

# City of Willoughby Hills

## Special Meeting of Council Minutes of December 19, 2017

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**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 wherever possible.

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The Special Council Meeting was held on Tuesday, December 19, 2017 at 8:00pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

**Absent:** Councilman Christopher L. Biro

**Others Present:** Mayor Robert M. Weger, Acting Law Director Stephen L. Byron, Finance Director Frank J. Brichacek, City Engineer Pietro A. Di Franco, Clerk of Council Victoria Ann Savage

**Councilman Hallum:** Council President, during a Special Meeting do we need to excuse members?

**President Fellows:** You can.

**Councilman Hallum:** Okay.

**President Fellows:** Mr. Biro said that he wasn't going to be here, so...

**Councilman Hallum:** Normally we excuse people that say they aren't going to be here, is that...

**President Fellows:** It's still a meeting of Council, so...

**Councilman Hallum:** Okay, because I understand that at the previous Special Meeting, even though I had let you know that I was out of town, I didn't hear myself being excused by Council.

**President Fellows:** There was no motion.

**Councilman Hallum:** I understand that. So, what does that mean then? I'm not excused? Or...

**President Fellows:** Correct.

**Councilman Hallum:** Nice.

### DISPOSITION OF THE JOURNAL

**President Fellows:** First order of business is the Disposition of the Journal for the minutes of the Special Council Meeting of November 22, 2017.

**Councilman Fiebig:** Madame President. Move that Council adopt the minutes of the Special Council Meeting of November 22, 2017.

**Vice President Plecnik:** Second.

**President Fellows:** I have a motion from Councilman Fiebig and a second from Vice President Plecnik to adopt the minutes of the Special Council Meeting of November 22<sup>nd</sup>. Any discussion on the motion?

**Roll call:**       **YEAS:**       **Pizmoht, Plecnik, Fellows, Fiebig, Majka**  
                  Abstention:   Hallum

**Motion PASSED.**

## **ADMINISTRATION REPORTS & COMMUNICATIONS**

**President Fellows:** The next order of business is the Mayor's Report, Mr. Mayor.

**MAYOR'S REPORT:** I want to thank all the people who participated in our holiday events, the Winter Fest and the Breakfast with Santa. Thanks to Hallum Heroes for coordinating the filling of an ambulance with toys and all the residents and business who donated toys in an effort to provide a record number of toys to our community.

I want to welcome our newest member of the PC-ABR Commission, Brian Jones of Berkshire Hills. I know he is anxious to do a good job for our City.

Final vetting is being done for Acting Fire Chief Tom Talcott and Acting Law Director Michael Germano. Council will be getting the credentialing packages very soon.

The Pleasant Valley Road Bridge update – U.S. Bridge has ordered the parts and we anticipate work to be done mid to late January. I'll send letters to the residents as soon as that is available.

The plow truck update – Henderson is currently working on the installation of the plow and the body for the truck purchased through R&R Sales. While we don't anticipate it being ready in December, but we expect it in early to mid-January.

Welcome to Gretchen Weitbrecht, our newest employee assigned to the Recreation Department as a Clerk Stenographer. She will be able to schedule the Community Center, work with the Recreation Commission and Boy's League as their Memorandum of Understanding dictates with regards to registration, uniform and equipment purchases, scheduling and field preparation.

Finally, I wish everyone a happy and safe holiday season. Thank you.

**President Fellows:** Thank Mr. Mayor. Are there any questions for the Mayor this evening? Seeing none, we'll move on to the Law Director's Report, Mr. Byron.

**ACTING LAW DIRECTOR'S REPORT:** I have no report, but Council should have an Executive Session for the purpose of discussing pending or imminent litigation.

**President Fellows:** So noted. The next is the Finance Director's Report, Mr. Brichacek.

**FINANCE DIRECTOR'S REPORT:** I have no report for tonight.

**President Fellows:** Any questions for the Finance Director this evening?

**Councilman Fiebig:** Madame President, just want to reiterate and to confirm and for the public to hear, there was an email back and forth about when we could expect the budget and I believe you had agreed that February 1<sup>st</sup> would be a good target date to get the 2018 budget to us by February 1<sup>st</sup> is that correct?

**Finance Director:** Yeah, the Mayor and I discussed that and the budgeting is actually under the direction of the Mayor but February 1<sup>st</sup> is a good date.

