

City of Willoughby Hills

Regular Council Meeting Minutes of February 8, 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 held on Thursday, February 8, 2018 at 7:01pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

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

President Fellows: Before we do the Mayor's Report, I would like to welcome our newest member to Council, Councilwoman Laura Lenz.

Councilwoman Lenz: Thank you.

ADMINISTRATION REPORTS & COMMUNICATIONS

President Fellows: First order of business is the Mayor's Report. Mr. Mayor.

MAYOR'S REPORT: Thank you. The AARP is taking appointments now for tax preparation by the AARP Representatives. They're holding their tax sessions on Fridays at the Community Center beginning in February and call my office because they schedule them from 9 to 1 and they're filling up pretty quickly.

RITA Income Tax for the preparation will be at the Wickliffe Senior Center, 900 Worden Road in Wickliffe on March 29th from noon to 7pm.

The Pleasant Valley Road Bridge, letters were sent out to area residents, hopefully, the final letter as this project is anticipated to start in the next week or so and it should take two to three days for the repairs. Once the repairs are completed, the bridge will be open.

The 2018 budget has been prepared and delivered to Council. I commend Frank Brichacek and his staff on a great job as always.

I have placed ads for the positions of FT Fire Chief and PT Law Director in the newspaper. I will be reviewing resumes and once processed, will pass along to Council for confirmation.

I've reminded Acting Law Director Byron and Acting Fire Chief Serazin that the credentialing process is due back to our Assistant Finance Director no later than Monday so that the Civil Service can do the required processing.

I vetoed Ordinance 2018-3 which would engage Richard Harmon as the City's Part-Time Acting Fire Chief, paid seventy thousand (\$70,000) per year as a contractor. I've provided written copies of my veto to Council and have posted it on the city's website for review. Other than nine Charter violations, this ordinance did not address the City's liability insurance for credentials that other parties have weighed on and felt to be ill advised. I would hope that council would see to accept my veto.

Congratulations to a great fire career, Assistant Chief, former Acting Chief Tom Talcott, who retired last week.

Best of luck to Dispatcher Janet Schuller, who has left WHPD for a position in Richmond Heights Police Department. We appreciate her many years of excellent service which number about twenty-three years.

Congratulations to Police Officers Craig Anderson and Cory Planisek on their Blue Coats Award acknowledging their bravery at the Classic BMW incident. They received the Jorge Medina Award last night with a great representation of their family, friends, and the Willoughby Hills Police Department, Willoughby Hills Council and myself.

This evening, I support Ordinance No. 2018-9 ratifying the compensation paid to Tom Talcott while serving as Acting Fire Chief. I feel this rate of pay was fair, well deserved and matched that of his female colleague while in the same role.

I support 2018-12 which would provide for new Police Department vehicles.

I do not support Ordinance 2018-6 authorizing twenty-five thousand (\$25,000) for a law firm to investigate allegations in Ordinance 2017-88.

I do not support Ordinance 2018-8 amending the City's communication policy. I feel I am obligated by the City Charter to communicate with the residents and this ordinance places too many restrictions on it. I would agree to put this in a committee where Council and Administration would work together to set the policies best for all our residents.

I do not support Ordinance 2018-10 engaging the services of a CPA firm to conduct the forensic examination of our finance records. This gives the Acting Law Director the permission to enter into a contract for fifteen thousand dollars (\$15,000) and this can be done by the State Auditor. Also, I am asking our Law Director, I'm not sure if our Law Director had the authority to sign the contract. You may recall, the City received the Auditor's Award of Excellence for several years now and the support is hanging on the wall up there.

Finally, I do not support Ordinance 2018-11 suspending the WHISPER Fund in order to establish program policies and regulations. I find it shameful that the Council has not met with me or my Executive Assistant to discuss their concerns which are incorrect and did not provide necessary information. The program has been good for many of our senior residents. We do not have (base) our assistance on how much money or a resident makes to qualify for it. Instead, if they ask for help, we attempt to provide it. We have not refused any responsible request. I would hope that Council would meet with me and the Administration to discuss the program and how it is facilitated rather than close it down. Too many comments made Monday night were untruthful and the program deserves more respect than what was portrayed at the meeting. Our Finance Department just received a thousand-dollar (\$1,000) donation for this program, but if suspended, I'm sure that future funding will cease. I think that it's in the best interest of our residents to certainly put them first and keep this program alive.

Upcoming events: The photo contest is set for March. Check the City's website for information or the information table for details on how to or the chance to win some nice prizes.

That's all I have.

President Fellows: Thank you, Mr. Mayor. Are there any questions for the Mayor this evening?

Councilman Fiebig: Yes. Madame President, Mayor a question. When you appointed an Acting Fire Chief, Patty Heller, or Tom Talcott, you did not request credentials to be given at that time. I think it was only after you named them Fire Chief for Council's consideration that you went through that process. So, you have, to my understanding, you have not named Lieutenant Serazin as an Acting Chief. I'm I correct in that?

Mayor: Lieutenant Serazin is the Acting Fire Chief.

Councilman Fiebig: No, to bring forth to Council for confirmation.

Mayor: No...his credentialing has not been done...

Councilman Fiebig: The process has not been the same then, you just stepping up a Lieutenant. They're already in our Department; they're stepping into that role. You're not requiring going through Civil Service and all that credentialing. I mean, we did it with our Law Director because it was requested. I don't think that it was necessary, that's why I voted no, but we still stepped up and voted as a body to say, yes, that's fine, we can go ahead and do that. But, your precedent has been that those two previous appointments of yours for an acting did not have to go through that process. So, why would you ask Lieutenant Serazin at this time...

Mayor: Because we're considering him for the Chief.

Councilman Fiebig: I see, okay. That's the first I've heard of that. I'm not sure if he even knows that. So, that would be good to relay that information. I disagree with your veto for those, for the reasons that you had stated, I completely disagree with them; however, as you recall, Council did appoint as Acting Fire Chief Lieutenant Serazin quite a number of months ago. So, I think that's something that we can agree on at least in the interim. And I think, I just want to state that I disagree with your opinions as to what you wrote and for what you had just stated here; however, Lieutenant Serazin is a fine officer and I think that he can fill a role at this time. I'm not speaking for all of Council, I'm just expressing my opinion. I agree with you; the Blue Coat event last night was great and it was great to recognize the heroic efforts of our officers and that was absolutely a positive thing that made our department shine though all the community and they even acknowledged that we had a great representation from our officers, from Council and from your office, so that was a very positive thing. Second point, well third actually, the forensic audit that we're suggesting is not something that the State Auditors can do. I want to be clear that the reason that we're asking for this is that it is more in-depth, very specific audit and I will talk about that more, I'm sure, when we get to the legislation. But, that is why we are asking for that. That's not something the auditors can do unless you specifically ask, I don't even think that they have the capabilities for that. That's why we're spending a small amount to make sure that our funds are being spent correctly. That's all.

President Fellows: Thank you. Are there any other questions for the Mayor this evening? Thank you, Mayor. The next is the Law Director's Report, Mr. Byron.

ACTING LAW DIRECTOR'S REPORT: No report.

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

Councilman Fiebig: Just one, Madame President. Mr. Byron, has there been some communication regarding any actions that have taken place regarding the union?

Acting Law Director: Yes. You may recall that the AFSCME union had filed an Unfair Labor Practice back in September. SERB had denied that and dismissed it stating that there's no probable cause to believe that there

was a violation. But, there was a motion for reconsideration of that decision and SERB subsequently denied that motion as well. So, that litigation is over.

Councilman Fiebig: All right. Thank you. So, the motion for that was denied initially and then they said, they went back to appeal it and then they said, no...

Acting Law Director: It's a motion for reconsideration. So, it's to the same body that made the original decision and they said you made a mistake, you got it wrong. And the board said no, we did not. We not going to reconsider our decision.

Councilman Fiebig: That's the board of, the union representative board and they said that this lawsuit has no merit.

