

NANCY E. FELLOWS
President of Council

JOHN PLECNIK
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
DAVID M. FIEBIG
JENNIFER SOMMERS GREER
CHRISTOPHER HALLUM
JANET R. MAJKA

Regular Meeting of Council Minutes of February 9, 2017

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.

The Regular Council Meeting was held on Thursday, February 9, 2017 at 7:02pm in the Willoughby Hills Council Chamber. President Fellows presided.

Members Present: Councilman Christopher L. Biro, President Nancy E. Fellows, Councilwoman Jennifer Sommers Greer, Councilman Christopher Hallum, Councilwoman Janet R. Majka, Vice President John Plecnik

Vice President Plecnik moved to excuse Councilman David M. Fiebig. Councilwoman Janet R. Majka seconded.

YEAS: Unanimous.

Others Present: Mayor Robert M. Weger, Law Director Thomas G. Lobe, Finance Director Frank J. Brichacek, Jr., City Engineer Pietro A. DiFranco, Clerk of Council Victoria Ann Savage

DISPOSITION OF THE JOURNAL

President Fellows: The next order of business is the Disposition of the Journal for the Regular Council Meeting of January 26, 2017. Do I have a motion to approve?

Councilwoman Greer moved to approve the Regular Council Meeting Minutes of January 26, 2017. Vice President Plecnik seconded.

Roll call: **YEAS:** Fellows, Greer, Hallum, Majka, Plecnik
Abstention: Biro

Motion passed.

COMMUNICATIONS

President Fellows: I will not have the Clerk read Correspondence, Notifications and Minutes as these will all be listed in the Journal.

CORRESPONDENCE

From: Willoughby Hills Council
Sent: Tuesday, February 07, 2017 2:54 PM
To: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com>
Subject: Request for Information

From: Willoughby Hills Council
Sent: Tuesday, February 07, 2017 2:42 PM
To: 'Chris Biro' <chrisbiro@willoughbyhills-oh.gov>; 'Chris Hallum' <ChrisHallum@willoughbyhills-oh.gov>; 'Christopher Biro (christopherbiro@yahoo.com)' <christopherbiro@yahoo.com>; 'David M. Fiebig (davidfiebig@willoughbyhills-oh.gov)'