**Councilman Fiebig:** Very good, thank you.

**President Fellows:** Any other questions for the Finance Director? Seeing none, the next is the Engineer's Report, Mr. Di Franco.

**ENGINEER'S REPORT:** Thank you Madame President. I just wanted to provide some comments on a few pieces of legislation. Ordinance 81, tonight, is for the amendment to the ground lease for Towerco at West Miller. I have no issues with what they have proposed. They are still addressing some of my zoning issues, but I would anticipate that shortly. Ordinance 84 is the light at Maple Grove and Pine Valley. Again, I have no issues with that. Ordinance 85 is for me to continue as, in the zoning role. The end of December will mark three months since the City hired the County to handle building permits and I've been working with Denise and Mark Grubiss to handle the zoning. We've been learning the system and putting in some procedures and I think that it's been going well. Ordinance 86 is to award the Meadowbrook Pump Station Project. The project came in over budget but after we had a chance to look over the bids that we received, we feel that our engineer's estimate was low, so we feel the bids were appropriate and we would recommend awarding to S.E.T. And Ordinance 87 is also related to the Meadowbrook Pump Station, we need upgraded electrical service for the new pump station and generator, so 87 is to authorize Cleveland Electric Illuminating Company for that work. So, I would recommend passing that as well. And one final piece of good news, at the end of November we met regarding the Stream Restoration Project. We met at the School of Innovation with the Cuyahoga Soil and Water Conservation District who is leading that. We had kind of a design kick-off meeting. Their next step is to hire an engineer and prepare plans, but the good news is the Northeast Ohio Regional Sewer District has agreed to pay up to forty thousand. So, the City had initially authorized up to a hundred and four thousand (104,000) so, with the Sewer District's forty thousand, the City's portion goes down to about sixty-four thousand (64,000). And that completes my report.

**President Fellows:** Thank you Mr. Di Franco. Are there any questions for the City Engineer this evening?

**Councilman Hallum:** Yes, Madame President. Pete, are there any other organizations being spoken to about potential contributions to this or have we hit everybody that we can?

**City Engineer:** Yeah.

**Councilman Hallum:** Okay.

**President Fellows:** Any other questions? Thank you, Pete. The next order of business is Committee Reports. And since our last meeting, the only committee that's met is Rules and Legislation, so I'll report on that. Some of the comments on some of the ordinances have already been provided by the City Engineer.

## **COMMITTEES OF COUNCIL**

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### **Rules and Legislation Committee of Council Meeting of December 11, 2017**

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Rules and Legislation met on December 11<sup>th</sup> at 8:00pm. Committee members were myself and Councilwoman Majka. Vice President Plecnik was unavailable. Also present were Councilwoman Pizmoht and Councilman Fiebig, the Mayor and Councilwoman elect Grebenc. The order of business was legislation for the upcoming council meeting of December 14<sup>th</sup>.

**Ordinance 2017-79 – 2<sup>nd</sup> Reading** – This is on second reading. It's an ordinance addressing timely reports from the Finance Director. Mayor indicated that the Finance Director "has no problem with doing this". Ohio Online Checkbook is up to date through October 2017.

**Ordinance 2017-81 – 2<sup>nd</sup> Reading** – Mr. Di France had already referred to this. This is on second reading. This is the ordinance authorizing and directing the Mayor to enter into the first amendment to the description of the West Miller Cell Tower site. We're still addressing the 8' utility pole easement. Strategis and the City Engineer are working on this. (See email from the City Engineer of December 11, 2017).

**Ordinance 2017- 82** – Is an ordinance engaging Kirk R. Henrikson and the law firm of Matty, Henrikson and Greve for the purpose of representing the City of Willoughby Hills in the matter of John Kuivila (part-time police officer) – this is a Worker's Comp Claim. Rules and Legislation recommends that the 3 Reading Rule be waived and the ordinance adopted.