Acting Law Director: Yes. The State Employment Relations Board handles disputes between labor and management. And the labor in this insistence had brought a Complaint that there was an Unfair Labor Practice exercised by the City. SERB said, no there wasn't and then they (AFSCME) said are you sure, SERB said, yes, we're sure. I'm paraphrasing.

Councilman Fiebig: As I recall, a couple of months ago, we were, the person who sat in that seat, threatened us to say that will happen. You will get and you will be convicted or charged with a ULP and I'm grateful to hear that we came out on the right side of that. And our decision was correct. And then their body, the SERB body found that there are no merits to that particular insistence.

Acting Law Director: I can't speak to what happened before.

Councilman Fiebig: Thank you.

President Fellows: Any other questions for the Law Director this evening? Seeing, none. Finance Director, Mr. Brichacek.

FINANCE DIRECTOR'S REPORT: No additional report for tonight.

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

Vice President Plecnik: Madame President. If I could just ask, Mr. Brichacek, would you be generally be free a half hour before our Council meetings. My plan would be to have our Finance Committee meetings, going forward, at 6:30pm prior to the Council meeting until we ultimately pass the City budget. I think that would be a useful time because most Council people do get here a little early. So, would you be available for those meetings?

Finance Director: Yes.

Vice President Plecnik: Thank you.

President Fellows: Any other questions for the Finance Director? Mr. Di Franco, City Engineer's Report.

City Engineer: Thank you Madame President. Nothing to report tonight.

President Fellows: Any questions for the City Engineer this evening?

Vice President Plecnik: Madame President. The question that everybody on Pleasant Valley Road has is just the continued update on where we are with the bridge.

City Engineer: As the Mayor mentioned, work is expected to start within a week or two and it should take about a week to complete. About a week.

Vice President Plecnik: And do we have any plans to try to avoid the image to the bridge in the future. I know that there was a real concern that there were overweighed, possibly septic trucks or other vehicles going over the bridge. Are we going to put up new signage; do we have any plans to try to preserve the bridge?

City Engineer: We've had some primarily talks about putting a bar across the top that would limit sizes of trucks. But, it's just in talking for the moment.

Vice President Plecnik: Please do keep us posted.

Councilwoman Pizmoht: Madame President and Mr. Di Franco. What kind of weather conditions would delay the bridge repair?

City Engineer: It's a question for the contractor, but, if it's too cold or obviously a snowstorm; any type of extreme weather, they're probably not going to come out. It's just too dangerous.

Councilwoman Pizmoht: Sure. So, if it's snow covered, is that a problem or is it, just...

City Engineer: Again, that's a question for the contractor.

Councilwoman Pizmoht: I'm just curious how that works.

City Engineer: Yeah, I'm not a hundred percent sure.

Councilwoman Pizmoht: Thanks.

President Fellows: Anyone else for Pete. I wanted to tag on to Vice President Plecnik's comment. So, I've had inquiries from residents to say that they would really like to preserve the historical aspect of that bridge and more than likely, and I know that it's difficult, to manage weight. We've talked about that when we were doing the bridge, about do you have cameras, do you have police down there to try to keep certain weight off the bridge. A couple of the questions that came to me was and it maybe something for the City to think about futuristically is, if we really feel that the bridge is necessary there for transportation aspects, to build a bridge next to it. And then keep the historic bridge as a walking bridge. That way you would not have the weight issues because the concern is that in another couple years because of the way that it is going back and forth, we're going to be back to where we are today, again, more than likely.

City Engineer: Yeah or there might be something else that comes up. There will probably always be something. So, it is something to discuss.

President Fellows: And to think about. Thanks. Thanks for letting me share.

COMMITTEES OF COUNCIL

President Fellows: Okay. We'll move to Committee Reports. Councilman Hallum, and I do have it in my minutes for Rules, that I'll share in a little bit, and I know you're working on getting a meeting together to discuss the Memorandum of Understanding.

Councilman Hallum: It's a little more difficult than I had expected to get setup. And Vice President Plecnik has already spoken about Finance Committee meetings.

Councilman Fiebig: Madame President. If I may, and I don't know if you were there Monday, I don't think so, but Mr. Hallum but the contract that you are speaking about, the Memorandum of Understanding was negotiated between the Mayor and Mr. Elliott. So, perhaps meeting with them, personally, just the two, with you or with one other person to understand where they came from might be helpful to then bring to the committee and then to the whole body, if I could just make a suggestion.

Councilman Hallum: I've actually had spoken with Mr. Elliott about it and he explained the basic changes that were made to it. So, I think, you know, with regard to it, I think that I've kind of gotten that from him. And it's, I think that it's a good idea to have him at that meeting for anybody to ask their own questions with him. And Unfortunately, and unexpectedly was called out on business and won't be here next Monday. So, I'm trying to reschedule that so that he can be there as well.

Councilman Fiebig: Sure. I'm curious as to what those changes were, so...

Councilman Hallum: That's why I want to have the meeting so we can have all that...

Councilman Fiebig: Thank you.

Councilman Hallum: Discussed.

President Fellows: Before I do my minutes, is there anybody else from the other committees that has anything to share?

Councilman Fiebig: Madame President. I'd like to see someone make a motion to appoint a Chair to Planning and Zoning. I can report as the alternate member to an exciting development at the corner of 6 and 91, the Shell Station that's there, over this summer, will be torn-down and a new one will be in place. The carwash will be eliminated but they are going to expand the size of the convenience store. And they are going to add another pumping station, so that there will be five. And they are going to re-orientate them parallel to Chardon Road. Right now, they're parallel to SOM. So, I think that it will be an easier in and out; that the driveways will remain the same. But, it should be a nice improvement right there on the corner. And it will take about ninety days; it's going to be about mid-summer and those plans were approved at last Thursday's meeting.

Vice President Plecnik: Madame President. If you would allow me, I would make the motion to appoint Councilman Dave Fiebig the Chair of Planning and Zoning.

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to nominate Councilman Fiebig to be the Chair of Planning and Zoning Committee. Any other discussion on that?

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

President Fellows: The motion has passed and thank you very much Councilman Fiebig for stepping up to do that.

Vice President Plecnik: Madame President. I would ask if Councilwoman Pizmoht would be interested in serving as the alternate now that Councilman Fiebig is the Chair.

Councilwoman Pizmoht: Sure.

Vice President Plecnik: Then I would make a motion to appoint Councilwoman Laura Pizmoht the alternate to Planning and Zoning.

Councilwoman Majka: Second.

Councilman Fiebig: Did you know that was coming?

Councilwoman Pizmoht: No.

President Fellows: Who did the second?

Council Clerk: Majka.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to appoint Councilwoman Pizmoht as the Alternate member to the Planning and Zoning Committee. Is there any discussion on that?

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

President Fellows: The motion for Councilwoman Pizmoht to be the alternate for the Planning and Zoning has passed. Thank you very much for stepping up. Okay, so I will do Rules and Legislation.

Councilman Hallum: Oh, Madame President, before you do, I just have a quick question.

President Fellows: Waite a moment, we have a sidebar conversation over here.

Councilman Fiebig: Madame President. I was just wondering who the other member was. I was not the Chair. I don't know who the other member was on Planning and Zoning.

President Fellows: There was never an appointment. There was never an announcement.

Councilman Fiebig: Okay, thank you. I'll see who I can drum up. Thank you.

Councilman Hallum: Councilman Plecnik, you had a Finance Committee meeting on the 28th of December, and I forgot to ask you last time, there was another comment that I heard out of it, so I just wanted to get from you what that was. And I saw something referenced in Mr. Fiebig's email recently about a one million dollar cut, I think out of the Administration budget. But, like I said, I wasn't there for it and I haven't seen the minutes yet to read them. So, I'm just wondering where that came from or if that's even accurate. And, uh, I think there's another thing that I've heard, oh, and something about having only two clerks, I think, total for the City, plus the Council Clerk. Just wondering what, if you could just fill me in on what that was about.