<p><davidfiebig@willoughbyhills-oh.gov>; 'Janet R. Majka' <jayrrachel@yahoo.com>; 'Jennifer Sommers Greer' <jennifergreer@willoughbyhills-oh.gov>; 'John Plecnik' <JohnPlecnik@willoughbyhills-oh.gov>; 'Nancy Fellows (nancyfellows@willoughbyhills-oh.gov)' <nancyfellows@willoughbyhills-oh.gov> Subject: Correspondence: Mayor's Court Monthly Statement to Council of Fines and Other Monies Received or Collected for the January 2017</p>
<p>From: Willoughby Hills Council Sent: Monday, February 06, 2017 6:44 PM To: David M. Fiebig (davidfiebig@willoughbyhills-oh.gov) <davidfiebig@willoughbyhills-oh.gov> Subject: Public Records Request Attachments: Request for Correspondence&Emails.pdf</p>
<p>From: Willoughby Hills Council Sent: Monday, February 06, 2017 7:06 PM To: 'Chris Biro' <chrisbiro@willoughbyhills-oh.gov>; 'Chris Hallum' <ChrisHallum@willoughbyhills-oh.gov>; 'Christopher Biro (christopherbiro@yahoo.com)' <christopherbiro@yahoo.com>; 'David M. Fiebig (davidfiebig@willoughbyhills-oh.gov)' <davidfiebig@willoughbyhills-oh.gov>; 'Janet R. Majka' <jayrrachel@yahoo.com>; 'Jennifer Sommers Greer' <jennifergreer@willoughbyhills-oh.gov>; 'John Plecnik' <JohnPlecnik@willoughbyhills-oh.gov>; 'Nancy Fellows (nancyfellows@willoughbyhills-oh.gov)' <nancyfellows@willoughbyhills-oh.gov> Subject: FW: January 2017 Community Center Reports</p>
<p>From: Thomas Lobe [mailto:tomlobe@yahoo.com] Sent: Saturday, February 04, 2017 2:22 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: Re: Update: Public Records Request for willoughbyhillsgroveresidents</p>
<p>From: Willoughby Hills Council Sent: Friday, February 03, 2017 8:32 PM To: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com> Subject: Update: Public Records Request for willoughbyhillsgroveresidents</p>
<p>From: John Plecnik Sent: Friday, February 03, 2017 3:50 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: Public Records request</p>
<p>From: Gloria Majeski Sent: Friday, February 03, 2017 3:20 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov>; Mayor <mayor@willoughbyhills-oh.gov>; Law Director Personal <tomlobe@yahoo.com> Cc: David Fiebig <davidfiebig@willoughbyhills-oh.gov> Subject: RE: Public Records Request Attachments: DOC_20170203151858.PDF</p>
<p>From: Willoughby Hills Council Sent: Friday, February 03, 2017 1:59 PM To: Mayor <mayor@willoughbyhills-oh.gov>; Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov>; Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com> Cc: David M. Fiebig (davidfiebig@willoughbyhills-oh.gov) <davidfiebig@willoughbyhills-oh.gov> Subject: Public Records Request</p>
<p>From: Debbie Doles Sent: Thursday, February 02, 2017 11:50 AM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: new hire</p>
<p>From: Willoughby Hills Council Sent: Thursday, February 02, 2017 9:09 PM To: Law Director Personal <tomlobe@yahoo.com> Subject: RE: Ordinances and leases</p>
<p>From: Thomas Lobe [mailto:tomlobe@yahoo.com] Sent: Thursday, February 02, 2017 8:59 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: Re: Ordinances and leases</p>
<p>From: Pietro DiFranco [mailto:PDiFranco@RLBA.com] Sent: Thursday, February 02, 2017 8:25 AM To: Mayor <mayor@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov>; John Plecnik <johnplecnik@willoughbyhills-oh.gov>; Chris Biro <chrisbiro@willoughbyhills-oh.gov>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; Janet Majka <janetmajka@willoughbyhills-oh.gov>; Willoughby Hills Council</p>