**Ordinance 2017-83** – An ordinance declaring surplus firearms from the Police Department. Chief Collins had indicated the sooner that we could pass ordinance, the better. During this meeting, Councilwoman Pizmoht inquired about Ohio Statute 721.15 concerning the disposition of property unneeded, obsolete or unfit for municipal purposes and I'll quote that: "Personal property not needed for municipal purposes, the estimated value of which is less than one thousand dollars, may be sold by the board or officer having supervision or management of that property. If the estimated value of that property is one thousand dollars or more, it shall be sold only when authorized by an ordinance of the legislative authority of the municipal corporation. None of the firearms listed in the ordinance are over \$1,000, the ordinance is an aggregate of all the devices. Some municipalities have chosen to destroy the firearms; destroying them may be considered as wasting economic value for the city. Others such as us, have chosen to trade them into a dealer for credit toward range time or purchase toward new firearms. Weapons of mass destruction and hand guns are destroyed. At the time, Rules and Legislation recommended 1<sup>st</sup> reading or unless Council decides otherwise. I had discussions with Chief Collins and the Acting Law Director and I think, Ms. Pizmoht, you may have as well. I think that it's something that's pretty common, that's done.

**Ordinance 2017-84** – This is an ordinance authorizing the expenditure of funds for the installation of a street light on Maple Grove Road across from the Pine Valley Drive. This has been a discussion ongoing since October. The location is based on the Illuminating Company's work order sent to the City Engineer. Monies will be taken from the General Fund. There was a sidebar discussion concerning the removal of a stop sign on Somrack and street speeds). Rules and Legislation recommend that the 3 Reading Rule be waived and the ordinance adopted. And Mr. Di Franco had mentioned that as well this evening.

**Ordinance 2017-85** - An Ordinance authorizing and directing the Mayor to accept the proposal submitted by Richard L. Bowen & Associates providing zoning administration services for the City. Mayor indicated that he is looking to develop a probable part-time zoning position to decrease the cost associated with Bowen providing zoning services. Councilman Fiebig inquired if there is an opt-out with this agreement. The Mayor indicated it is 30 days; Councilman Fiebig would like to see this documented, however, this is identified in the master agreement. Also, this fee is based on billable hours. Rules and Legislation recommends that the 3 Reading Rule be waived and the ordinance adopted as this agreement begins on January 1, 2018.

**Ordinance 2017-86** – An ordinance authorizing and directing the Mayor to accept the bid submitted by S.E.T. for the Meadowbrook Pump Station Replacement Project. Monies are coming from the Sewer Fund (20% over

estimated cost, \$67k). Mr. Di Franco had already spoke to this, this evening. (Mayor indicated it was “because of decreased experience with sewers by the City Engineer”). And Rules and Legislation recommends that the 3 Reading Rule be waived and the ordinance adopted.

**Ordinance 2017-87** – This is an ordinance authorizing and directing the Mayor to enter into a general service installation line cost agreement with the Cleveland Electric Illuminating Company in conjunction with the Meadowbrook Pump Station. This ordinance is linked with 2017-86. Mr. Di Franco also spoke about this, this evening and Rules and Legislation recommends that the 3 Reading Rule be waived and the ordinance adopted.

At this time, Mayor had indicated, “that there are no appropriations necessary as these projects have been budgeted for and everything is good till the end of the year. We do not need a final appropriations budget.”

### **Other Business:**

A lengthy discussion took place concerning communication in terms of audio & video from Council and Planning & Zoning meetings.

- ❖ Councilwoman Pizmoht had indicated that she had reached out to Solon & Mayfield to see what they use. Mentor streams which means you’re watching a meeting on real time. U-Tube is not our platform, so we need to protect ourselves.
- ❖ Councilman Fiebig stated, “it is important to share ideas and collect facts”. An important point is to integrate the Planning & Zoning meetings and have drawings and blueprints projected. There are many options. We need to have a sense of what we want to budget, to spend budget wise, or want we can afford. Possibly save cable fees in lieu of video or streaming. This should be a joint effort with the Administration and Council.
- ❖ The Mayor indicated that more and more people are going to Direct TV, Spectrum and U-Verse. Direct TV does not have access to Channel 12. The common platform is the internet.
- ❖ Councilwoman Majka wondered if there are any type of grants available for this type of project.

And this is an ongoing project.

**Public portion opened at 8:50pm.** Mr. Cihula – inquired of Councilman Fiebig’s Communication meeting of July 27<sup>th</sup>, he thought that there was someone that would research Mentor. A big concern is not to have any of our meetings on social media, but rather they should be streamed on the internet. Channel Master has internet access through audio and video. Concerning Planning & Zoning, the City Engineer gets drawings digital; but not all plans come through an architect. And Councilman Fiebig indicated if drawings are not digital, they can be scanned.