Vice President Plecnik: Well, Councilman Hallum, this is one of the reasons why I want to schedule our Finance Committee meetings immediately before Council so that we can have better attendance because these are important discussions. And it's valuable for each member of Council to be there, yourself included. But, I had personally stated to the Mayor that taking the temperature of the Committee, I felt that there was a strong preference towards not only having a balanced budget but finding a significant savings in Administrative overhead probably to the order of a million dollars. So, those were my words. Councilman Fiebig objected to that being ascribed to all of Council because those were my words, not Council's and it was coming out of a discussion from the Finance Committee, not all of Council. Although, I do think that it's fair to say, that this Council has always directed the Mayor to pass a balanced budget. And the budget that he has presented to us today is a deficit budget and there's going to have to be significant cuts to get there. And obviously, they

shouldn't come out of our Police or Fire Departments which are already under staffed or our Road budget which is woefully underfunded. So, it's going to have to come out of Administrative overhead. And realistically, and I shared with the Mayor, it's very realistic for a City of our size to operate with three administrators as opposed to the **panic** that we currently have. Our Council Clerk could take on some more responsibilities as well as our Police Chief's Executive Assistant or Administrator and our Fire Chief's Executive Assistant or Administrator who has substantial experience in the Building Department. And I personally believe that those three can handle all the City's responsibilities. It's very difficult when you're faced with a large deficit and increasing needs and other priorities. The reality is that the belt has to be tightened. We can't go back to the taxpayers like we've done in the past. We are already at the high-end of tax and revenue. But, that was the discussion and I was speaking for myself. But with the benefit of being at the Finance meeting and hearing the discussion and I think that I'm fairly stating Council's position; that we're not here to raise taxes. We're not here to cut our fire or police or our road budgets any further. So, given that we're going to have to reduce spending to get the budget inline, it's going to be coming out of the Administration. And that means people, and I believe that I directed this to you Mayor, if you recall, it means, people like yourself are going to have to step-up. You may have to answer the phone and talk to residents directly as opposed to having a secretary to do it, but that's why they call it public service. It's not easy, it's a sacrifice.

Councilman Hallum: Thank you.

RULES AND LEGISLATION COMMITTEE MEETING HELD ON FEBRUARY 5, 2018

President Fellows: Thank you. I will share the minutes from the Rules and Legislation meeting from Monday, February 5th. We began the meeting at 6:35pm. All members of the Committee were present; myself, Vice President Plecnik, Councilwoman Laura Pizmoht, and Councilman Fiebig. Also present were Councilwoman Jan Majka and the Mayor.

The order of business was to discuss legislation for this evening's meeting. The first one was **Ordinance No. 2018-3** and this was the ordinance engaging Richard Harmon as Acting Fire Chief and this would be addressed as needed.

The next was **Ordinance No. 2018-4**. This is the ordinance engaging Bradley Hull, IV and the law firm of Bradley Hull, IV, Esq., LLC., to perform the duties and excise the authority of the City Prosecutor as Acting City Prosecutor. And the recommendation from the Committee was that this would stay on 2nd Reading.

The next was **Ordinance No. 2018-5**. This was the ordinance to approve a Memorandum of Understanding (MOU) with the Willoughby Hills Boys League in order provide sports programs for the youths of Willoughby Hills. The Mayor had indicated that insurance changes drove the need for the memorandum to be updated. This topic was placed into the Recreation Committee of Council under Councilman Hallum as Chair. The Acting Law Director had voiced a concern about collecting and paying out funds. A meeting had been attempted but there were some scheduling challenges. A future meeting will be scheduled. So, this will also be on 2nd Reading for this evening.

The next is **Ordinance No. 2018-6**. An ordinance appropriating funds (no more than \$25,000) necessary to engage the services of Joseph Gross as special counsel for the City for performing services authorized under Ordinance No. 2017-88. Comments on this Ordinance: VP Plecnik indicated that this, at this time, we should not just arbitrarily set limits, that Council always has the duty to be diligent about spending. He would entertain Tabling the ordinance. Councilwoman Pizmoht felt that Mr. Gross who is representing the City, would be doing that in the best interest and would spend the least amount of money to do what is right. Councilman Fiebig felt that there is no harm in the ordinance but questioned if this is the right cap amount. Should ask the Law Director for his thoughts. The consensus of this Committee is to leave the ordinance on 2nd Reading unless determined otherwise at the Council meeting.

The next is **Ordinance 2018-8**. This is concerning City communication via the internet, computer usage, email, and newsletters. The Rules Committee Members felt that this ordinance is time sensitive and that letters sent to the public from the Mayor should not be political in nature. Historically, there has been discussion with the Mayor to include message/information from Council, but that Council had never been informed or been included to participate. This should be continued to be discussed and monitored in the Ad-hoc Communication Committee of Council under Councilman Fiebig's watch. Rules and Legislation Committee recommends that the 3-Reading Rule be waived and the ordinance be adopted.

Ordinance No. 2018-9 is an ordinance to ratify the compensation paid to Tom Talcott while serving the City as the Acting Fire Chief. During the time that Mr. Talcott was the Acting Fire Chief, his compensation was never set by Council per the Charter. Rules and Legislation Committee recommends that the 3-Reading Rule be waived and the ordinance be adopted. Also, at that time, there was a suggestion that Council needs to address the position of the Clerk/Stenographer position that was hired under guise of the secretaries' union contract where she is performing the duties of a Recreation Coordinator, not under a union position at the compensation of this hybrid position as it was not set by Council. A question arose if there was, if there is in the union, if the union contract is in effect, does the Mayor have the power to hire within the contract.

The next is **Ordinance No. 2018-10**. Information about this ordinance was forthcoming. And this is an ordinance to engage the services of Skoda, Minotti CPAs to conduct a forensic examination of selected disbursements paid by the City.

Ordinance No. 2018-11 is an ordinance temporarily suspending the appropriation of funds from the WHISPER Fund Account in order to establish policies and regulations for the proper administration of said program. There was much discussion concerning this program. All members of the Committee shared information from residents that were denied services, in addition to record keeping and liability concerns. What does our city insurance cover when it comes to the WHISPER Program? Rules and Legislation Committee recommends that the 3-Reading Rule be waived and the ordinance adopted.

The last one is **Ordinance No. 2018-12**. This is an ordinance directing the Mayor to sign any and all documents to secure the purchase of three new police vehicles. The purchase of different vehicles is matched with the ergonomic needs of our police officers. Some of the police vehicles will be retired with the purchase of new ones. This is budgeted for 2018 from Fund #234. Rules and Legislation Committee recommends that the 3-Reading Rule be waived and the ordinance adopted.

And just a reminder for all Council Members to sign Resolutions.

Public Portion opened at 7:19pm. Frank Cihula inquired who had been turned down as WHISPER recipients? Of course, that was not divulged in the meeting. Vice President Plecnik spoke to "need based" standards. Mr. Cihula also mentioned that all monies in the fund were donated. Linda Fulton shared that when the WHISPER Program was started there was a real focus to help residents. She remembers volunteers doing many jobs. Here questions were: Why does the fund have so much money in it? Why is the City promoting collecting canned goods for the Mary Rose Estates? Linda thought that this was independent living. And Mr. Cihula mentioned this is low income housing. Also, why does the City provide lunches there as well? Linda also inquired about the color of our police cars and could we save money just having them painted black. I spoke with the Police Chief today and he shared the importance of a black and white vehicle as law enforcement presence in the community and the cost to paint the new vehicles is recouped in the sale ultimately. Cheryl Ota believes there is a cost to the WHISPER Program in terms of finances, record keeping, etc. The Public Portion was closed at 7:36pm. The meeting adjourned at 7:36pm. And I'm open to questions.

President Fellows: Any other questions, concerns, comments, statements about Council Committee Reports?

