoughby Hills City Council as well as Highland Heights and Richmond Heights in the near future. We were not given copies of it at the meeting but were promised that it would be proved soon and I will forward it to the rest of Council and the Mayor as soon as it is in my possession. But, I'm told that aside from house-keeping issues of changing the signatures, going from County Commissioners to County Council, and so on and so forth, the only change was what the Council had recommended to add the language, that single engine aircraft to be allowed earlier turn out as required for safe operations and to afford them separation from higher performance aircraft. As I've noted in the past, Federal law already requires this, so I'm not sure if this change was necessary and I did not vote for it as a member of the Council, but I don't think that it precludes us from continuing to work with the airport and adopting the agreement because I don't view requiring turn outs for safety which is already in Federal law as changing the agreement substantively. But, I'll certainly keep you posted and as soon as I have a copy, I'll share it. This is what was represented to me, I haven't had the opportunity to read the agreement myself.

We got a brief construction update on the airport. As you know, Phases 3 and 4 to install the EMAS which is the Engineered Material, the soft concrete, on either end of the strip is now one stage that's going to be performed this year. Construction has already begun and it should, it's scheduled to be finished in September. We were told that we should expect to see a lot of heavy dirt work in the next couple of weeks, in particular, a lot of dirt work will be hauled out of the airport and up and down, I don't know, Bishop Road. So, we may see some dirt trucks going by, it probably is hauling dirt off the work site over the next couple of weeks. But, they say that construction is on schedule and we should expect to see it done in September.

We haven't had an Airport Manager since Monica Drake briefly served and resigned from that position last year and frankly there were some years where there were no Airport Manager prior to her brief appointment, but we were told that an Airport Manager should be hired by May. So, I'll update you as to who that person is, if a hire goes through.

And lastly, our next scheduled meeting for the Airport Noise Abatement Council is July 2nd at 10am. As always, at the airport, as always open to the public which includes public portion as well. So, I certainly encourage you to join with us.

The only other thing that I would share, is one of the airport operators, one of the tenants has mentioned that a lot of the noise complaints are due to one particular operator, one company. I won't share their name because I don't know if it's true, that they really were responsible, but they are a freight carrier and apparently, they're permanently relocating that to the Akron area. So, if that's true, it might, emphasis on the word "might", result in some less noise going forward. I stand open to questions.

President Fellows: Thank you, Vice President Plecnik. Any questions for him concerning his report?

Councilman Hallum: Was there any discussion about the loaded trucks going up and down Bishop because they're not really suppose to have loaded trucks driving on that road.

Vice President Plecnik: There was not discussion along those lines, but we've certainly seen them do it in the past.

Councilman Hallum: Right, so is there something that we should be or having a conversation with someone there to make sure that they understand that or is there like a construction company, or whoever is handling that.

Vice President Plecnik: I think that the best thing to do as a resident is if you see one of these trucks, because they've already been informed of these limits, is to report it to the Police Department. Because, frankly, they should be ticketed. And if someone is ticketed, that will change behavior. But, they have been informed of the limits, the weight limits of our roads in the past.

President Fellows: Thank you. The next order of business is Public Portion.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies

(a) All meetings of any municipal body are declared to be public meetings open to the public at all times.

All meetings shall provide a reasonable opportunity to hear public opinion.

President Fellows: Public Portion is an opportunity for individuals to come forth and share their thoughts and opinions. We ask that you keep your opinions and thoughts to three minutes. Please state your name and address when you come forth and **I will open Public Portion at 7:20pm.**

Jeanna Bing – 36951 Beech Hills Drive. Sorry to keep you, you may want to, you may be able to answer at the end of Public Portion. I don't know, do we own the bridge on Eagle across the river or is that Waite Hills? Because I drove across it the other day, I haven't been across it for a while, and it really looked bad. And I thought, oh gosh, do we have another bridge problem, or does Waite Hill have another bridge problem because they've got two bridge problems going on right now. So, I just wanted to raise that and find out who really owns that and who's really responsible. The sign of the boarder is further away, so I was concern it was ours and then in which case, is someone looking at it? And do we have a plan for our bridges to be looked at on a regular basis? Thank you.

