

# City of Milloughby Hills

## Regular Council Meeting Minutes of April 25, 2019

---

**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 25, 2019 at 7:00pm in Council Chambers. President Fellows presided.

### Pledge of Allegiance

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

**Others Present:** Law Director James O'Leary, Finance Director Frank J. Brichacek, Jr., City Engineer Pietro A. Di Franco, Clerk of Council Victoria Ann Savage

**Absent:** Mayor Robert M. Weger

### INVOCATION/POSITIVE MESSAGE

**President Fellows:** Before we start our business this evening, I'd like to recite the Prayer of Generosity from St. Ignatius:

*Lord teach me to be generous, teach me to serve you as you deserve, to give and not to count the cost, to fight and not heed the wounds, to toil and not to seek rest, to labor and not ask for reward expect to know that I am doing your will. St. Ignatius pray for us. Amen.*

First order of business is the Deposition of the Journal for the Regular Council Meeting of April 11, 2019.

### DISPOSITION OF THE JOURNAL

**Vice President Plecnik:** Madam President. Motion to adopt the minutes of the Regular Council Meeting of April 11, 2019.

**Councilwoman Lenz:** Second.

**President Fellows:** I have a motion from Vice President Plecnik and a second by Councilwoman Lenz to adopt the Regular Council Meeting Minutes of April 11th. Any discussion on the motion?

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

**President Fellows:** The Regular Council Meeting Minutes of April 11<sup>th</sup> have been adopted.

The next is the Mayor's report and the Mayor is not here this evening but our Law Director, Mr. O'Leary is going to report for him.

## **ADMINISTRATION REPORTS & COMMUNICATIONS**

**MAYOR'S REPORT PRESENTED BY LAW DIRECTOR O'LEARY:** Thank you Madam President. I was asked by the Mayor since he was not able to get back because of a work assignment to deliver the following report.

Just as an update on our economic development efforts, the plans for Aldi to move to Bishop Road are continuing with an estimated opening date of September or October later this year. Fitz Brothers Properties has successfully acquired the property for Produce Packaging at the former Sam's Club building. I'm working with the Law Director to finalized the final CRA application and will get that to Fitz Brothers to move forward on the paperwork required for their opening, we have been reviewing that.

The Business Advocacy Team (BAT Team) has held two meetings thus far and is organizing our business list in order to determine the best way to promote them. We'll continue to work together to reach our end goal.

We reopened the brush drop-off today for residents. There are certain restriction as to hours and what is accepted as well as a free permit that is required for your tracking purposes but I hope this will benefit our residents with their yard cleanup. This is a manned site and I hope that the accountability will ensure that the residents will adhere to the policies.

We've advertised for our surplus vehicles which will be released on internet auction on Monday, April 29<sup>th</sup> with the auction closing on Monday, May 20<sup>th</sup>. Please visit our website for all vehicles and auction details and he supports all the legislation that is being introduced this evening to Council.

President Fellows: Thank you, Mr. O'Leary. I'm not sure if there are any questions for him but of course you can get a hold of the Mayor probably tomorrow when he's back, right?

Law Director: Yes.

President Fellows: Okay, thank you. The next is your report.

**LAW DIRECTOR'S REPORT:** Thank you, Madam President. I have just a couple of things. I did attend the Personnel Relations Committee meeting on Tuesday. It was very productive; I'll leave the full report to the Chairwoman. One of the pieces of legislation that we are going to consider this evening is a change to the vicious dog ordinance which is 505.07. That was brought to our attention as to some issues related to the legislation of the current ordinance as well as a couple of court cases and so, with the assistance of Councilman John Plecnik, we're presenting tonight a revised ordinance that will basically take the breed out of the discussion in the ordinance and deal specifically with the conduct of the dog or the vicious animal and so, hopefully if you have any questions we'll be able to address those. And then the last thing that I have was that I'm going to request the Safety Committee to meet to discuss EMS collection procedures. We've been reviewing the current folks, Life Force and their collectibles are so far behind, we've wondering if they are actually working the accounts. The Ohio Attorney General has a similar program and their fees are comparable and we think they would be potentially better at collecting than Life Force. So, we would like to have a committee meeting so we could present what the options are and potentially bring that to Council if that's acceptable to the committee. So, that's my report.

**President Fellows:** Thank you, Mr. O'Leary. Are there any questions for the Law Director? Seeing, none the next is the Finance Director's report, Mr. Brichacek.