Councilman Hallum: Madame President. I guess, just one. Mayor, I direct this towards you, if you're not the right person, just say so. But, this person who had alleged to be turned down by the WHISPER Program, I'm not asking you to name names. Do you know what this is about and if so, do you know the situation as to why that person would have been turned down, if in fact, that is what happened?

Mayor: I don't know.

Councilman Hallum: Thank you.

OTHER COUNCIL REPRESENTATIVE REPORTS

President Fellows: Any Other Council Representative Reports this evening?

Vice President Plecnik: Madame President. We had our meeting of the Noise Abatement Council for the Cuyahoga County Airport this morning at 11am. Ordinarily, our quarterly meetings would be in January, but the secretary was not well and so to ensure good minutes being taken, the meeting was delayed until February.

We had an update on our complaints. There were twenty-one (21) aircraft complaints for the last quarter of 2017, eighteen (18) of which were from Willoughby Hills. The airport had a total of 5,326 aircraft operations which was slightly down from the previous year. In looking at the total operations of 19,951 that was less than half of the 43,104 aircraft operations in 2010. So, less than half the business then we had about seven or eight years ago.

Council President Cathy Murphy of Highland Heights, who serves as Chairwoman of the Noise Abatement Council, and I both reported that in December we received an unusually high amount of calls and complaints from residents regarding jet engine maintenance run-ups. We were particularly concerned that so many residents complained of loud and late run-ups on weekends. Jet engine run-ups, by the way, involve running the engine while the plane is grounded to test it and diagnose problems. And there is some improvement there in the sense that run-ups used to be performed on the northeast end of the Airport, right by us, they're now done generally in the center of the Airport since 2012.

Also, in the past, run-ups were allowed to go from 7am to 11pm. And currently, our Noise Abatement Procedures restrict them to 9am to 9pm. So, two hours off on each end. Chairwoman Murphy asked if we should consider rolling back the latest time for run-ups to 7pm. The pilots, operators and mechanics were unanimous in their disagreement, saying that limiting run-up times would force them to eliminate late shifts for repairs and delay their clients' flights. They advocated for even later run-up times. I asked if it might be possible to limit run-ups to 7pm just on the weekends given that we had heard so many complaints on Saturday, Sunday. Chairwoman Murphy asked why a hush house was never built to mask the noise from run-ups. The pilots, operators and mechanics asked why the airport or they should change schedules or spend millions of dollars to build a hush house just to address the complaints of a handful of residents. Chairwoman Murphy and I explained that for every resident who formally files a complaint with the airport, many more informally register their concerns with their Council and Mayors, and still more are impacted and never take the time to complain.

We had an election for our officers for the year. I personally nominated Chairwoman Murphy for another one-year term as Chair of the Noise Abatement Council and she was unanimously re-elected. Jim Miller of Nextant Aerospace was also re-elected Co-Chair.

We had a brief update on the Joint Statement. This is the document that forms our relationship with respect to the Airport Cuyahoga County, the surrounding cities and the airport operators. The original Joint Statement was passed by the Cuyahoga County Commissioners in 1977, including George Voinovich. There have been some amendments over the years and it's currently before the Cuyahoga County Council and it's in committee. We

know a little bit about committee reports being discussed now, so we'll be updated as soon as there's some movement in the Cuyahoga County Council.

We also received a construction update from Dan DiGiammaro, who serves as the Secretary. Phases 3 and 4, once again, have been combined into one construction phase this year to put the EMAS, the safety, the soft concrete on either side of the Airport. And the work will start first on the Richmond Heights side, second on our side in Willoughby Hills. Actual construction will begin on April 1st and then should continue until almost the end of September. During that period, there'll be some short-term and night time closures of the airport. The useable runway will be shortened temporarily in two steps. From April to June it will be contracted to only 4,500 feet, and from June to September, it will be contracted to only 3,400 feet. So, we actually can expect a fairly quiet summer at the airport, believe it or not because most of the larger jets will not be able to land, particularly, when it restricts to 3,400 feet.

There is still no Airport Manager. Interviews have continued for months now. We were told by the Control Tower Operator Scott Huth that they are actually conducting interviews this week. Still trying to find a new Airport Manager.

And the last item for our meeting was to set the dates for all the quarterly meetings. So, the next four meetings of the Cuyahoga County Noise Abatement Council are scheduled for April 12th, July 12th and October 11th this year and January 10th of next year. All at 10am, all at the Cuyahoga County Airport. And I want to remind us that all these meetings are open to the public, anyone is entitled to go; there's public portion there as well. So, please do join us to stay abreast of the issues at the airport. I stand open to questions. Thank you.

Councilwoman Lenz: I'm sorry could you repeat the dates.

Vice President Plecnik: Of course. One more time, these are generally, by the way, on the second Thursday of the first month of the quarter. And once again, the next three meetings are scheduled for April 12th, July 12th, and October 11th of this year. And lastly, January 10th of next year. Once again, all at 10am at the Cuyahoga County Airport, this is on Curtiss Parkway.

Councilwoman Lenz: Thank you.

Vice President Plecnik: Most welcomed.

President Fellows: Thank you. Any other questions? Any other questions for John on the Airport Report?

Councilman Hallum: Not on the airport, but I apologize, John, I forgot to ask you from the Finance Committee, from the 28th of December, would there happen to be an audio recording that you could share. That way, I could stop asking you questions.

Vice President Plecnik: No, I did not take a recording, Chris. Maybe some other member of Council did, but I would really recommend, going forward, that you don't miss a Finance Committee meeting. I think that they are critical to our duties as Council people and you can see what a disadvantage you're at for not having been able to make it.

Councilman Hallum: Unfortunately, I was out of town, so...

Vice President Plecnik: Sometimes, we have to sacrifice those things, though. I really think that we need to be here for these discussion on the budget.

Councilman Hallum: You probably shouldn't have them around the holidays.

President Fellows: Thank you gentlemen. Councilman Fiebig.

Councilman Fiebig: I just want to report on the progress of the Communications Committee. I've been doing some research, talking to a number of vendors and would like to bring in a vendor to look at our system physically here on Monday, the 19th at 11am. So, Mayor can you give us access to, you know, the room downstairs, to have him look at it. Thank you so much.

President Fellows: All right. We're going to move on to 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: So, Public Portion is an opportunity for the public to come forth and share their opinions. When you come forward please state your name and your address and try to keep your comments to three minutes. **I will open public portion at 7:42pm.**

Linda Fulton – 2990 Marcum Boulevard. I'm glad to report that the mic usage is a hundred percent (100%) better tonight, thank you. The one question that I would have to the Mayor is Acting Fire Chief Serazin, you'd mentioned that you may be promoting him to the Chief position. Does he qualify or does he have all the certifications necessary?

Mayor: [undecipherable]

Resident Fulton: The other thing is, I'd like to know about the Grange. Has there been any activity at the Grange and have we improved on the insurance, like when it's in usage, everything is in order? Thank you.

Joyce Grady – 3020 Marcum Boulevard. And I am unhappy that I have to be here tonight. Mr. Plecnik, your tone is earsplitting back there without the microphone. Yeah, you have a voice that really vibrates off the walls. So, I just, so I don't have a hearing aid I don't know what does happen to those who do have hearing aids. I'm a recipient of the WHISPER Program. I have had a very difficult time about four or five years ago. And they were very kind and helped me get out of a very tuff situation that I had been in and I never thought that they took advantage of me or that they cheated me. And I kind of resent the emphasis that this group thinks that someone such as Gloria, would rip anybody off. I think that you all need to take a serious look at yourself as to what you're doing to this community. And I see it on the national level and I see it having a ripple effect here. I'm very upset with my elected officials. Thank you.

President Fellows: Anyone else for Public Portion this evening? Therefore, **I will close Public Portion at 7:45pm.**

Actually, Joyce, I'd like to make a comment about what you had said. Nobody on this dais has indicated that people were taken advantage of; people were cheated, or that someone was being ripped off. None of those words were ever spoken, and none of those thoughts were ever thought. This program has been in place since the Mayor took office; it's like any other program that there's an opportunity to review something, to see where it could be made better, or where enhancements can be made. So, personally, I take offense to those words because nobody at this table has ever said that.