<p><council@willoughbyhills-oh.gov> Cc: Law Director Personal <tomlobe@yahoo.com>; Frank Brichacek <frankbrichacek@willoughbyhills-oh.gov>; Willoughby Hills Finance Dept. <finance@willoughbyhills-oh.gov>; Fred Wyss <fredwyss@willoughbyhills-oh.gov>; Mark Grubiss <markgrubiss@willoughbyhills-oh.gov>; Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov>; Kevin Trepal <ktrepal@RLBA.com> Subject: Willoughby Hills City Engineer's Report 170202</p>
<p>From: Thomas Lobe [mailto:tomlobe@yahoo.com] Sent: Thursday, February 02, 2017 8:19 AM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: Re: Ordinances and leases</p>
<p>From: Thomas Lobe [mailto:tomlobe@yahoo.com] Sent: Thursday, February 02, 2017 7:40 AM To: Willoughby Hills Grove <willoughbyhillsgroveresidents@gmail.com>; Willoughby Hills Council <council@willoughbyhills-oh.gov> Cc: Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet Majka <janetmajka@willoughbyhills-oh.gov>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; Fred Wyss <fredwyss@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov>; Mayor <mayor@willoughbyhills-oh.gov>; Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov> Subject: Public Records Request-- COUNCIL PRESIDENT FELLOWS OMITTS SOME EMAILS FROM HER PRIVATE SERVER INVOLVING GRANGE SITE</p>
<p>From: Willoughby Hills Council Sent: Wednesday, February 01, 2017 8:40 PM To: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com> Subject: FW: Ordinances and leases Here you go...</p>
<p>From: Willoughby Hills Council Sent: Wednesday, February 01, 2017 8:39 PM To: Law Director Personal <tomlobe@yahoo.com> Subject: RE: Ordinances and leases Sure...Didn't know if you wanted them...a lot of duplication...</p>
<p>From: Thomas Lobe [mailto:tomlobe@yahoo.com] Sent: Wednesday, February 01, 2017 8:01 PM To: Stephen L. Byron <sbyron@walterhav.com>; Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: Re: Ordinances and leases</p>
<p>From: Willoughby Hills Council Sent: Wednesday, February 01, 2017 6:45 PM To: 'Stephen L. Byron' <sbyron@walterhav.com> Subject: RE: Ordinances and leases <u>Ordinance No. 2016-29; Ordinance No. 2016-30; Working Committee of Council Meeting of February 25, 2016; Regular Council Meeting Minutes of May 12, 2016; Regular Council Meeting Minutes of May 26, 2016; Regular Council Meeting Minutes of June 9, 2016; Regular Council Meeting Minutes of July 28, 2016; Regular Council Meeting Minutes of October 27, 2016; Regular Council Meeting Minutes of November 10, 2016; Regular Council Meeting Minutes of December 8, 2016; Regular Council Meeting Minutes of January 12, 2017; Regular Council Meeting Minutes of January 26, 2017 – Not yet available; PCABR Meeting Minutes for October 20, 2016; PCABR Meeting Minutes for November 3, 2016; PCABR Meeting Minutes for December 15, 2016 – Not yet available; Ordinance No. – Repealing</u></p>
<p>From: Stephen L. Byron [mailto:sbyron@walterhav.com] Sent: Wednesday, February 01, 2017 2:56 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Cc: Nancy Fellows <nancyfellows@willoughbyhills-oh.gov>; Law Director Personal <tomlobe@yahoo.com> Subject: FW: Ordinances and leases</p>
<p>From: Willoughby Hills Council Sent: Tuesday, January 31, 2017 6:25 PM To: 'Willoughby Hills Grove' <willoughbyhillsgroveresidents@gmail.com> Cc: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com>; 'Chris Biro' <chrisbiro@willoughbyhills-oh.gov>; 'Chris Hallum' <ChrisHallum@willoughbyhills-oh.gov>; 'Christopher Biro (christopherbiro@yahoo.com)' <christopherbiro@yahoo.com>; 'David M. Fiebig (davidfiebig@willoughbyhills-oh.gov)' <davidfiebig@willoughbyhills-oh.gov>; 'Janet R. Majka' <jayrachel@yahoo.com>; 'Jennifer Sommers Greer' <jennifergreer@willoughbyhills-oh.gov>; 'John Plecnik' <John@johnplecnik.com>; 'John Plecnik' <JohnPlecnik@willoughbyhills-oh.gov>; 'Nancy Fellows (nancyfellows@willoughbyhills-oh.gov)' <nancyfellows@willoughbyhills-oh.gov> Subject: RE: Public Records Request</p>