Linda Fulton had comments concerning street lights, particularly ones that are not functioning or are intermittent and flickering. Indicated that there is one on the northeast corner of Marcum and White that goes on and off all the time. There is no number on the pole. The Mayor indicated that he would follow-up. Possibly the police could report street light issues when they are making rounds. And Councilman Fiebig indicated that the police do this already. **Public portion closed at 9:01pm.**

The last order of business, the Mayor asked why Council did not confirm the Recreation Coordinator, especially since Kyle will resign her position at the end of December? A lengthy discussion ensued. Some suggestions included:

- ❖ Gloria and Sharen can continue duties as described in their November 2017 email;
- ❖ Denise Edwards especially with her extended recreation knowledge, could share building duties and recreation duties;
- ❖ An additional area of resource for Denise if she is utilizing time for the Recreation Department is Stephanie Nero, Fire Department secretary, as she has had prior experience in the Building Department.

There are other ways to keep the Recreation department active:

- ❖ Expand the use of the Community workers

- ❖ Use Recreation Commission members
- ❖ Use volunteers
- ❖ Tap into other communities, especially those that use our Community Center
- ❖ Public/Private partnership – like the Boy's League transferring private to public services for specific events

Gloria's recent email to Councilwoman Pizmoht indicated that Council had voted no on the Ordinance, and Council President asked the Mayor to share with Gloria that Council had tabled the ordinance and there is a difference. **The meeting adjourned at 9:22pm** and I am open to any questions. Thank you.

Any other Council Representative Reports this evening? The next order of business will be 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:** This is an opportunity for the public to come forward and voice their opinions. We ask that you state your name and your address when you come forward for the record. And try to keep your comments to three minutes. **I will open public portion at 8:19pm.**

**Jenna Bing – 36951 Beech Hills Drive.** I saw in the legislation that there's a 2017-64 – as amended and it speaks to getting the Ohio Ethics Commission involved into looking at some potential issues. And I just wanted to say that I think that it's a good thing and if there's anything that we think is an issue, that we involve an outside thing, like the Ethics Committee to take a look at it from an unbiased, knowing the rules, understanding how government should work ethically. I'm sure that there are some people like looking at this, but if there's nothing going on then the Ethics Committee will tell us that. If there is something going on, we should know that. And I'm always struck, I think back to a class I took about managing church finances and he said, you know, it's amazing that there are people that are well respected, you know, worked for churches for years, everybody loves them, they're the nicest, kindest people in the world and they end up doing bad things. And they do that by little tiny baby steps and then all of a sudden, it snowballs and they do it for all different reasons and it doesn't mean that they aren't nice, kind, sweet people that have been affiliated with an organization forever, it just means that they've stepped over with the wrong ethics balance. And so, I'm really pleased that if there is a hint of anything going on that we actually involve somebody that will look at this. And if nothing is there, that's just great. If there is something there, I hope it gets found out. Thank you.

**Linda Fulton – 2990 Marcum Boulevard.** I would like to ask why it took so long to shut down that business on Chardon Road that is also known as a massage parlor, Reflexology. I know that I've talked with the Police Chief a while ago and many people have been talking about it and it was not a good thing for the City. So, Mayor, why did it take you so long to shut this business down? You knew about it. And now it is, I want to know if there is going to be any arrests. It was illegal. The women who were doing reflexology did not have any licenses to do these massages, so what's going on with it? Thank you.

**President Fellows:** Anyone else this evening? **So, I'll will close public portion at 8:22pm.**

**President Fellows:** Is there any Unfinished Business this evening for the Council table?

**Vice President Plecnik:** Madame President, if I could just share there has been a large spike in complaints at the Cuyahoga County Airport largely with respect to jet engine runups or jet tests that have been happening later in the evening, particularly on the weekends. So, if the Mayor's Administration or people have heard, I wanted

to let you know as the Airport Representative, I am aware of it. I'm supposed to be copied on all complaints, I usually am. I've gotten a lot of calls from residents in the last few weeks. We are in talks with other members of the Noise Abatement Council to ask if, as Cuyahoga County is in the process of updating the agreement. There could be more specific language about the appropriate times to do engine tests. And I would think that we all can agree that late in the weekend is not an appropriate time to run a jet for fifteen, twenty, forty, sixty minutes, distributing people's evenings and waking them up. So, hopefully we can get some progress there and I'm certainly bringing it to the attention to the Noise Abatement Council but you shouldn't be surprised if you're hearing from residents because it has been worse than usual the past couple of weekends.