**FINANCE DIRECTOR'S REPORT:** The financial reports for the first 3 months of the year are posted on the website and the Ohio Open Checkbook is updated through March 31<sup>st</sup> as well. There's an ordinance on tonight authorizing payment to the State Auditor's office for the 2017-18 audit. I would request that it be passed and a bit of good news I have been going around the County Auditor's office for probably five months about the status of the class of TIF. They insisted that the TIF was completed but I insisted that we had one more year of payment and it turned out that I was right. So, we'll be receiving an additional \$130,000 approximately this year which can be used for the purposes of primarily safety forces; possibly apply that to some of the safety force equipment that we've been talking about.

**President Fellows:** Excellent. Thank you, Mr. Brichacek. Are there any questions this evening for the Finance Director? The next is the City Engineer's report, Mr. Di Franco.

**CITY ENGINEER'S REPORT:** Thank you, Madam President. We're continuing to work on the street resurfacing and sewer relining projects and that's all I have, that completes my report.

**President Fellows:** Thank you, Pete. I have a question. So, 2019-30 is your upcoming, next six months contract, I believe. You're ahead of the game, which I appreciate. So, that one we can leave on a couple of readings?

**City Engineer:** Correct.

**President Fellows:** Okay. And then the other one, the striping would be on second reading this evening. Do you want that expedited or are we going to fit into an earlier que for that, do you know?

**City Engineer:** We are waiting for Mark Grubiss to perform some street repairs, so we won't be starting that immediately.

**President Fellows:** Okay, thank you. Any other question for the Engineer this evening?

**Vice President Plecnik:** Madam President. Would you mind giving just an update on when we might start on various roads, repaving them. I know that we've got some excited residents from Trailard and the Glen. Do you know what the schedule is looking like?

**City Engineer:** Off the top of my head, I think that we are going out to bid in mid-May and it takes about a month to go out to bid and then a few weeks to sign a contract. We're probably talking about around July or August to start construction.

**President Fellows:** Thank you, Pete. The are Council and Representative reports. Do we have from the Chairs, I know we might have information; however, Councilwoman Pizmoht had her Personnel Relations meeting.

## **COUNCIL COMMITTEE REPORTS/ OTHER COUNCIL REPRESENTATIVE REPORTS**

**Councilwoman Pizmoht:** Madam President. Yes, so the Personnel Relations of Council met on April 23<sup>rd</sup> which was this past Thursday and on the agenda, we talked about, we continued our discussion about nonunion raises and the committee unanimously agreed that the Police Chief should receive a 3% raise for 2018 which he did not receive a raise in 2018 which should be retroactive for 2018 to January 1<sup>st</sup> and also a 3% raise for 2019 based on his exceptional leadership of the Police Department. We also agreed that, unanimously, that all nonunion employees should be kept on par with their union colleagues and receive a 2% raise for 2018 and a 2% raise for 2019 because again, they also didn't receive raises in 2018 or 2019 yet. We also, after an extensive discussion, with the Police Chief and the Fire Chief agreed that this should also include the part-time police and fire that they should receive 2% and 2%, which would be inline with the union contracts but with the Fire Department, Chief Gandee recommended that we add a \$1.50 incentive per hour for paramedics so part-time

firefighters who also have paramedic credential should receive a \$1.50 an hour bonus which would make us more in line with other communities. It's a very competitive market place for part-time firefighters and we need to attract the best and brightest and so we should add that incentive for paramedic firefighters and again, the committee also recommended that unanimously as well.

We also continued discussion on implementing employee policies and procedures, handbook or manual. This was a follow-up to our last meeting and this is also in furtherance of discussions that the Mayor and Council have also engaged in over the last few months. The Mayor is working on a draft of a handbook, an employee handbook and he is going to hand it off when he is done. Our Law Director agrees that this is a very important issue and he suggested that we consider getting outside help from an organization, a consulting firm actually used by the Lake County Port Authority who specializes in helping governmental employees with this kind of thing. So, we will continue these discussions over the next few weeks and I stand open to questions.

**President Fellows:** Thank you. Are there any questions for Councilwoman Pizmoht on Personnel Relations? I have one. So, with all these increases, this is all budgeted for, correct?

**Councilwoman Pizmoht:** Yes. The Chair of our Finance Committee is also on the Personnel Relations Committee, coincidentally and he after our discussions from our Finance Committee budget discussions, our Chair assured us that these are within the budget.

**Vice President Plecnik:** Madam President. If I might just add, the only thing that we didn't plan for was the possibility of a \$1.50 bonus per hour because that was recommended at the Personnel Relations meeting from Chief Gandee and I've spoken with our Finance Director about trying to cost that out, it's probably not a huge expense because we've not talking about a lot of indivual employees but we're going to get those numbers.