<p>From: John Plecnik Sent: Tuesday, January 31, 2017 4:28 PM To: Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov>; Willoughby Hills Council <council@willoughbyhills-oh.gov> Cc: David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov>; Janet Majka <janetmajka@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Mayor <mayor@willoughbyhills-oh.gov>; Law Director Personal <tomlobe@yahoo.com>; Willoughby Hills Finance Dept. <finance@willoughbyhills-oh.gov> Subject: RE: City Newsletter</p>
<p>From: Willoughby Hills Council Sent: Tuesday, January 31, 2017 5:45 PM To: 'Chris Biro' <chrisbiro@willoughbyhills-oh.gov>; 'Chris Hallum' <ChrisHallum@willoughbyhills-oh.gov>; 'Christopher Biro (christopherbiro@yahoo.com)' <christopherbiro@yahoo.com>; 'David M. Fiebig (davidfiebig@willoughbyhills-oh.gov)' <davidfiebig@willoughbyhills-oh.gov>; 'Janet R. Majka' <jayrrachel@yahoo.com>; 'Jennifer Sommers Greer' <jennifergreer@willoughbyhills-oh.gov>; 'John Plecnik' <John@johnplecnik.com>; 'John Plecnik' <JohnPlecnik@willoughbyhills-oh.gov>; 'Nancy Fellows (nancyfellows@willoughbyhills-oh.gov)' <nancyfellows@willoughbyhills-oh.gov> Subject: <u>Letters:</u> Per President Fellows request, the Building Commissioner in his written response to residents Sandee Beyerle and William Smith addressed concerns brought forth from these two residents during the Public Hearing held during the Planning & Zoning Commission and Architectural Board of Review Meeting of October 20, 2016</p>
<p>From: Gloria Majeski Sent: Tuesday, January 31, 2017 3:19 PM To: John Plecnik; Willoughby Hills Council Cc: David Fiebig; Nancy Fellows; Janet Majka; Chris Hallum; Jennifer Greer; Chris Biro; Mayor; Law Director Personal; Willoughby Hills Finance Dept. Subject: City News Letter</p>
<p>From: Willoughby Hills Council Sent: Tuesday, January 31, 2017 2:28 PM To: 'Chris Biro' <chrisbiro@willoughbyhills-oh.gov>; 'Chris Hallum' <ChrisHallum@willoughbyhills-oh.gov>; 'Christopher Biro (christopherbiro@yahoo.com)' <christopherbiro@yahoo.com>; 'David M. Fiebig (davidfiebig@willoughbyhills-oh.gov)' <davidfiebig@willoughbyhills-oh.gov>; 'Janet R. Majka' <jayrrachel@yahoo.com>; 'Jennifer Sommers Greer' <jennifergreer@willoughbyhills-oh.gov>; 'John Plecnik' <John@johnplecnik.com>; 'John Plecnik' <JohnPlecnik@willoughbyhills-oh.gov>; 'Nancy Fellows (nancyfellows@willoughbyhills-oh.gov)' <nancyfellows@willoughbyhills-oh.gov> Cc: Mayor <mayor@willoughbyhills-oh.gov> Subject: Filing Reminder for the 2016 Financial disclosure Statement to be Filed in 2017....</p>
<p>From: Fellows, Nancy [ASPUS] [mailto:nfellows@its.jnj.com] Sent: Monday, January 30, 2017 5:16 PM To: Willoughby Hills Grove <willoughbyhillsgroveresidents@gmail.com>; Willoughby Hills Council <council@willoughbyhills-oh.gov> Cc: Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet Majka <janetmajka@willoughbyhills-oh.gov>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; Law Director Personal <tomlobe@yahoo.com>; Fred Wyss <fredwyss@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov> Subject: RE: Re: Public Records Request</p>
<p>From: Willoughby Hills Grove [mailto:willoughbyhillsgroveresidents@gmail.com] Sent: Monday, January 30, 2017 3:22 PM To: John Plecnik <johnplecnik@willoughbyhills-oh.gov> Cc: Willoughby Hills Council <council@willoughbyhills-oh.gov>; Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet Majka <janetmajka@willoughbyhills-oh.gov>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; Law Director Personal <tomlobe@yahoo.com>; Fred Wyss <fredwyss@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov>; Christopher Collins <policechiefcollins@willoughbyhills-oh.gov> Subject: Re: Public Records Request</p>
<p>From: John Plecnik Sent: Monday, January 30, 2017 1:27 PM To: Willoughby Hills Grove <willoughbyhillsgroveresidents@gmail.com>; Willoughby Hills Council <council@willoughbyhills-oh.gov> Cc: Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet Majka <janetmajka@willoughbyhills-oh.gov>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; Law Director Personal <tomlobe@yahoo.com>; Fred Wyss <fredwyss@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov>; Christopher Collins <policechiefcollins@willoughbyhills-oh.gov> Subject: RE: Public Records Request</p>