Vice President Plecnik: Madame President. If I could share to Ms. Fulton's point, she had asked about Lieutenant, now Acting Chief Tim Serazin's credentials. When Council appointed Tim Serazin, pursuant to the

laws of Willoughby Hills, the Acting Fire Chief, we did thoroughly review his resume and his credentials and he is qualified to be a Fire Chief which is how we made our determination. We reviewed his resumes and certifications and I'm frankly surprised that the Mayor is having trouble reviewing them given that his personnel file is logged with the City and it should be very easy for anyone to review. But, I am grateful that the Mayor has finally acknowledged Council's appointment of Tim Serazin and has sworn him in to office. And I agree with Councilman Fiebig that this is a point where we can now work together now that the Mayor has recognized our lawful authority to appoint him by swearing him in. And I think that Acting Fire Chief Serazin is more than capable of doing the job, but we do need to keep involvement from our former Fire Chief Harmon to ensure that the procedures, the policies, the scheduling that he used over the sixteen (16) years as Chief are passed on to Mr. Serazin, so that we can balance the budget, as Chief Harmon did; that we can control overtime, as Chief Harmon did. And I think that there's a real opportunity for us to work together at this point to achieve that.

I'll also say that I think that our Council President is very generous, but I would remind the public, in general, that it's not right to get personal. Public Portion is meant to be a conversation with our community and when people abuse the privilege, it takes away the respect of these chambers. I certainly would never criticize someone's voice, but I've never been accused of being hard to hear. It's a useful trait for a Professor; it's good for teaching. And if I could teach a little bit, it would be to be respectful during Public Portion so that all of our neighbors feel welcome to come and speak. One of the challenges we had on the Noise Abatement Council is that we had a member that would regularly berate residents and would say that they were idiots; criticize them for their complaints and concerns and residents were afraid to come. And whether it's a member of Council or it's a member of the public who abuses the privilege of being here as part of this great conversation, it doesn't intimidate people. So, I would ask in the future, rather than attacking people and leveling accusations, join the conversation, ask legitimate questions, engage. Because that's how you'll get a legitimate answer and move the City forward. Thank you.

President Fellows: Thank you, John. Linda, you had a question about the activity at the Grange and insurance. I know that this was asked before, as well. I do not know the activity, but the Dispatch Center, anybody that is using the Grange, or request to use the Grange, has to go to the Dispatch Center and they have to sign it out. So, I would hope that there's a log on that. The Boy Scouts are no longer meeting there. The Girl Scouts are no longer meeting there, to my knowledge. One group, okay. And as far as insurance, I'd have to probably defer that to the Mayor, I don't know.

Mayor: It's covered.

President Fellows: Okay.

Councilwoman Majka: Madame President. I'd just like to add to the comment concerning the WHISPER comment, Ms. Grady. I was one of the ones that had questions about the WHISPER Program. Being a newer Councilperson, of only two years, I've been looking at all aspects of our City government. So, out of curiosity, I was reading up on what WHISPER did, and what their records were and I had some questions. I'd also made some comparisons to other cities to see what their senior assistance programs looked like. And one of the things that I had found out was that sometimes in other cities, you qualify for assistance based on your income, so it's primarily going to low income people, not necessarily seniors. I had a couple residents that I had been helping get some work done at their home who were not seniors, but for example, one was a single parent with very limited funds. So, I started to think could we open up WHISPER to assist people like this, perhaps single parents with limited resources rather than focusing only on seniors, so that was one question. Another question I had as I looked at the criteria that other cities had for both people as volunteers and people receiving assistance, I noticed that for our City, it seemed very simply to request assistance and it seemed very simple to become a volunteer. And I really wish that we could have, you know, the good old days, where somebody could just volunteer and go over to a senior's home and walk in there and be trusted and save; unfortunately, we don't live in those times anymore. So, I had a concern that volunteers going into seniors' homes would have some sort of a background check done. So that we could be assured that we were sending in somebody that was trustworthy

because as you well know, seniors and vulnerable seniors can be taken advantage of and that's the last thing that we want is that kind of trouble associated with our City. We don't want that to happen. We don't want any harm to come and we want our volunteers to be safe too. So, this is just like a press pause button, that's what this is tonight, that we're talking about. It's pushing pause; it's looking at how we can do things better. Maybe we need to reduce some of these applicants; maybe we need to do background checks; maybe it's time for a discussion on how we are going to select people who need help; can we broaden the help given, etc., etc. So, I just hope that helps to clarify where we're coming from a little bit. Thanks.

President Fellows: Thanks, Jan.

Councilman Hallum: I just wanted to make a comment. Councilman Plecnik had mentioned that Council had vetted and reviewed the credentials of Tim Serazin before appointing him as Acting Fire Chief, and I'm just wondering, are you talking about when we were provided with a group of people prior to the Mayor appointing Bobby Di Santo or was there a time between then because I don't recall ever us specifically talking and looking at his credentials for the Acting Fire Chief position.

Vice President Plecnik: Madame President. We were presented with Tim Serazin's resume which I reviewed extensively, myself, just as I reviewed Mr. Di Santo's resume. And I found Mr. Serazin's resume to be truthful and correct. I found Mr. Di Santo's resume, not so. In addition, you point out that Mr. Serazin did go through the applications process and he actually has served our City for many years and his personal file is once again available to the Mayor if he chooses to review it. So, he's honestly gone through more vetting than virtually anyone sitting at this dais or sitting in the crowd, I think that it speaks for itself. But, I'm grateful that the Mayor finally agrees that the Council was wise to appoint him and has ratified our appointment by swearing Mr. Serazin into office. Wise move.

UNFINISHED BUSINESS

President Fellows: Okay, we're going to move on to Unfinished Business. Is there any Unfinished Business? I do have one point that I neglected to report in my minutes from the Rules meeting. Cheryl Ota has asked about brush, seeing brush, or Linda, I can't remember now without looking at my minutes, Cheryl. About some piles of brush sometimes that you would see in peoples' yards, next to the yard and then it would go to the curb and it was gone and who was picking it up; was the City picking it up, was the Waste Management, maybe our garbage. So, I talked with Mark Grubiss today and he said that his people, his guys do not pick up brush from any residents' yards. So, that's the answer to the question, for him; otherwise he doesn't know. When speaking about that when I had a conversation with Mr. Grubiss, I had asked him about our new truck and he said that hopefully tomorrow they're supposed to be delivering it; he's keeping his fingers crossed.

Mayor: [undecipherable]

LEGISLATION

ORDINANCE NO. 2018-4 – 2nd READING

1st Reading: January 25, 2018

AN ORDINANCE ENGAGING BRADLEY HULL, IV, AND THE LAW FIRM OF BRADLEY HULL, IV, ESQ. LLC., TO PERFORM THE DUTIES AND EXERCISE THE AUTHORITY OF THE CITY PROSECUTOR AS ACTING CITY PROSECUTOR, ESTABLISHING THE COMPENSATION OF THE POSITION OF ACTING CITY PROSECUTOR, AND DECLARING AN EMERGENCY.

President Fellows: This ordinance will stay on 2nd Reading.

ORDINANCE NO. 2018-5 – 2nd READING

1st Reading: January 25, 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 ordinance will also stay on 2nd Reading.

ORDINANCE NO. 2018-6 – 2nd READING

1st Reading: January 25, 2018

AN ORDINANCE APPROPRIATING FUNDS NECESSARY TO ENGAGE THE SERVICES OF JOSEPH N. GROSS AND BENESCH, FRIEDLANDER, COPLAN AND ARONOFF, LLP, AS SPECIAL COUNSEL FOR THE CITY OF WILLOUGHBY HILLS, FOR THE PURPOSE OF PAYING SPECIAL COUNSEL FOR PERFORMING THE SERVICES AUTHORIZED AND DIRECTED IN ORDINANCE NO. 2017-88, RATIFYING ACTIONS TAKEN PURSUANT TO ORDINANCE NO. 2017-88, DIRECTING THAT SUCH APPROPRIATION BE PUT IN THE 2018 APPROPRIATION ORDINANCE, AND DECLARING AN EMERGENCY.