David Nichting – 35771 Maple Grove Road. A proud 1960 graduate of John Carroll University. Public Portion, all meetings shall provide a reasonable opportunity to hear public opinion. Don't be intimidated by Nancy Fellows, Councilmembers and members of the audience. Nancy, at the March 29th Council Meeting, you attempted to silence me and permitted Councilmembers Fiebig and Plecnik and audience members to harass me and other speakers. After the meeting, a well-respected member of the Charter Review Committee of Willoughby Hills, expressed his dissatisfaction to you on Council's actions. You replied, if you don't like it, move out of the City. Is the pressure too much for you? Remember what Harry Truman said, if you can't stand the heat in the kitchen, get out. Dale Fellows, Lake County Republican Chairman, made a sarcastic comment about my being a thirty-three-year resident. My wife and I intend to remain residents of Willoughby Hills. We didn't purchase property recently in Williamsburg, Virginia. Did you? Plecnik, you sent emails referring to religious holy days and holidays, seeking votes. You made reference to your Palm Sunday budget edict with a smirk on your face. To me, that's religious sarcasm. You, Gorjanc Pizmoht, use Slovenian backgrounds to divide our City. By the way, Mr. Plecnik, your name is misspelled on the March 29th, April 5th Council Meeting agenda. Vicki Savage is making forty-one thousand dollars (\$41,000) a year for a part-time job plus benefits. Reduce her salary to help the supposed budget crisis. Mr. Fiebig, at the March 29th Council Meeting, you'd asked if I was running for office, the answer is no. I'm not a politician. I support candidates who are honest, intelligent, who have integrity. They are in favor of increasing the number of firefighters in Willoughby Hills and are willing to pay for their sleeping on company of time. We need Council people who don't demean and denigrate Mayor Weger, Gloria Majeski, Tom Lobe...

President Fellows: Your time is up.

Mr. Nichting: Frank Germano, Mike Germano...

President Fellows: Mr. Nichting, your time is up...

Mr. Nichting: Jennifer Greer...

President Fellows: Mr. Nichting, your time is up. Everybody has the same amount of time and your time is up.

Mr. Nichting: We need Council people who represent the citizens of Willoughby Hills, not your own personal or political objectives.

President Fellows: Mr. Nichting, your time is completed. Everybody has the same amount of time...

Mr. Nichting: Listen to Councilman Hallum's videos and comments on Willoughby Hills Voice and Community Page. He speaks the truth. Thank you.

Vice President Plecnik: Such a shame.

Doris Catherine Dodge – 37881 Milann Drive. Proud member of the Class of 1969 Huron Road Hospital School of Nursing. Concerning the balanced budget, across the nation, businesses have been forced to cut expenses. Citing examples in a workplace known to me personally, a meeting was held several years ago to

explain the necessity to cut expenses. Job consolidation had to be done in all areas. There was an adjustment period, but now one person is a secretary, receptionist and purchasing agent. Three jobs into one. Overtime was eliminated, hours were cut. The reality was work with less and do more in your jobs or the entity would cite to exist and there would be no jobs at all. In the news, just today, the Plain Dealer is forced to make cuts. It's a universal occurrence. Willoughby Hills is no exception. For far too long, the taxpayers have footed the bill for things that have put us in the financial situation the City faces today. For example, a car for the Mayor and his gas allowance. His salary of fifty thousand dollars (\$50,000) a year does not seem out of line but when you compare his salary of fifty thousand dollars (\$50,000) per year to his secretary's salary of over sixty-five thousand dollars (\$65,000) a year, plus benefits, totaling around a hundred thousand (\$100,000) per year, something is wrong. This is a perfect example of the need for job consolidation and elimination. Last week, I watched the Council meeting on TV and Mr. Hallum brought up an excellent point, and I thank him for this. He stated that Willoughby Hills no longer got the State funding that it once had. This statement alone supports the need for cutting expenses. We don't want a deficit budget. We want a balanced budget. Don't spend more than you take in. Again, in my workplace, I know of two people with children in college. I certainly will give up some of my hours because I understand the cost of college. In turn, if someone needs a day off or vacation, or any other shortage, I will gladly do this for them. This is respectful to my coworkers and to my employer. We all work together. We do more for less. So, in closing, ask not what your City can do for you personally with cars and bonuses, perks, etc. ask what you can do for your City. And this would be to maintain a balanced budget. Hires for police and fire, save paved and plowed roads. If I have an emergency, a Policeman or the Fire Department will respond, not secretarial staff, will come to my rescue. Put the money where it's needed most, Police, Fire, and Roads. Thank you, Council, for doing that.