**President Fellows:** Thank you. Anyone else?

**Councilman Fiebig:** Madame President. As owning the building across from that massage parlor, I am just thrilled that it has been closed down because I think that it has, it's a despicable place to do business here in our community and for it to exist even for one day is a real pox on the Administration. Criminal intent and criminal prosecution is a higher hurdle to go after and that was some of the problems that at least from where I was pushing from that we had quite a bit of a hurdle to overcome there, but the Administrative Code already has plenty of rules in place they just need to be enforced. So, I do hope the Mayor answers the question.

**President Fellows:** Mr. Mayor, would you like to speak this establishment?

**Mayor:** It's currently under investigation and I'll refuse to comment on it...

**President Fellows:** Is it closed or not closed?

**Mayor:** It's not closed.

**Acting Law Director:** Are you asking whether the establishment is closed or whether the investigation is...

**President Fellows:** The establishment.

**Mayor:** The establishment is closed.

**President Fellows:** Okay.

**Mayor:** The investigation is not.

**President Fellows:** All right, moving on, we have Legislation.

## **LEGISLATION**

### **ORDINANCE NO. 2017-64 – (AS AMENDED)**

AN ORDINANCE AUTHORIZING THE ACTING LAW DIRECTOR TO REQUEST THAT THE OHIO ETHICS COMMISSION INVESTIGATE ALLEGATIONS RELATED TO THE UNAUTHORIZED USAGE OF MUNICIPAL PROPERTY BY MUNICIPAL OFFICIALS AND THE FAILURE TO ACCOUNT PROPERLY FOR ABSENCES FROM WORK BY MUNICIPAL EMPLOYEES, AND DECLARING AN EMERGENCY.

**President Fellows:** So, this ordinance was on around October and we took it off the agenda and it had two readings, I believe. While this ordinance is amended the intent and the purpose is the same. But, since we haven't seen it for a while, although the topic has been here, Council may want to, if they are going to move forward, they may want to suspend the 3-Reading Rule and move forward to vote on it.

**Vice President Plecnik:** Madame President. So, that we can vote on the ordinance, I will make a motion to waive the 3-Reading Rule for Ordinance No. 2017-64.

**President Fellows:** As amended.

**Vice President Plecnik:** As amended.

**Councilman Fiebig:** Question to the motion, wasn't this read twice already?

**President Fellows:** Yeah, as I had said, because some of the verbiage was amended, the intent is the same. We haven't seen it for a couple of months.

**Acting Law Director:** So, there's a substantial change to what the ordinance had been. You may recall the previous ordinance was going to engage special legal counsel to investigate. This allows the investigation to go forward by the Ohio Ethics Commission, the outside body. Because the substance of the ordinance has changed, I would recommend you either read it three times or suspend the 3-Reading Rule because the substance of this is significantly different than what it was before, although the intent is the same.

**Councilman Fiebig:** Thank you for clarifying that.

**President Fellows:** So, I have a motion from Vice President Plecnik to waive the 3-Reading Rule.

**Councilwoman Majka:** I'll second.

**President Fellows:** I have a motion from Vice President Plecnik and a second from Councilwoman Majka to waive the 3-Reading Rule on Ordinance No. 2017-64 (As Amended). Is there any discussion on the motion to waive the 3-Reading Rule?

**Councilman Fiebig:** Madame President, and the intent would be to move forward on this to hopefully, the goal, as this being brought up, was to clear up any hint of impropriety, so this allows us to move forward with this and get that in the rearview mirror for us, so that's why it's important to move forward with this and do it as quickly as possible. So, I'd be in favor of waiving, then.

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

**Councilman Fiebig moved for passage. Vice President Plecnik seconded.**

**Councilman Hallum:** Madame President. As I am confident that they're not going to find anything anyway, because I don't believe that any of this is stuff is of real, that there's any substance behind this, I think that this is a great idea to get the final word from a disinterested third-party to say that. Thank you.