**President Fellows:** Thank you. Any other Chairs want to comment about any of their committees? Any other Council Representative reports this evening?

## **PUBLIC PORTION**

We will move to Public Portion. This is an opportunity for the public to come forward. We ask that if you come forward to please state your name and address for the record and try to keep your comments to three minutes and I will open Public Portion at 7:13pm. With no one coming forward, I will close Public Portion at 7:14pm.

## **UNFINISHED BUSINESS**

Any Unfinished Business this evening for Council? We will move to Legislation.

## **LEGISLATION**

### **ORDINANCE NO. 2019-27 – SECOND READING**

**1<sup>st</sup> Reading: April 11, 2019**

**AN ORDINANCE ACCEPTING THE BID OF JD STRIPING & SERVICES, INC. FOR THE 2019 PAVEMENT MARKINGS PROGRAM AND DECLARING AN EMERGENCY.**

**President Fellows:** And we will keep this on Second Reading.

**ORDINANCE NO. 2019-30**

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ACCEPT THE PROPOSAL AS SUBMITTED BY RICHARD L. BOWEN + ASSOCIATES INC. PROVIDING ZONING ADMINISTRATION SERVICES FOR THE CITY OF WILLOUGHBY HILLS, OHIO AND DECLARING AN EMERGENCY.

**President Fellows:** And as just what was commented by Pete, this is his contract for the next six months which will commence this summer, so this will stay on First Reading.

**ORDINANCE NO. 2019-31**

AN ORDINANCE AMENDING PART FIVE – GENERAL OFFENSES CODE, TITLE THREE – UTILITIES, CHAPTER 505 – ANIMALS AND FOWL, SECTION 505.07 – DANGEROUS AND VICIOUS DOGS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO; REPEALING ANY AND ALL CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

**Councilwoman Pizmoht:** Madam President. Motion to waive the 3-Reading Rule on Ordinance No. 2019-31.

**Councilwoman Lenz:** Second.

**President Fellows:** I have a motion from Councilwoman Pizmoht and a second from Councilwoman Lenz to waive the 3-Reading Rule on Ordinance No. 2019-31. Is there any discussion on the motion?

**Councilwoman Pizmoht:** Madam President. Yes, as our Law Director had explained, this is just to put us in compliance with Ohio Law and to remove a designation that has been found to be not attributable to what is actually a vicious dog or not a vicious dog.

**Councilman Hallum:** Madam President. I just want to ask the Law Director, is there any rush on this and the only reason that I ask that is it might be good for us to read it three times so that residents could hear what we're changing and be aware of the new rule.

**Law Director:** Well, there's no specific rush. I think that for a lack of a better term, I think it just cleans up the ordinance by taking the names, if you looked at the current 505.07 it specifically names about seventeen breeds of dogs in there and all we really did was take out the names of the various different breeds and referred to the general sense and so that's up to Council.

**Councilman Hallum:** I just wanted to make sure that it wasn't some pending thing that...

**Law Director:** No, and again, if you look at the cases that have gone up and the rulings that have gone up, you know, this just keeps us from potentially getting into trouble if we were to try to do something related specifically to a particular breed of dog, I don't see us doing that necessarily, but again as I have been saying since I've come on board in January, one of the things that I would like to do is to see us get various different things in the code to reality and what you're actually doing. I had a conversation with Pete tonight about definitions he had in the zoning code and trying to get that cleaned up and so that's probably the next thing that we'll be bring before Council which I know it's off topic but the idea is that we want to get as much of this cleaned up as we can.

**Councilman Hallum:** Okay. Because there are a lot of dog owners in the City, it's probably not a bad idea for us to read it a few times. So, hopefully more people see that it's changing and it doesn't just apply to these certain breeds of dogs, it could be any dog that might act in a vicious way but I'll leave that to Council.

**Councilman Fiebig:** Madam President. If I could just weigh in too, I'm a little hesitant to waive 3-Readings on a change like that because this implementation of the Ohio Law was done six years ago this isn't something new. This has been on the books for quite a while and I don't see that there's a rush to do this and it would give us an

opportunity to educate the public, gave an opportunity to look at the ordinance in full detail and I wonder why there are so many communities that have this still on their books if Ohio Law changed six years ago or seven years ago, why are so many of our communities including our neighboring Wickliffe, still have a vicious dog ordinance on their municipal books. So, the other thing is, liability wise, Mr. Law Director, do we by reducing the language in any way shape or form, put the City in any sort of harm.