Tony Miller – 2857 Hayes Drive. I would like to address the Mayor's Town Hall Meeting and give a perspective that wasn't shared in this Council. The view that was shared in this Council was rather negative, particularly regarding the last part, the question and answer period. During that time, I heard the citizens voicing their opinions and their concerns in a very passionate way and without fear of being gaveled. And sometimes they spoke things that may be weren't politically correct, I get that. Politically correctness is sometimes overrated today. As far as the Councilmembers that were there, it was a time for the Department Heads to give their reports of what happened last year and what happened this year. It wasn't a time for Councilmembers and that's why they weren't invited personally to come and speak. You were invited as citizens, just like me, and some of you showed up. As for some of you who were there, and some maybe unpleasant experiences, I can only speak for one incident that I was involved with and I said nothing to a Councilperson until they asked a question outload and then I gave her my opinion. And I felt like we had an okay conversation, I'm not saying that it was from her perspective, a great one, but we had an okay conversation. But, for the rest of you, whoever was there, I'm going to go along with the gentleman who was up first and he said if that's the stage you're on, if you can't take the heat, get out of the fire, it's going to happen. Mr. Fiebig, I believe you owe Ms. Majeski, Gloria Majeski an apology. It seems that the night I had my outburst in the back of the Council room here, it seems that you sent out an email which I got a copy of, it's public record, and in part, Mr. Fiebig writes "a certain employee seems to incite people to disrupt Council meetings as well as speak out from the backrow". I have the whole thing if you want to look at it. If it's not evident by now, I most certainly do not need any help in that regard...

President Fellows: Thank you, Mr. Miller. Thank you so much.

Mr. Miller: Thank you.

President Fellows: Appreciate it.

Linda Fulton – 2990 Marcum Boulevard. I think that we need more respect in this building. It's uncalled for. Mr. Hallum, at the last meeting you blamed the budget issues on less money from the State. And that is true, we have less money as everybody else does, all the other cities. But, you failed to mention that with the City tax increase of about 33%, a few years ago, that was also something that should have gave the City approximately a

million dollars a year. And at that time, we had a lot more businesses in Willoughby Hills and I would like to ask you or Mr. Brichacek where did that money go? Why do we seem to need money for safety forces when all that money was supposed to go there? You also failed to mention that the businesses that left the City, we have lost revenue from them. Eaton Corporation, Sam's Club, Office Max, Manhattan Deli, Sear's, Viking Motorcycles, Burger King, Baker's Square, Godfather's Pizza, Zepp's Pizza, who else is left? I'm not sure too many. But, this all goes into the budget. We don't get the income anymore. So, we have to do something to make the budget workable. You were once on the Economic Development Committee, after Mr. Ray Somich, what happened to that? Did you do anything? Why are the office buildings at Route 6 and 91 half empty, or mostly empty? Who is, you know, who in the City is working with these companies to make them stay, help them stay? It's just not right, you want to blame people. The other thing is, I think that it's appalling and very disrespectful of what you post on your page. How you blast Council, the rest of your colleagues is horrible. You should be ashamed of yourself and I would not want you to represent me in the City anymore. Thank you.

President Fellows: Thank you, Linda. Anyone else?