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

#### **ORDINANCE NO. 2017-79 – 2<sup>nd</sup> READING**

**1<sup>st</sup> Reading: November 22, 2017**

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 135 – DEPARTMENT OF FINANCE, SECTION 135.001 – POSITION OF DIRECTOR OF FINANCE, SUBSECTION (b) DUTIES AND RESPONSIBILITIES OF THE CODIFIED

ORDINANCES OF THE CITY OF WILLOUGHBY HILLS; REPEALING CERTAIN ORDINANCES AND DECLARING AN EMERGENCY.

**President Fellows:** And this is on second reading.

**ORDINANCE NO. 2017-81 – 2<sup>nd</sup> READING**

**1<sup>st</sup> Reading:** November 22, 2017

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO THE FIRST AMENDMENT TO THE OPTION AND GROUND LEASE AND AMENDED MEMORANDUM OF LEASE; REPEALING CERTAIN ORDINANCES AND DECLARING AN EMERGENCY.

**President Fellows:** And this is also on second reading.

**ORDINANCE NO. 2017-82**

AN ORDINANCE ENGAGING KIRK R. HENRIKSON AND THE LAW FIRM OF MATTY, HENRIKSON AND GREVE, LLC FOR THE PURPOSE OF REPRESENTING THE CITY OF WILLOUGHBY HILLS IN THE MATTER OF *JOHN M. KUIVILA V. CITY OF WILLOUGHBY HILLS*, LAKE COUNTY COMMON PLEAS COURT CASE NO. 17CV1660, AND DECLARING AN EMERGENCY.

**Councilman Fiebig moved to suspend. Councilwoman Pizmoht seconded.**

**Councilman Fiebig:** Madame President, for the purposes of the public's knowledge, this is something that has been; Mr. Henrikson has been engaged since November 29<sup>th</sup> of 2017, so it's important that we formalize the agreement. That would be the propose for waiving the 3-Readings on this particular case.

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

**Councilman Fiebig moved for passage. Councilwoman Majka seconded.**

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

**ORDINANCE NO. 2017-83**

AN ORDINANCE TO DECLARE FIREARMS AS SURPLUS PROPERTY PURSUANT TO ARTICLE VI – LEGISLATION, SECTION 6.01 – GENERAL ORDINANCES, SUBSECTION (e) OF THE CHARTER OF THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

**Councilman Fiebig moved to suspend. Councilwoman Majka seconded.**

**Councilman Fiebig:** Madame President. This legislation and waiving 3-Readings allows us to move surplus equipment that otherwise is just sitting around and not being productive. If we can use it for other things that would be more productive as you had mentioned earlier in your report.

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

**Councilman Fiebig moves for passage. Councilwoman Majka seconded.**

**Roll call: YEAS: Pizmoht, Plecnik, Fellows, Fiebig, Hallum, Majka**

**Motion PASSED.**

**ORDINANCE NO. 2017-84**

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE INSTALLATION OF A STREET LIGHT ON MAPLE GROVE ROAD ACROSS FROM PINE VALLEY DRIVE AND DECLARING AN EMERGENCY.

**Vice President Plecnik moved to suspend. Councilman Fiebig seconded.**

**Councilman Fiebig:** Madame President. Once again, this is a safety issue so moving this forward, it's a pretty standard procedure to install a traffic light. I don't know why it was never put in there to begin with, but hearing from our Engineer earlier and from our last committee meeting, we did ask the administration to look into if there were any issues with this, and Mayor, I assume that there are none because we didn't hear from you. So, we should move ahead with this for the safety of the residents and anyone traveling at Maple Grove and Pine Valley.

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

**Vice President Plecnik moved for passage. Councilwoman Pizmoht seconded.**

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

**ORDINANCE NO. 2017-85**

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.

**Vice President Plecnik moved to suspend. Councilman Fiebig seconded.**

**Vice President Plecnik:** Madame President. As we all know, but may be some residents don't, our City Engineer Peter Di Franco and his firm of Richard L. Bowen and Associates have been performing the zoning function with us dealing with the legal issues while Lake County has been handling the inspection issues. It's a substantial savings to the City and we have a lot of confidence in our City Engineer so, we want to formalize the relationship and see how it continues to go. But, it's, as we've discussed earlier in Rules and Legislation, not a long-term agreement so it gives the opportunity for us to once again see how this work by the City Engineer and the County does for us, but so long as it does, it saves the City a good bit of money and hopefully the relationship works well, but we've always worked well with our City Engineer in the past.