<p>From: Willoughby Hills Grove [mailto:willoughbyhillsgroveresidents@gmail.com] Sent: Monday, January 30, 2017 12:33 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Cc: Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet Majka <janetmajka@willoughbyhills-oh.gov>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; Law Director Personal <tomlobe@yahoo.com>; Fred Wyss <fredwyss@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov> Subject: Re: Public Records Request</p>
<p>From: Willoughby Hills Grove [mailto:willoughbyhillsgroveresidents@gmail.com] Sent: Monday, January 30, 2017 12:33 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Cc: Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet Majka <janetmajka@willoughbyhills-oh.gov>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; Law Director Personal <tomlobe@yahoo.com>; Fred Wyss <fredwyss@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov> Subject: Re: Public Records Request</p>
<p>From: Willoughby Hills Grove [mailto:willoughbyhillsgroveresidents@gmail.com] Sent: Monday, January 30, 2017 12:19 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov>; John Plecnik <johnplecnik@willoughbyhills-oh.gov> Cc: Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet Majka <janetmajka@willoughbyhills-oh.gov>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; Law Director Personal <tomlobe@yahoo.com>; Fred Wyss <fredwyss@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov> Subject: Re: Public Records Request</p>
<p>From: John Plecnik Sent: Monday, January 30, 2017 10:16 AM To: Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov>; Willoughby Hills Council <council@willoughbyhills-oh.gov> Cc: David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov>; Janet Majka <janetmajka@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Mayor <mayor@willoughbyhills-oh.gov> Subject: RE: Mayor's Report 1/26/17</p>
<p>From: Willoughby Hills Recreation Dept. Sent: Monday, January 30, 2017 8:43 AM To: Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Willoughby Hills Council <council@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; Chris Biro Personal <christopherbiro@yahoo.com>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet R. Majka <jayrachel@yahoo.com>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; John Plecnik <John@johnplecnik.com>; John Plecnik <johnplecnik@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov> Cc: Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov>; Mayor <mayor@willoughbyhills-oh.gov>; Dan Philipp (d.w.goods@sbcglobal.net) <d.w.goods@sbcglobal.net>; Dee Germano (dgermano@divinewordkirtland.org) <dgermano@divinewordkirtland.org>; Jeanne Kaston <briankaston@ymail.com>; Jim Walsh@lakecountyohio.gov; Joe Jarmuszkiewicz (joejarmus@yahoo.com) <joejarmus@yahoo.com>; kristinazeleznik@gmail.com; Lynn Hallum (lynnstreetz@hotmail.com) <lynnstreetz@hotmail.com>; Rec Commission <rec_commission@willoughbyhills-oh.gov>; Sandy <sandygrubiss30@hotmail.com> Subject: Baseball Registration and the WHBL Fundraiser</p>
<p>From: Willoughby Hills Council Sent: Monday, January 30, 2017 8:01 AM To: Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov> Cc: John Plecnik <johnplecnik@willoughbyhills-oh.gov> Subject: FW: Mayor's Report 1/26/17</p>
<p>From: Thomas Lobe [mailto:tomlobe@yahoo.com] Sent: Saturday, January 28, 2017 12:45 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: Re: Public Records Request</p>
<p>From: Willoughby Hills Council Sent: Friday, January 27, 2017 7:06 PM To: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com> Subject: Public Records Request</p>
<p>From: Willoughby Hills Council Sent: Friday, January 27, 2017 5:19 PM To: 'Willoughby Hills Grove' <willoughbyhillsgroveresidents@gmail.com></p>