**Law Director:** No. Actually...I'm sorry, finish your sentence.

**Councilman Fiebig:** You can weigh in but I don't want to give up the floor, just a couple other thoughts.

**Law Director:** Okay. I think that we put ourselves in a better position by taking the names of the breeds out because then the focus of the ordinance is on conduct and not getting focus on a particular breed of dog and I think that's the problem. Going back to your prior question, I think frankly just like we have, it's the part of the code that gets used very often, if at all, and as we all know, unless somebody brings it to our attention, these things would probably stay for another twenty years.

**Councilman Fiebig:** Mr. O'Leary, what I prefer is not to waive the 3-Reading at lease until we do a little research and see are there any pending cases and does the County do as far as registration; how many are registered in the City; have there been any issues; is this a problem and that currently just changing it and waiving 3-Readings put us in any sort of predicament. So, I would vote not on waving 3-Readings for those matters because there a some unanswered questions regarding that, that I have in my mind and I just think that it would be prudent to at least look at it because this just came in, I think it was in a email, what four or five days ago, and here it is on our agenda and we have not had a committee meeting to discuss this in detail and I know that we're only talking about waiving 3-Readings but this is why we have committees and this is why we go through a little longer discussion, you know, about changing laws. So, I'll vote no on waving 3-Readings. The spirit of it, of course we want to be in compliance with the Ohio Law but there's a few unanswered questions that I think we could wait two weeks on.

**Councilwoman Pizmoht:** Madam President. I would just say that having specific breeds in there is not in compliance with Ohio Law, so it's not enforceable anyway. This is just cleaning it up and other communities just haven't taken this step to clean it up. Also, we are making it more broad so that it is actually more friendly to our residents who have dogs and to our residents who are concerned about vicious dogs and it again focuses on the behavior and not on a specific breed. And one more thing that I will add, I am on the Board of the Lake County Humane Society and I can tell you without a shadow of a doubt, that there are so many of dogs that some may, of the breeds that people might consider to be vicious in these kinds of ordinances that are not vicious, that make wonderful pets. And I think that when we have breed names like this in the ordinance that demonize these types of dogs they end up in shelters in huge numbers and I really don't think that we want to disincentivize from adopting these wonderful dogs.

**President Fellows:** Thank you. So, there's a motion on the floor to waive the 3-Reading Rule.

<b>Roll call:</b>	<b>YEAS:</b>	<b>Pizmoht, Plecnik, Fellows, Lenz, Majka</b>
	<b>NAYS:</b>	<b>Fiebig, Hallum</b>

**Motion PASSED.**

**President Fellows:** The 3-Reading Rule has been waived on Ordinance No. 2019-31.

**Councilwoman Pizmoht:** Madam President. Motion to adopt Ordinance No. 2019-31.

**Councilwoman Lenz:** Second.

**President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Lenz to adopt Ordinance No. 2019-31. Is there any additional discussion on the motion?**

**Councilwoman Majka:** Madam President. It concerns me that this has been lagging behind since 2012, so I think it is really a good idea, that it's a simple thing like our Law Director has said, it's just changing some language, leaving the rest of the ordinance as is. And on the flipside, whereas it was brought up that some dog owners may want to see what's going on in the City and what we're doing here, I think the flipside would be that people who already own these certain types of breeds would be very supportive of these and in fact, relieved that we have taken this off the books, so that they didn't have to feel that they were in danger of litigation or any unusual treatment just because they own that breed of dog. So, I think that's another way to look at this. Thank you.

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

**President Fellows: Ordinance No. 2019-31 has been adopted.**

**ORDINANCE NO. 2019-32**

**AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS REQUIRED TO PERFORM THE CITY'S 2017-2018 AUDIT AND DECLARING AN EMERGENCY.**

**President Fellows:** It was requested that we waive and adopt this evening.

**Councilman Fiebig:** Madam President. I'll move to waive the 3-Readings for 2019-32.

**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 No. 2019-32. Is there any discussion on the motion?**

**Councilman Fiebig:** Madam President. I moved to waive the 3-Readings because this is an ordinary expense that is required of this City to perform an audit and I'm sure it's time sensitive to get that passed, so this is the reason we do waive 3-Readings in those particular circumstances.

**President Fellows:** I'm not sure it's an ordinary expense but it's a necessary expense.

**Councilman Fiebig:** It's ordinary in the operations of our City government in that we pay for an audit.

**President Fellows:** I have a motion from Councilman Fiebig and a second from Councilwoman Lenz to waive the 3-Reading Rule on, I think we did that.