Councilman Fiebig: Madame President. A question for our Law Director, if I may ask because I don't believe that he had the opportunity to weigh in on this in our Rules and Legislation meeting regarding the urgency of this.

Acting Law Director: Sure. Some questions came up this evening regarding the union contract. At this point, Mr. Gross has weighed in on a couple of issues; he responded to a question the Finance Director had. There is no contract with him that has been signed. One of the issues is in getting this, getting 2017-88 ready to go, we neglected to ask Mr. Gross to include a cap on his fees. You will note in the later ordinance, Skoda also has a cap on fees so that the Finance Director can certify the availability of funds. If you look at the contracts, there is a Fiscal Officers Certificate; certificate of available funds. And by having a specific dollar figure typed in there, the Finance Director can sign that with confidence that he knows that those funds are available. They have been appropriated and they are available to be expended on the contract. So, that's why I would recommend the adoption of this at this point as I understand that there has been no execution of that agreement.

Councilman Fiebig moved to suspend. Councilwoman Majka seconded.

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

Councilman Fiebig moved for passage. Councilwoman Majka seconded.

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

ORDINANCE NO. 2018-8

AN ORDINANCE AMENDING PART ONE ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 167 – INTERNET, COMPUTER USAGE AND EMAIL OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Councilman Fiebig moved to suspend. Councilwoman Pizmoht seconded.

Councilman Fiebig: Madame President. The reason for waiving the 3-Readings is that, first of all, it's something that should have been done quite a while ago, because it cleans up some language; for example, our website and email addresses are incorrect. Secondly, relates to mass mailings, newsletters and other mass communication from City residents that puts a, the opportunity for us to sit down with the Mayor to discuss policies and procedures and to make sure that no communication is going out its residents without an approval of the majority of Council since we are responsible for the taxpayers' dollars.

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

Motion PASSED.

Vice President Plecnik moved for passage. Councilwoman Pizmoht seconded.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to adopt Ordinance No. 2018-8. Is there any discussion on the motion?

Vice President Plecnik: Madame President. If I could just say, following off the Mayor's comments, this is the opportunity for us to work together. It does give a balance between Council and the Mayor and guarantees the input that he has always promised. We've had this discussion before about forming committees and having Council working together but you really have to have it formalized so that the process is followed. And this will give the Mayor a real chance to step-up and work with us and I'm excited for it. Thank you.

Councilwoman Majka: Madame President. I'm assuming that this is ready to go. The last version we had was the redline version. So, that's been fully corrected and ready to go at this time?

President Fellows: It's ready to go, yes.

Councilwoman Majka: Okay.

Vice President Plecnik: Madame President. If I could just fill in. I was a little confused by the redlining as well. But, one thing that I'd learned is that apparently our Council Clerk and Acting Law Director like redlines because they are a more accurate way of showing the changes. And so, I think that they want to do all of our legislation that way when we amend the code. So, I think that we may have to get used to that.

Councilwoman Majka: That's fine.

Acting Law Director: I just want to say that the code itself will continue to just be text and this creates a historical record of what changes are being made when. And if you don't do it this way, I mean, if you wanted not to use red print, that would be okay. I think that it's visually clearer with what's being added. The state legislature, I'm told, has underlines. So, in their bills they have underlines and strikeouts which you could also adopt. This is a style. There is no requirement that it be red, I mean, the color red. And it's really a stylistic choice. I've shown this to you because I think it stands out and shows you how the changes look. Just why it looks that way. Sorry about that.

Councilwoman Majka: No, no, I like it.

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

President Fellows: Ordinance No. 2018-9 has been adopted.

ORDINANCE NO. 2018-9

AN ORDINANCE RATIFYING THE COMPENSATION PAID TO THOMAS TALCOTT WHILE SERVING THE CITY IN THE POSITION OF ACTING FIRE CHIEF AND DECLARING AN EMERGENCY.

Vice President Plecnik moved to suspend. Councilwoman Pizmoht seconded.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Pizmot to suspend the 3-Reading Rule on Ordinance No. 2018-9. Is there any discussion on the motion?

Councilman Fiebig: Madame President. Just to clarify the waiving of the 3-Reading, is that Council appreciated the efforts and work and the dedication of Thomas Talcott while he was serving. But, the actual legislation or ordinance to create the position and the pay never existed. So, he was being paid out of turn, if you will. But, since he already has been paid and he performed the work and he performed it well, Council certainly has not reason to hold this up. So, we would waive 3-Readings in that regard and I vote in favor of that.

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

President Fellows: The 3-Reading Rule on Ordinance No. 2018-9 has been waived.

Vice President Plecnik moved for passage. Councilwoman Pizmoht seconded.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to adopt Ordinance No. 2018-9. Is there any discussion on the motion?

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

President Fellows: Ordinance No. 2018-9 has been adopted.

ORDINANCE NO. 2018-10

AN ORDINANCE TO ENGAGE THE SERVICES OF SKODA MINOTTI CPAS, BUSINESS AND FINANCIAL ADVISORS, TO CONDUCT A FORENSIC EXAMINATION OF SELECTED DISBURSEMENTS PAID BY THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

Councilman Fiebig moved to suspend. Councilwoman Pizmoht seconded.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Pizmoht to waive the 3-Reading Rule on 2018-10. Is there any discussion on the motion?

Councilman Hallum: Madame President. Two concerns: one is, I'm not sure what the emergency is in waiving the 3-Reading Rule since we've all said time and time again that the residents have a right to be able to think about this, ask questions about this, especially when we're spending fifteen thousand dollars (\$15,000) of taxpayers' money to do this or up to; so, I just think that it's inappropriate for us to waive a 3-Reading when there is...to my knowledge, right now, there's no emergency. I guess, I'd like to know what the emergency is that requires us to pass this so quickly. What are we looking for? What do we think there might be?

President Fellows: Well, that would come as discussion under the motion to adopt.

Councilman Hallum: Well, I think if we're talking about waving the 3-Reading Rule there needs to be a reason that we would waive the 3-Reading Rule. So, it kind of goes to that reasoning.

Councilman Fiebig: Madame President. Since I made the motion, I was just about to suggest why. I made the motion because the budget is forthcoming. We have quite a few numbers to look over and for someone who is signing the purchase orders and looking over those numbers, several times a week, there are some things that I'm concerned over, but obviously, as many of you have known or for years, I've been concerned about our budget, about doing a performance audit. That was something that I had advocated doing years ago which we never got. I think that there was a committee formed that had several suggestions, I believe that there were sixty-some suggestions and I don't believe that those were implemented. So, looking at a budget in our possession right now, and the timeliness of that, I'd like to find that they would say that everything is great because then we'd know that we were on the right track. But it takes an examination of those books, it takes an examination of those procedures. This is a professional outfit that does this for a living and this is not the State Auditor who comes in and just does the math, just checks to make sure that you have all the numbers adding up, and all the columns adding up. This is a forensic audit that hopefully will find that everything is just great. I'm very hopeful that will be the result. But, the timeliness of this with our budget process due at the end of March, I think that we need to move forward with this as quickly as possible.

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

Motion PASSED.

President Fellows: The 3-Reading Rule on 2018-10 has been waived.

Vice President Plecnik moved for passage. Councilman Fiebig seconded.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to adopt Ordinance No. 2018-10. Is there any discussion on the motion?