Dale Fellows – 2812 Fowler Drive. And Mr. Nichting, I didn't make a sarcastic comment towards you, I was just entertained by how many folks came up and gave their credentials, it had nothing to do with you. But, for the record, I bought our property in 1982. So, that's quite a few years ago. But, I thought in reference to some of the postings in that regarding the lawsuit as far as who won, who lost, whatever, I thought it interesting that there are a whole lot of missing components in what the ruling was. One was the two other cases that Mr. Lobe and Mr. Germano, both of those lost. You no longer are able to have an Acting Director appointed by the Mayor, of any of the Directors without Council approval. That was something contrary to what Mr. Lobe had been saying for many years. And yes, now Council can hire attorneys for specific situations another contrary to Mr. Lobe's stance for many years. So, who really lost, well it's really the City because the Mayor did not nominate a Law Director, one Law Director nomination in seven months. I'm not sure how that become responsible governing when all of that money all of that could have been alleviated by the Mayor just exercising his authority within the Charter and nominated somebody to your body that you could appoint. One person in seven months is not responsible and that person was voted down seven to nothing. Mr. Hallum, you voted against it. And then you talk about the Building Inspector, one nomination in twelve months and that's it. So, when you don't have a Mayor that's doing their job you all are trying to fill that void, courageously and correctly and that's what you need to do. I do hope that you vote to appeal because the decision that was made was irresponsible governance. Thank you.

President Fellows: Anyone else this evening. **I will close Public Portion at 7:37pm.**

UNFINISHED BUSINESS

President Fellows: Mr. Di Franco, Jenna Bing had a question about the bridge on Eagle Road for Unfinished Business.

City Engineer: Right. The Eagle Road Bridge over the Chagrin River is the responsibility of the County. They take care of the major repairs. The City is responsible for minor things like pavement markings and guardrail, but anything major is the County's. And all bridges 10 feet or longer, are inspected on an annual basis and reports are provided to ODOT and there is actually a website where you can review the report.

President Fellows: Thank you. Any thing else for Unfinished Business?

Vice President Plecnik: Madam President. If I could say, I want to second the sentiment that there needs to be more respect in this Chambers and at City meetings generally. I understand that passion is a very real factor, but none of us are famous here, no one knows when someone here has an episode or gets overly excited where their intentions are purely to debate or to do more. And it can be very disconcerting to children. It can be very disconcerting to family members. It can be very disconcerting to anyone who sees that, so I don't deny that

someone may be approaching something in good faith with a true fury of pure passion but that can be very frightening to people. It's important that everyone feels safe to share their opinions even if they're very different and may even be controversial or disliked by some of us in this room, but they have a right to share them and to feel safe in doing it. I can tell you one of the gentlemen who got up and spoke today, actually at the polls last year, screamed at my mother. And I don't think he realizes how much he frightened her, how much he hurt her and how it still stays with her and my family to this day. I don't believe that he meant it in bad faith. I'm sure that he passionately thought that he was doing the right thing by yelling at a person who was campaigning for someone or something that he didn't believe in. But, it's not right, and it's not good for our community. We talk so much about the long history of controversy in Willoughby Hills, the only way that we move past it is if we're better than that history. And then there is those of us who've done our best to listen even when the other side is disrespectful and then there are those who just say, well I'm right, so I'll just say it even louder. And I find it unfortunate. I think that there are many people here who are trying to do what they think is right but our only accomplishing controversy and fear and it's not good for our City and it frankly doesn't get your point across in a way that will ever get passed into law, get your friends elected. When someone gets up and is frightening, the people that they support lose votes, they don't get them. So, I would say, if you really care about someone and you want to help them, be respectful, be kind, share your point, disagree, criticize, but be fair, be calm and control yourself. Because when you don't, you hurt your whole community. Thank you.

Councilman Fiebig: Well said. Just to clear up a point that was made because I just could let it hang out there, our Clerk does not get benefits and I think that the salary number was also misstated. So, these are all public records, but I didn't want people to think for a second that our Clerk is somehow overpaid or whatever. She does a great job and I know all of us on Council are very happy with the work that she does and I think that she is underpaid, frankly. Thank you.

President Fellows: Thank you.