<p>Cc: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com> Subject: Public Records Request</p>
<p>From: Willoughby Hills Council Sent: Friday, January 27, 2017 5:28 PM To: Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov> Cc: John Plecnik <johnplecnik@willoughbyhills-oh.gov> Subject: FW: Mayor's Report 1/26/17</p>
<p>From: Chris Biro Sent: Friday, January 27, 2017 2:59 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; Chris Biro Personal <christopherbiro@yahoo.com>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet R. Majka <jayrachel@yahoo.com>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; John Plecnik <John@johnplecnik.com>; John Plecnik <johnplecnik@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov>; Willoughby Hills Recreation Dept. <recreation@willoughbyhills-oh.gov> Cc: Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov>; Mayor <mayor@willoughbyhills-oh.gov> Subject: RE: Baseball Registration and the WHBL Fundraiser</p>
<p>From: John Plecnik Sent: Friday, January 27, 2017 10:53 AM To: Chris Hallum <chrishallum@willoughbyhills-oh.gov>; Willoughby Hills Council <council@willoughbyhills-oh.gov> Cc: Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Biro Personal <christopherbiro@yahoo.com>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet R. Majka <jayrachel@yahoo.com>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; John Plecnik <John@johnplecnik.com>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov> Subject: RE: Response to the Recreation Commission Letter of December 27, 2016</p>
<p>From: John Plecnik Sent: Friday, January 27, 2017 10:15 AM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Cc: Christopher Collins <policechiefcollins@willoughbyhills-oh.gov> Subject: FW: Public Records Request</p>
<p>From: Chris Hallum Sent: Thursday, January 26, 2017 9:56 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Cc: Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Biro Personal <christopherbiro@yahoo.com>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet R. Majka <jayrachel@yahoo.com>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; John Plecnik <John@johnplecnik.com>; John Plecnik <johnplecnik@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov> Subject: Re: Response to the Recreation Commission Letter of December 27, 2016</p>
<p>From: Willoughby Hills Council Sent: Thursday, January 26, 2017 6:05 PM To: 'Chris Biro' <chrisbiro@willoughbyhills-oh.gov>; 'Chris Hallum' <ChrisHallum@willoughbyhills-oh.gov>; 'Christopher Biro (christopherbiro@yahoo.com)' <christopherbiro@yahoo.com>; 'David M. Fiebig (davidfiebig@willoughbyhills-oh.gov)' <davidfiebig@willoughbyhills-oh.gov>; 'Janet R. Majka' <jayrachel@yahoo.com>; 'Jennifer Sommers Greer' <jennifergreer@willoughbyhills-oh.gov>; 'John Plecnik' <John@johnplecnik.com>; 'John Plecnik' <JohnPlecnik@willoughbyhills-oh.gov>; 'Nancy Fellows (nancyfellows@willoughbyhills-oh.gov)' <nancyfellows@willoughbyhills-oh.gov> Subject: FW: Public Records Request</p>
<p>From: Willoughby Hills Grove [mailto:willoughbyhillsgroveresidents@gmail.com] Sent: Thursday, January 26, 2017 6:02 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov>; Law Director Personal <tomlobe@yahoo.com> Cc: John Plecnik <johnplecnik@willoughbyhills-oh.gov> Subject: Re: Public Records Request</p>
<p>From: Willoughby Hills Council Sent: Thursday, January 26, 2017 3:46 PM To: Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov> Subject: FW: Mayor's Report 1/26/17</p>
<p>From: Willoughby Hills Council Sent: Thursday, January 26, 2017 2:00 PM To: 'Chris Biro' <chrisbiro@willoughbyhills-oh.gov>; 'Chris Hallum' <ChrisHallum@willoughbyhills-oh.gov>; 'Christopher Biro (christopherbiro@yahoo.com)' <christopherbiro@yahoo.com>; 'David M. Fiebig (davidfiebig@willoughbyhills-oh.gov)' <davidfiebig@willoughbyhills-oh.gov>; 'Janet R. Majka' <jayrachel@yahoo.com>; 'Jennifer Sommers Greer' <jennifergreer@willoughbyhills-oh.gov>; 'John Plecnik' <John@johnplecnik.com>; 'John Plecnik' <JohnPlecnik@willoughbyhills-oh.gov>; 'Nancy Fellows (nancyfellows@willoughbyhills-oh.gov)' <nancyfellows@willoughbyhills-oh.gov> Subject: FW: Public Records Request</p>