Vice President Plecnik: Madame President, I would just say, that I want to commend my colleagues on Council for adopting OHIO OPENCHECKBOOK. I think that it has been very useful, as we have been reviewing items in the budget. But, there have been somethings that have jumped out to me as I've used OPENCHECKBOOK and reviewed the expenses t the City is engaged in. We have a lot of cash reimbursements in very large amounts. A lot of purchase orders for emergency office supplies and the alike that aren't what I'm familiar with in ordinary City business in other municipalities, and it could be simply just very bad policy. You know, it may be that it is being used perfectly legitimately, but nonetheless, it's not a tight policy where there could be abuses. And a performance audit might simply identify that this is simply something that could be a problem in the future or it could identify that we have current problems now. But, with the benefit of OPENCHECKBOOK, I think that we've already seen some areas where we need to tighten our procedures. We've seen significant issues in other counties like Geauga where 1.8 million dollars was stolen from the County by their IT Director. And we certainly have no thought that, that's here, but to make sure that never happens we need to have the strongest procedures in place and something that would come out in a true forensic audit is not just ensuring that things are all okay and the money is where it's suppose to be. But identifying are our procedures are where they need to be to make sure that nothing happens in the future as well. And when I see very large cash reimbursements, I can tell you, we had issues even with petty cash at the library when I was on the Board of Trustees where if there was too much petty cash on hand. There were some instances where we had issues and I think that this is something that we need to look to for the security of our City's funds going forward. Hopefully, as Councilman Fiebig said, we'll find that everything is okay to date. But, if we can improve our procedures and make sure that we're better off tomorrow, so much the better.

Councilman Hallum: Madame President. Mr. Brichacek, I was just curious, the statements that Mr. Plecnik was making regarding to large cash transfers, what...

Finance Director: What's the definition of large?

Councilman Hallum: Well, exactly. And that's one question I had and two is, what would be some scenarios and also what would be, would the auditors be looking at that kind of thing, specifically, to make sure that they've made sense or not?

Finance Director: In my opinion, we don't have extraordinarily large reimbursements to employees. We do have reimbursements to employees, they are not extraordinarily large. In many cases, they are related to travel. All reimbursements are substantiated by submittal of receipts and invoices. The statement that was made earlier about state auditors not being capable of doing this type of an examination is not an accurate statement. They are capable of doing this type of an examination. They do these types of examinations all the time. And, does that answer your question?

Councilman Hallum: And would they be as part of their, would they be looking at these kinds of...

Finance Director: A financial audit is not directed towards finding fraud. This is, as stated in the proposal, this is a fraud audit. So, on a financial audit, records are tested on a test basis. If there's indications of problems then they are obligated, under general accepted auditing standards to dig in deeper. A financial audit doesn't guarantee that fraud will be turned up. And in our case, there's never been an indication of any problem of that nature. Another difference, I've noticed in the proposal, that the state auditor, once the audit is complete, is completed, the auditor(s)' workpapers become a public record and are available for inspection. In this case, in this proposal, the workpapers would become, remain the property of Skoda and Minotti and would not be subject to public inquiry.

Councilman Hallum: A second, just a follow up to your comment. So, you're saying that the state does provide this type of investigation that is being described here and if so, if that is the case, is this inline with what the cost is to have them do that, do you know? If you know?

Finance Director: I don't know, you know, I don't know for sure. Private firms, on a per hour bases, tend to be more expensive than the state.

Councilman Hallum: Thank you.

President Fellows: There's a motion on the table to adopt Ordinance No. 2018-9. I'm sorry 10.

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

Motion PASSED.

President Fellows: Ordinance No. 2018-10 has been adopted.

ORDINANCE NO. 2018-11

AN ORDINANCE TEMPORARILY SUSPENDING THE APPROPRIATION OF FUNDS FROM THE WHISPER FUND ACCOUNT IN ORDER TO ESTABLISH PROGRAM POLICIES AND REGULATIONS FOR THE PROPER ADMINISTRATION OF THE WHISPER PROGRAM AND DECLARING AN EMERGENCY.

Councilman Fiebig moved to suspend. Councilwoman Pizmoht seconded.

Councilwoman Majka: Madame President. Just to echo what Councilman Fiebig had said about the budgets being submitted. We are being asked to review it. So, this just falls under that general category of looking at things. Making sure that everything is done to the best that we know how to do. Looking at numbers, etc.

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

Motion PASSED.

President Fellows: The motion to waive the 3-Reading Rule for Ordinance No. 2018-11 has passed.

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 No. 2018-11. Is there any discussion on the motion?

Councilwoman Pizmoht: Madame President. I am, I definitely think that this is merely a suspension of the program until some serious questions are answered. In fact, I have written out two and a half pages of questions that I have about the program that I feel need to be answered before I feel that the program, I would be comfortable with the program in terms of City liability, in terms of fairness, and transparency, and accountability. I want to know exactly what services are offered? Who is eligible for the services? What is a “senior” for the purposes of the program? Is it for all seniors? Is it only for isolated seniors? What does isolated mean? And if so, which seniors get the program? How do you determine eligibility? Who decides who is eligible? What if a resident dispute a denial of service, is there a repeal procedure? How is the program monitored? Are there performance standards for the program? For administrators? For volunteers? What records are kept? Are the people administering the program qualified to identify and address the needs of isolated seniors? What are the necessary qualifications under the program rules? What are the best practices that other governmental programs for seniors use? Are there procedures to elevate cases that necessitate fast intervention? Should City employees or volunteers have access to the elderly’s finances? Medicine cabinets? Personal property? What are the requirements to volunteer? Are there background checks done? What access do volunteers have to the participants lives and their homes? Are the volunteers trained? Are they supervised? Is there a code of conduct for volunteers? What are the sources of the WHISPER fund? Is it only donations? Are there recycling proceeds? (I read that); Are employees working in the WHISPER Program on the clock? What does WHISPER provide that the Lake County Council on Aging does not? Is it possible that anything that is overlapping with the Council on Aging could be scrapped from the program and we limit the program to just filling in the gaps? I have other questions, but these are just some of the questions that I have.

President Fellows: Wow.

Councilman Hallum: Madame President. My concern with this right now, is not so much checking out to make sure that we address all the concerns that we have about, is putting undo hardship on people who are already in the program or who have already agreed to help them. You know, this could be really detrimental to them to, because we’re saying that no funds are to be expended. We’re not giving any leeway to say, you know, people who have already been, that we’ve agreed to help them, or they have been helped or being kept, you know, this could be very harmful to our residents. So, I think, we may be should give that some thought before we just across the board say we’re suspending it in it’s entirely and no funds are to be expended because I think that it could really hurt some people, protentional.

President Fellows: So, when do you have a stop gap in any program? My question to you, Councilman Hallum, so when is there a stop gap in any program that you’re trying to transition with?

Councilman Hallum: My point, is, that we should give some thought, you know, our position here is to not only, is to protect our residents as well, so I just want to make sure that we aren’t just going and suspending something and actually creating a really hardship for someone who we’ve already potentially told that we were going to help them. And then all of a sudden, they’re going to get tomorrow be told, sorry, now we’re not.

President Fellows: And so, you have information on an individual or individuals that are in the process that you would like to share with us?

Councilman Hallum: Nope. I don't know, that's my problem. I don't know. This just came up now, so that's the thing, we haven't looked to see all who this is going to potentially impact or maybe it's not. I don't know but that's the problem, we don't know for sure that this isn't going to create a hardship for someone before we just pass this.

Vice President Plecnik: Madame President. I think that the issue is that we don't know. I can't even begin to answer the questions that Councilwoman Pizmoht has and I'm frankly not sure who in the Administration can. And, frankly, we can create just as much hardship to residents by not pausing and examining the program as by continuing given that nobody knows who's in the program; how they're determined. And the fundamental question that I have, although, I certainly want to hear all of Councilwoman Pizmoht's questions answered in depth, is, if the program is as it's described which is a bunch of volunteers operating purely through donated money, why is it prudent to run it through the City? Is this truly is an entirely volunteer based organization and most of what they do is, you know, drive seniors or cut seniors' lawns, there's really no need for any money or any government intervention at all. It's really just a group of volunteers. So, if WHISPER has been accurately described, then I don't think that suspending this will actually have any impact on the program at all. Now, if there's something more to the program, I think that's quite serious, and it needs to be looked at more carefully, but if it's being accurately described, then WHISPER should continue unabated as the volunteers continue to serve seniors. So, I don't think that's there any potential hardship if the program is as it's advertised.