Councilwoman Pizmoht: Madam President. I just like to speak again about the political discourse in our City. You know, it's one thing when you're sitting in your living room and you're watching a debate or something and you're screaming at a TV because the person that you've support for President is, you know, beating up the other person that you don't support for President. You know, it's easy to yell at your TV. But, when it's a City, you know, when people say these things about our local politicians, we're someone's neighbor, we're someone's friend or someone's mother or someone's wife, husband or spouse or whatever, you know. And so, these insults just aren't at the politicians these are at people that we all know and love and care about or that live down the street from us or down the street from our friends or our kids go to school together, you know, it's just not good for our City, you know, these personal attacks, this lack of substance in our conversations about our City government and the issues that we all face. It's just really hurtful to our City and it's not helping us move forward. I'll always happy to have a conversation with a resident who disagrees with me. I'm happy to discuss the substance of any issue, why I vote the way I vote, why I believe what I believe, I'm always happy to do that. But, I won't stand for personal attacks, I won't be bullied and I won't be intimidated. And I won't let anyone of my colleagues be bullied or intimidated and I certainly won't let my children into any environment where that might happen, so thank you.

President Fellows: Thank you, Laura. The next order of business is Legislation.

LEGISLATION

ORDINANCE NO. 2018-5 – 3RD Reading

1st Reading: January 25, 2018

2nd Reading: February 8, 2018

3rd Reading: February 22, 2018

AN ORDINANCE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE WILLOUGHBY HILLS BOYS LEAGUE IN ORDER TO PROVIDE SPORTS PROGRAMS FOR THE YOUTH RESIDENTS OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

President Fellows: This will stay on 3rd Reading.

ORDINANCE NO. 2018-22 – (As Amended)

1st Reading: January 25, 2018

AN ORDINANCE TO EMPLOY THE SERVICES OF GREG BECK AND BAKER, DUBLIKAR, BECK, WILEY & MATTHEWS, TO REPRESENT THE CITY OF WILLOUGHBY HILLS IN THE APPEAL OF THE DECISION RENDERED IN THE COMPLAINT FILED IN *WEGER V. CITY OF WILLOUGHBY HILLS*, LAKE COUNTY COMMON PLEASE COURT CASE NO. 17CV001758 AND DECLARING AN EMERGENCY.

Councilwoman Pizmoht moved to suspend. Vice President Plecnik seconded.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Vice President Plecnik to waive the 3 Reading Rule on Ordinance No. 2018-22 – (As Amended). Is there any discussion on the motion?

Roll call: YEAS: Hallum, Lenz, Majka, Pizmoht, Plecnik, Fellows, Fiebig
Motion PASSED.

President Fellows: The 3 Reading Rule on Ordinance No. 2018-22 – (As Amended) has been waived.

Councilwoman Pizmoht moved for passage. Councilwoman Lenz seconded.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Lenz to adopt Ordinance No. 2018-22 – (As Amended). Is there any discussion on the motion?

Councilwoman Pizmoht: Madam President. Since this ruling came down from the trial court judge, there's been a lot of escalation in the rhetoric around suing our City related to the appointment of attorneys in any capacity and I just wanted to state for the record the legal justification for Council being able to appoint attorneys for particular legal matters. So, the City of Willoughby Hills Council may hire through ordinance outside counsel to represent the City's interests in any particular matter suit or controversy. In the case of *Cuyahoga Falls v. Robart*, the Cuyahoga Falls Council hired an outside attorney to sue the City over the Mayor's actions and the Mayor argued the Law Director was the appropriate attorney to represent the City rather than outside counsel. In the Robart Case, the Cuyahoga Falls Charter stated "the Law Director shall be the legal advisor of an attorney and counsel for the City and for all offices and departments of the City in matters relating to their official duties. He shall prosecute or defend all suits for or in behalf of the City". The Court in Robart held that the Cuyahoga Falls Council was not justified in hiring outside counsel in that particular case because "when a City Charter provides for representation of the City by its Law Director in all lawsuits the City has no authority to provide for the hiring of outside counsel in place of the Law Director to act on behalf of the City in particular litigation unless the Law Director is ill, absent, or otherwise disqualified from acting." Robart holdings suggests that the Willoughby Hills Council can hire outside counsel in this matter for 2018-22 and also 2018-21 because the Law Director is absent. There is no one currently in this position and the City is engaged in particular litigation, here a suit brought against the City by Bob Weger in his individual capacity as a taxpayer. Additionally, in Section 4.32 of the Willoughby Hills Charter, it grants the City Counsel more authority over the legal affairs of the City than the Cuyahoga Falls Charter granted to the Cuyahoga Falls Council in Robart. Section 4.32 of the Willoughby Hills Charter states "when required to do so by resolution of Council, the Law Director shall prosecute or defend on behalf of the municipality all complaints, suits and controversies in which the municipality is a party and such other suits, matters and controversies as he is directed to prosecute by resolution or ordinance". This provision

arguably allows Council through ordinance to order the Law Director when present or qualified to hire outside counsel to represent the City in any suit or controversy. But, under Robart, it's clear that this Council has the authority to hire outside counsel to defend the City's interest against Bob Weger's or any lawsuit if it chooses to.