<p>From: Thomas Lobe [mailto:tomlobe@yahoo.com] Sent: Thursday, January 26, 2017 1:52 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov>; Willoughby Hills Grove <willoughbyhillsgroveresidents@gmail.com> Subject: Re: Public Records Request</p>
<p>From: Thomas Marsh [tmarshcpa@att.net] Sent: Thursday, January 26, 2017 2:28PM To: fredwyss@willoughbyhills-oh.gov Cc: mayor@willoughbyhills-oh.gov; tomlobe@yahoo.com; gloriamajeski@willoughbyhills-oh.gov; angie.aviles@yahoo.com; Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; Chris Biro Personal <christopherbiro@yahoo.com>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet R. Majka <jayrrachel@yahoo.com>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; John Plecnik John Plecnik <johnplecnik@willoughbyhills-oh.gov>; Nancy Fellows nancyfellows@willoughbyhills-oh.gov; nancyfellows@its.jnj.com Subject: OH317/Public Hearing Conditional Use</p>
<p>From: Willoughby Hills Council Sent: Thursday, January 26, 2017 1:43 PM To: Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; Chris Biro Personal <christopherbiro@yahoo.com>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet R. Majka <jayrrachel@yahoo.com>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; John Plecnik <John@johnplecnik.com>; John Plecnik <johnplecnik@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov> Subject: Response to the Recreation Commission Letter of December 27, 2016</p>
<p>From: Robert Weger Sent: Thursday, January 26, 2017 1:42 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov>; Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; Janet Majka <janetmajka@willoughbyhills-oh.gov>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; John Plecnik <johnplecnik@willoughbyhills-oh.gov> Cc: Law Director Personal <tomlobe@yahoo.com>; Frank Brichacek <frankbrichacek@willoughbyhills-oh.gov>; Mayor <mayor@willoughbyhills-oh.gov>; Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov>; eemckenna@oh.rr.com Subject: CCA Traffic Manager Huth's Positive Comments and Observations of NAC Representative Ed McKenna</p>
<p>From: Willoughby Hills Council Sent: Thursday, January 26, 2017 12:58 PM To: 'Willoughby Hills Grove' <willoughbyhillsgroveresidents@gmail.com> Cc: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com> Subject: Public Records Request</p>
<p>From: John Plecnik Sent: Thursday, January 26, 2017 12:09 AM To: Willoughby Hills Council <council@willoughbyhills-oh.gov>; Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; Chris Biro Personal <christopherbiro@yahoo.com>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet R. Majka <jayrrachel@yahoo.com>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; John Plecnik <John@johnplecnik.com>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov> Cc: Law Director Personal <tomlobe@yahoo.com> Subject: RE: Public Records Request</p>
<p>From: Willoughby Hills Council Sent: Wednesday, January 25, 2017 3:45 PM To: 'Chris Biro' <chrisbiro@willoughbyhills-oh.gov>; 'Chris Hallum' <ChrisHallum@willoughbyhills-oh.gov>; 'Christopher Biro (christopherbiro@yahoo.com)' <christopherbiro@yahoo.com>; 'David M. Fiebig (davidfiebig@willoughbyhills-oh.gov)' <davidfiebig@willoughbyhills-oh.gov>; 'Janet R. Majka' <jayrrachel@yahoo.com>; 'Jennifer Sommers Greer' <jennifergreer@willoughbyhills-oh.gov>; 'John Plecnik' <John@johnplecnik.com>; 'John Plecnik' <JohnPlecnik@willoughbyhills-oh.gov>; 'Nancy Fellows (nancyfellows@willoughbyhills-oh.gov)' <nancyfellows@willoughbyhills-oh.gov> Cc: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com> Subject: RE: Public Records Request Attachment: Memorandum dated September 11, 2015</p>
<p>From: Thomas Lobe [mailto:tomlobe@yahoo.com] Sent: Wednesday, January 25, 2017 2:57 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: Re: Public Records Request</p>
<p>From: Gloria Majeski Sent: Wednesday, January 25, 2017 2:32 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: RE: Mayor's Report 1/26/17</p>