**Councilman Fiebig:** Madame President. And the reason to waive the 3-Readings is that this agreement starts January 1<sup>st</sup> through June 30<sup>th</sup> and our Engineer has been working with us since April. So, it's just an ongoing agreement.

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

**Vice President Plecnik moved for passage. Councilwoman Pizmoht seconded.**

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

**ORDINANCE NO. 2017-86**

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ACCEPT THE BID SUBMITTED BY S.E.T., INC. FOR THE MEADOWBROOK PUMP STATION REPLACEMENT PROJECT AND DECLARING AN EMERGENCY.

**Councilman Fiebig moved to suspend. Councilwoman Pizmoht seconded.**

**Councilman Fiebig:** Madame President, in this case, while we do always like to have things on 3-Readings so the public and Council and others have the opportunity to review these. This is an issue of replacement of a long-standing pump station. That project has been in the, looked over for quite a while, so being the health and safety of the environment as well as our residents, we should move as quickly as we can on this. The higher probable construction cost, I think that we got a satisfactory answer as to what happened on that, so I think we feel pretty confident in that. We discussed that in great detail in committee meeting already. So, we won't go over those details again. But, I'm in favor of waiving this and moving forward with it as submitted here.

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

**Councilman Fiebig moved for passage. Vice President Plecnik seconded.**

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

**ORDINANCE NO. 2017-87**

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A GENERAL SERVICE INSTALLATION LINE COST AGREEMENT WITH THE CLEVELAND ELECTRIC ILLUMINATING COMPANY IN CONJUNCTION WITH THE MEADOWBROOK PUMP STATION REPLACEMENT PROJECT AND DECLARING AN EMERGENCY.

**Councilman Fiebig moved to suspend. Councilwoman Majka seconded.**

**Councilman Fiebig:** Madame President. Just to clarify, this goes along with Ordinance No. 2017-86 and it's for the electrical installation for the pump station that we just passed. So, we need to have this as well.

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

**Councilman Fiebig moved for passage. Councilwoman Pizmoht seconded.**

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

**ORDINANCE NO. 2017-88**

AN ORDINANCE AUTHORIZING AND DIRECTING THE ACTING MAYOR AND FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH JOSEPH N. GROSS AND BENESCH, FRIEDLANDER, COPLAN AND ARONOFF, LLP, AS SPECIAL COUNSEL FOR THE CITY OF WILLOUGHBY HILLS, FOR THE PURPOSE OF REPRESENTING THE CITY IN MATTERS RELATED TO THE FORMATION OF AND NEGOTIATION WITH A CERTAIN COLLECTIVE BARGAINING UNIT, AND TO TAKE SUCH ACTIONS AS ARE NECESSARY TO SET ASIDE THAT COLLECTIVE BARGAINING AGREEMENT IF IT IS DETERMINED THAT MUNICIPAL OFFICIALS COLLUDED WITH UNION REPRESENTATIVES, AND/OR TO PURSUE A CLAIM OF LEGAL MALPRACTICE AGAINST THE CITY'S FORMER LAW

DIRECTOR, AUTHORIZING THE COUNCIL PRESIDENT TO SERVE AS ACTING MAYOR IN ORDER TO ADMINISTER THE PROVISIONS OF THIS ORDINANCE, AND DECLARING AN EMERGENCY.

**President Fellows:** And this ordinance will stay on first reading.

The next order of business would be For the Good of the Order and For the Community in which we could do and then there should be a motion to go into Executive Session before we adjourn. So, are there any For the Good of the Order or For the Good of the Community for this evening?