President Fellows: Thank you, Councilwoman Pizmoht. Any other comments, discussion on the motion?

Roll call: YEAS: Lenz, Majka, Pizmoht, Plecnik, Fellows, Fiebig
NAYS: Hallum

Motion PASSED.

President Fellows: The motion to adopt Ordinance No. 2018-22 – (As Amended) has passed.

ORDINANCE NO. 2018-23

AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE THREE – UTILITIES, CHAPTER 925 – SEWERAGE SYSTEM REGULATIONS, SECTION 925.06 – FEES, SUB-SECTION (c) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Fellows: So, the City of Willoughby Hills is linked to Willoughby with certain sew system regulations and when the fees are changed in Willoughby then we have to mirror that in Willoughby Hills. This is protocol. We do this at least every year or may be sooner or a little later. It's something that we have to do. There is actually no time frame on it from Willoughby, but if you just want to move the business forward we can do that as well.

Councilman Fiebig: Madam President. Seeing that this is something that we've seen before, and I don't think that there would be any controversy or questions regarding this, I think we can feel comfortable in waiving 3-Readings on this particular piece of legislation so that it can put in place the sister ordinance of the City of Willoughby. So, without objection, I move to waive 3-Readings on Ordinance 2018-23. Anyone?

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to waive the 3-Reading Rule on Ordinance 2018-23. Is there any discussion on the motion?

Roll call: YEAS: Hallum, Lenz, Majka, Plecnik, Fellows, Fiebig
NAYS: Pizmoht

Motion PASSED.

President Fellows: The 3-Reading Rule has been waived on Ordinance No. 2018-23. I just want to say that we can't change this. This is something that we have to do because of our sewer regulations align with the City of Willoughby. So, the 3-Reading Rule has been waived.

Councilman Fiebig moved for passage. Councilwoman Majka seconded.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to adopt Ordinance 2018-23. Is there any discussion on the motion?

Councilwoman Majka: Madam President. I'd just like to ask the City Engineer a question. Being that, I do remember passing this before, and I read it again and I'm noticing that it's Willoughby meaning that just a small section of our businesses, summer businesses, may be summer residences are covered, correct? And which, kind of, general area are the ones affected by this ordinance?

City Engineer: This is along SOM Center Road, just north of the freeway. So, I think there's a BP Gas Station, I think the apartments.

Councilman Fiebig: Condos.

City Engineer: Condos.

Councilwoman Majka: So, nothing further up, nothing along Chardon? Just down there near the interstate, pretty much.

City Engineer: Correct.

Councilwoman Majka: Okay. So, the fee schedule would only affect those ones in the Willoughby section. It wouldn't affect any other sewer customers in any other areas of the City, is that correct?

City Engineer: Correct. I haven't read the ordinance, but I believe this only applies toor chemical, that are typical of industrial users. So, if they exceed a certain limit they're charged a penalty. So, this doesn't really come into effect. The question in my mind is does, we do keep adopting this ever year, I don't know why they keep changing it.

President Fellows: They fluctuate and to be honest with you, this is about suspended solids which includes phosphorus and oil and grease of a water or waste admitted to the system that exceeds the values of their constituents for normal sewage. And there's five different areas here and they have all dropped in price. Fifty-four cents (\$.54) to thirty-four cents (\$.34) per pound; fifty-six (56) to forty-five cents (\$.45) per pound; thirty-two cents (\$.32) to eighteen cents (\$.18) per pound; seventy-six (76) to sixty-five (\$.65) and fifty-four (54) to thirty-four (\$.34). So, we're actually voting on a decrease.