Councilman Hallum: Except that you're cutting off the funds, they won't have access to those funds as they normally would.

President Fellows: Councilman Hallum, I'll remind you to ask for the floor.

Vice President Plecnik: Madame President. I would just finish by saying, that if the services are as they're described...

President Fellows: Excuse me, Mr. Hallum...

Vice President Plecnik: I believe that I still have the floor.

Councilman Hallum: You asked me to...

President Fellows: He just said Madame President.

Councilman Hallum: Just kept on talking.

President Fellows: He said, Madame President.

Vice President Plecnik: If the services are as they're described then there's really no need for funding from the City of Willoughby Hills. Why would we require thousands of dollars to have a volunteer cut someone's lawn? When I've cut a friend's lawn, I haven't asked the City to give me a dollar for gasoline. It's really not necessary. So, I think that's one of the fundamental questions. And if WHISPER is what it is, there's no reason for this intersection with the City if it really is City employees only volunteering off-time. There's nothing stopping them from continuing to do so. And I think that's really the fundamental question that needs to be answered. And if there is some City intervention, where City employees are working on the clock and City money is being expended, then we have serious issues when we don't have criteria to decide who is chosen because you may have discrimination, retaliation, liability issues that are very troubling. So, I hope that the program is exactly as advertised, in which case, this won't interrupt it at all.

Councilwoman Majka: Madame President. Can I just suggest that perhaps if someone is in need, between now and the time that the funds are freed up again, if it's not too burdensome for the volunteer or volunteers that perhaps they could expend money and then take advantage of the cash reimbursements that we were talking about. Hang on to their receipts and perhaps in due time, you know, be able to get reimbursed for that.

President Fellows: There is a motion on the floor to adopt Ordinance No. 2018-11.

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

Motion PASSED.

President Fellows: Ordinance No. 2018-11 has been adopted.

ORDINANCE NO. 2018-12

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

Vice President Plecnik moved to suspend. Councilwoman Majka seconded.

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. 2018-12. Is there any discussion on the motion?

Vice President Plecnik: Madame President. As we discussed in Rules and Legislation, this purchase was planned last year and ordinarily would have been effective last year. So, this is something that has been thoroughly discussed in Council committee, there's been opportunity for public input, for the Administration to ask for their needs and the Police Chief is fully in support of this proposal.

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

Vice President Plecnik moved for passage. Councilwoman Majka seconded.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to adopt Ordinance No. 2018-12. Is there any discussion on the motion?

Councilman Fiebig: Madame President. It might be interesting to note that two of those vehicles will be purchased here in Lake County, seventy-two thousand, three hundred dollars (\$72,300) that will be from Classic Auto. So, that's kind of nice. I think that's the first time that we've done that through them or at least the first time in a while. So, keeping a purchase here in Lake County is a positive out of this.

President Fellows: And actually, we've done it before and the topic came up because of Councilman Hallum, actually, initially.

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

President Fellows: Ordinance No. 2018-12 has been adopted and I'm sure that Chief Collins will be very happy about that.

NEW BUSINESS

President Fellows: Next order of business is “New Business”. I would entertain a motion from Council to go into executive session; including all of Council and the Mayor. Excusing the Finance Director and the City Engineer to discuss the consideration of a Complaint for the removal of the City Police Prosecutor and pending or imminent litigation. Do you want a time frame on this? No time frame on this.

Vice President Plecnik: So, moved, but after the “Good of the Community” and prior to “Adjournment”.

Councilman Fiebig: Second.

President Fellows: So, I have a motion from Vice President Plecnik and a second from Councilman Fiebig to go into executive session after “For the Good of the Community” including all Council, the Mayor; excusing the Finance Director and the City Engineer to discuss the consideration of a Complaint for the removal of the City Police Prosecutor and/or litigation. Pending litigation.

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

President Fellows: The motion to go into executive session has passed.

FOR THE GOOD OF THE ORDER

President Fellows: For the Good of the Order.

FOR THE GOOD OF THE COMMUNITY

President Fellows: For the Good of the Community.

Vice President Plecnik: Madame President. If I could share, while I was unable to join the festivities today, all of Cleveland State has been celebrating the appointment of our new President designate Harlan M. Sands. He’s currently the CFO and Vice Dean of Wharton School at the University of Pennsylvania. It’s very exciting to have someone of that caliber come to Cleveland and lead Cleveland State University. And given how many of our residents as well as our Council people are alums of Cleveland State, I think it’s worth noting for our community that we’re welcoming this esteemed gentleman to lead our University. And speaking as a Law Professor, I’m particularly excited to say that he’s a Lawyer. So, we welcome President Sands to Cleveland and Cleveland State University and our greater community here in Willoughby Hills.

Councilman Hallum: Madame President. Just want to make the community aware, in case you didn’t already know, the pancake breakfast is scheduled for Sunday, March 11th. Presale tickets are already available and I believe that you can call the Community Center to get presale tickets.

Councilman Fiebig: Madame President. That was in regards to the Youth Ministry Pancake Breakfast, February 11th at St. Noel Church, across the street. Is that correct?

Councilman Hallum: No, mine is the Pancake Breakfast at the Community Center, March 11th.

Councilman Feibig: Okay. I thought that you had said February 11th. Did anybody hear February 11th?

Councilwoman Pizmoht: He said March.

Councilman Fiebig: Excuse me then. I’m staring at February 11th.

Councilman Hallum: Coincidentally.

Councilman Fiebig: You have another chance then if you want to go early and figure out what it's like to have pancakes before you go to the Community Center. The Youth Ministry Pancake Breakfast is across the street at St. Noel in their large hall from 10 to 1. So, that's this Sunday. No tickets are necessary. A freewill offering collected at the door. So, it's basically donations. Pancakes, French toast, sausage, hash browns, coffee and juice.

And speaking of Cleveland State, if I may, a little personal pride here. My oldest son Mike was accepted into the Cleveland State's brand-new film school, they've got a new major in. So, that letter came just a few hours before. So, we'll have another school alum from Cleveland State.

Vice President Plecnik: Congratulations.

President Fellows: Any other For the Community?

Councilman Hallum: Just one more thing. The Le Vera Party Center is already announcing their annual Friday Fish Fry. So, that season is coming and I'm sure St. Noel and others in the community here will be having their as well. So, keep your eyes open and please support our local businesses.

EXECUTIVE SESSION

President Fellows: Alright. We will adjourn into executive session at 8:31pm.

RECONVENED

President Fellows: I will reconvene the Regular Council Meeting of February 8, 2018 at 9:37pm.

Councilman Fiebig: Madame President. I'd like to make a motion to adopt the Complaint for the removal of Michael Germano from the position of City Police Prosecutor and to direct our Council Clerk to receive it as filed. And to waive the attorney-client privilege if any communication that's appended to the Complaint. Do I have a second?

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Pizmoht to adopt the Complaint for the removal of Michael Germano from the position of City Police Prosecutor and to direct our Council Clerk to receive the Complaint as filed. And to waive the attorney-client privilege for any communication that's appended to the Complaint.

President Fellows: Any discussion on the motion?

Vice President Plecnik: Bonum Commune Communitatis

Acting Law Director: Can you translate that?

Vice President Plecnik: For the Good of the Community.

President Fellows: Latin.

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

Motion PASSED.

President Fellows: The motion passes.

Is there any other business before us this evening?

I'll entertain a motion to adjourn.

ADJOURNMENT

Motion was made by Vice President Plecnik to adjourn. Councilman Fiebig seconded.

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

The Regular Council Meeting of February 8, 2018 was adjourned at 9:37pm.

APPROVED:

March 22, 2018
Date

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Nancy E. Fellows
Nancy E. Fellows
President of Council