**Vice President Plecnik:** Madame President. For the Good of the Order, I would just like to share that I do intend to have a Finance Committee meeting before the year is out. It is important for us to discuss the budget and get a sense of our priorities. I think that all politics aside, the election was a very strong statement by residents that they want our priorities to be in order. We need to make sure that we allocate more money to roads, and that there's sufficient resources for our Police and Fire Departments and that's going to take some substantial restructuring and strategic planning so, we need to have that conversation early on about what positions we can eliminate to reroute more monies towards our critical functions in the City. It's nice when you have excess resources and you can engage in perquisites but we're in a time when we really need to emphasize the priorities and to make those difficult decisions we need to have a discussion as a community and the Finance Committee is where that discussion should start for the really big, the really big issues of how we move the money in the right places. But, look for that to happen before the year is out so that we can start the discussions so that the time we reach February when the Mayor gives his proposed budget, Council will be in position to amend, critique; I also think that it's very important as part of that discussion, that we talk about being stricture in terms of line by line of how the budget is done. We heard from the Mayor that he has hired a Clerk-Stenographer, if I'm not mistaken, the individual he has hired to that post was the one that he recommended to be Recreation Coordinator and personally, I find it troubling that we're hiring to a position that wasn't budgeted for and I think that we need to have some strict provisions in the next budget to ensure that you cannot hire positions that aren't budgeted for at the beginning of the year. There's really no point in having a budget if we don't stick to it. And while it's not possible to budget for everything, sometimes there's extenuating circumstances or unforeseen expenses. Hiring a new position is something that we can control and I think that we need to have some safety features in the budget to make sure that we're more disciplined in sticking to it going forward. But, the only other thing that I'd add For the Good of the Order or For the Good of the Community, is that we're not likely to have another Council meeting between now and Christmas, so I want to say Happy Hanukkah, Merry Christmas and season's greetings to everyone in Willoughby Hills.

**President Fellows:** Thank you. Anyone else For the Good of the Community?

**Councilman Fiebig:** Madame President...no you go ahead, you spoke first...

**Councilman Hallum:** I was just going to say that although Councilman Biro is not here, I know that this would have been his last meeting and Councilman Biro has been on this Council for many years, he has provided a lot of his time and energy towards the City and I know for one, that I will miss having him and I wish him the best in what he is going on to do in enjoying more time with his family. Thank you.

**Councilman Fiebig:** And Madame President, to that end as well, to recognize Councilman Biro's accomplishments, I'd suggest that we do a resolution and prepare that for the next meeting to...

**President Fellows:** It's already in the works.

**Councilman Hallum:** Good.

**Councilman Fiebig:** It figures, thank you. And I want to wish happy birthday to Councilman Plecnik whose birthday was...

**Vice President Plecnik:** December 16<sup>th</sup>, Saturday.

**Councilman Fiebig:** So, happy birthday to you. And to the community, Merry Christmas and a Happy New Year! I do have a question for who we want in the Executive Session and I'll make the motion or if you want to go ahead.

**Councilwoman Majka:** Madame President. I'd like to make a motion that we go into Executive Session to discuss pending imminent litigation; we would invite all of our Council members, Acting Law Director, and we can excuse the Mayor, the Finance Director and the City Engineer.

**Vice President Plecnik:** Second.

**President Fellows:** I have a motion from Councilwoman Majka and a second from Vice President Plecnik to go into Executive Session to discuss pending litigation or...

**Acting Law Director:** Pending or imminent litigation.

**President Fellows:** Pending or imminent litigation, inviting all of Council and the Acting Law Director, excusing the Mayor, the Finance Director and the City Engineer. Any discussion on the motion?

**Councilman Hallum:** Do we also need to release them from staying around...during....

**President Fellows:** No, they're excused.

**Councilman Hallum:** Okay. I didn't know if it was just being excused from Executive Session or let them leave...

**President Fellows:** No, because after Executive Session, there will be the adjournment.

**Councilman Fiebig:** There was not time limit that I heard. For as much time as necessary.

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

**President Fellows:** We will go into Executive Session at 8:48pm.

**With all members of Council present, as well as the Acting Law Director, President Fellows reconvened the meeting at 10:04pm and promptly requested a motion for adjournment.**

### **ADJOURNMENT**

**Motion was made by Councilman Fiebig to adjourn. Councilwoman Majka seconded.**

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

**The Special Council Meeting of December 19, 2017 was adjourned at 10:04pm.**

APPROVED:

11/2/18  
Date

ATTEST:

Victoria Ann Savage  
Victoria Ann Savage, GMC  
Clerk of Council

Nancy E. Fellows  
Nancy E. Fellows  
President of Council