Councilwoman Majka: So, that's good to know that they can decrease sometimes.

President Fellows: Yeah, but we don't have a choice anyway.

Council Clerk: It's compliance.

President Fellows: Compliance. Right. So, we have a motion on the table to adopt, any other questions, concerns?

Roll call: YEAS: Hallum, Lenz, Majka, Pizmoht, Plecnik, Fellows, Fiebig
Motion PASSED.

President Fellows: Ordinance No. 2018-23 has been adopted. So, Vicki, you can share that with the City of Willoughby.

The next order of business is New Business.

NEW BUSINESS

President Fellows: Is there any New Business to bring to the table this evening?

FOR THE GOOD OF THE ORDER

President Fellows: For the Good of the Order?

Vice President Plecnik: Madam President. May I ask, do we know why the Mayor is not in attendance tonight?

President Fellows: I believe that we all received the same email; just that he had another comment.

Vice President Plecnik: Well, we don't all check our emails every ten seconds, as it's been pointed out in the past, but I can hardly imagine a more important commitment than coming to our Council meeting and I hope that the Mayor will join us at the next.

FOR THE GOOD OF THE COMMUNITY

President Fellows: For the Good of the Community.

Councilman Fiebig: Madam President. There were, Cleveland Magazine came up with some area businesses that they divided east and west. And in the best of the east, there were several businesses that were in the finalists for this award. They'll be having an event at Landerhaven coming up this week and the Lobster Pot, the Local Tavern were nominated; the Wright Place, Gale's Garden Center, the Dance Shop, Eddies Bike Shop, Foster's Ice Cream, Fitness Instructor Jamie Nixon and No Fat Birthdays. So, there's a charitable run that was nominated. Most of these businesses, these are businesses in the community, so I think that it's just a good shoutout to our local businesses, that they're getting recognition on a larger scale and it's good to support them as well, as we all do, as it was brought up in Public Portion, how important our businesses are to our tax base. It's vital that we continue to support them. And this was just an opportunity to recognize them, so thank you for bring that up.

Councilman Hallum: Madam President.

President Fellows: Councilwoman Pizmoht had...

Councilwoman Pizmoht: Madam President. I would like to discuss Purses 4 a Purpose which is our local elementary school, Edison Elementary's PTO big fundraiser for the Spring. And it is, with the price of a ticket, it's \$45.00 per ticket, there's only a handful left, you get an automatic entry into a raffle for a designer purse and dinner and beer and wine. It's supper fun and like I said, there's only a handful left of tickets. But, we're also looking, Edison Elementary is also looking for volunteers to sell raffle tickets at the event and if you're interested, you may contact Amy Schaum at (216) 224-4711 or you can go to edisonpto.org for more information. And again, if you would like to get tickets, I would call her immediately because there's only a handful left. Thank you. Oh, April 20th at 6:00.

President Fellows: Thank you. Councilman Hallum.

Councilman Hallum: Just a reminder that the annual School of Innovation here in Willoughby Hills, fundraiser is being held at La Vera on April 13th. So, if you want to go to that, please support the school. Also, our Art Gallery Reception that we have going on May 11th. Also mark your calendars for June 9th, that's our Willoughby Hills Shred Day. You can get rid of some of your documents, so mark that on your calendar. And also, for those of you who have young children, Safety Town is coming back in June, if you want to get your children registered for that, please contact our Recreation Department. And lastly, just so that everyone knows, for those of you who go to softball, baseball games over at our fields may have noticed that we did not have any bleachers last year. The Recreation Commission did approve new bleachers to be installed. They are going to be falling within our insurance requirements to be put out there so that our parents and grandparents have a more comfortable place to sit and watch children and grandchildren play baseball games over there and I know that's in process. So, hopefully for this season, we'll have all of them installed. Thank you.

ADJOURNMENT

Motion was made by Vice President Plecnik to adjourn. Councilwoman Pizmoht seconded.

Roll call: YEAS: Hallum, Lenz, Majka, Pizmoht, Plecnik, Fellows, Fiebig
Motion PASSED.

The Regular Council Meeting of April 12, 2018 was adjourned at 7:58pm.

APPROVED: May 24, 2018
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

ATTEST: Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council