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

**President Fellows: Ordinance No. 2019-32 has been waived.**

**Councilman Fiebig:** Madam President. Move to adopt Ordinance No. 2019-32.

**Councilwoman Majka:** Second.

**President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to adopt Ordinance No. 2019-32. Is there any discussion on the motion?**

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

**President Fellows: Ordinance No. 2019-32 has been adopted.**

### **NEW BUSINESS**

**Councilman Hallum:** Motion of Council to authorize the Mayor to seek bids for the purchase of a 2019 heavy duty single axle dump truck chassis and snow and ice package.

**Vice President Plecnik:** Second.

**President Fellows:** I have a motion from Councilman Hallum and a second from Vice President Plecnik for Council to authorize the Mayor to seek bids for the purchase of a 2019 heavy duty single axle dump truck chassis and snow & ice package. Is there any discussion on the motion?

**Councilman Fiebig:** You see, they're always fighting on who gets to order the truck. That's the important thing. We like to buy trucks.

**President Fellows:** So, I will share that I had a very nice conversation with the Road Superintendent Mr. Grubiss yesterday about the truck and this would probably be a very good addition, not probably would be, would be a good addition to his fleet.

**Vice President Plecnik:** Madam President. I would add that the Street Superintendent was kind enough to take me through a few days ago and survey the whole fleet of snowplows and he showed me the truck that this would be replacing. I got to put my hand through the holes in the back and while it's probably functional for the next 1 to 2 years depending on how much money we put into the truck and repairs and we've already done a lot of welding to hold it together, it's definitely on its last legs. So, this is important to replace it and we've able to purchase this truck. If we end up buying from the company that we first look to at about \$30,000 less than usual and we're putting out to bid, if someone gives us a better deal, we will grab it but, in all likelihood, we're probably looking at a pretty steep discount here. So, it's good and it can only possibly get better going out to bid on this truck and we look forward to its purchase.

**Councilman Hallum:** Madam President. It's also good for the residents to know that it's in our budget for this year, so this isn't anything new or additional.

**President Fellows:** Excellent, thank you.

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

**President Fellows: The Mayor can go out to seek bids for a new truck.**

### **FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY**

**Councilwoman Pizmoht:** Madam President. I had the privilege to go to the Edison Elementary Kindergarten Art Show this evening and it was fantastic. The art was absolutely exceptional for 5 and 6 years, I have to say.

**Councilman Hallum:** Well, I guess I will chime in on that too because I went to the Science Fair which apparently, they decided to have two functions at the same time with limited parking. But for the second graders it was really cool to watch these kids get to learn about wind and rain, just all kinds of different...I know my son



did a sun dial and they could see how that use to work. So, it was kind if interesting to see that and the kids had a lot of fun.

**President Fellows:** They still do work. They are on the walls of big buildings in Europe.

**Councilman Hallum:** It doesn't mean that they work.

**President Fellows:** I believe the last one that I saw was pretty accurate.

**Councilman Hallum:** Not from our experiment. Although that could be because we use a paper plate and a pencil.

**President Fellows:** Any other for the Good of the Community?

**Councilman Hallum:** Just some City events. Mark your calendars for Shred Day, June 8<sup>th</sup>, so last year we had to cancel it. If you have a lot to shed from last year or this year be sure that you save up for that. That's all I have for right now.

**Vice President Plecnik:** Madam President. I would just share that the VFW didn't put out a formal announcement but this Saturday at 4:00 to 7:00 they're having somewhat of an informal fundraiser. They have not announced exactly what food they're serving or any substantial details but all I know is that every time I've gone to the VFW for a fundraiser it's always been a wonderful time. So, I highly recommend showing up and seeing what they have, but they just posted on Facebook that they are doing a fundraiser from 4 to 7pm on Saturday. They haven't said how much or what the food is, but it's always affordable and we definitely want to support our local VFW. So, I just want to share that.

**President Fellows:** Anything else?

**Councilwoman Lenz:** Chris, do you have a time for the Shred Day?

**Councilman Hallum:** It starts at 9am and goes to noon. I believe it's 9 to noon. There's a sign in the lobby.

### ADJOURNMENT

**Councilman Fiebig:** Move to adjourn.

**Councilwoman Lenz:** Second.

**President Fellows:** I have a motion by Councilman Fiebig and a second by Councilwoman Lenz to adjourn. There is no discussion on that motion.

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

The Regular Council Meeting of April 25, 2019 was adjourned at 7:31pm.

**APPROVED:** May 9, 2019  
Date

Nancy E. Fellows  
Nancy E. Fellows  
President of Council

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