<p>From: Willoughby Hills Council Sent: Wednesday, January 25, 2017 2:29 PM To: 'Chris Biro' <chrisbiro@willoughbyhills-oh.gov>; 'Chris Hallum' <ChrisHallum@willoughbyhills-oh.gov>; 'Christopher Biro (christopherbiro@yahoo.com)' <christopherbiro@yahoo.com>; 'David M. Fiebig (davidfiebig@willoughbyhills-oh.gov)' <davidfiebig@willoughbyhills-oh.gov>; 'Janet R. Majka' <jayrrachel@yahoo.com>; 'Jennifer Sommers Greer' <jennifergreer@willoughbyhills-oh.gov>; 'John Plecnik' <John@johnplecnik.com>; 'John Plecnik' <JohnPlecnik@willoughbyhills-oh.gov>; 'Nancy Fellows (nancyfellows@willoughbyhills-oh.gov)' <nancyfellows@willoughbyhills-oh.gov> Cc: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com> Subject: FW: Public Records Request</p>
<p>From: Thomas Lobe [mailto:tomlobe@yahoo.com] Sent: Wednesday, January 25, 2017 2:27 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov>; Willoughby Hills Grove <willoughbyhillsgroveresidents@gmail.com> Subject: Re: Public Records Request</p>
<p>From: Willoughby Hills Council Sent: Wednesday, January 25, 2017 1:34 PM To: Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; Chris Biro Personal <christopherbiro@yahoo.com>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet R. Majka <jayrrachel@yahoo.com>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; John Plecnik <John@johnplecnik.com>; John Plecnik <johnplecnik@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov> Subject: FW: Revised Photo Sims for Willoughby Waite Hill</p>
<p>From: Willoughby Hills Council Sent: Wednesday, January 25, 2017 1:19 PM To: Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov> Cc: John Plecnik <johnplecnik@willoughbyhills-oh.gov> Subject: RE: Mayor's Report 1/26/17</p>
<p>From: Thomas Lobe [mailto:tomlobe@yahoo.com] Sent: Tuesday, January 24, 2017 11:01 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov>; Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; Chris Biro Personal <christopherbiro@yahoo.com>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet R. Majka <jayrrachel@yahoo.com>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; John Plecnik <John@johnplecnik.com>; John Plecnik <johnplecnik@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov> Cc: Robert Weger <robertweger@willoughbyhills-oh.gov>; Frank Brichacek <frankbrichacek@willoughbyhills-oh.gov>; Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov> Subject: Ordinance - REPEALING Ordinance 2016-29--- "Why" and "How" now after six months????</p>
<p>From: Willoughby Hills Council Sent: Tuesday, January 24, 2017 5:35 PM To: Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; Chris Biro Personal <christopherbiro@yahoo.com>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet R. Majka <jayrrachel@yahoo.com>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; John Plecnik <John@johnplecnik.com>; John Plecnik <johnplecnik@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov> Cc: Law Director Personal <tomlobe@yahoo.com>; Robert Weger <robertweger@willoughbyhills-oh.gov>; Frank Brichacek <frankbrichacek@willoughbyhills-oh.gov>; Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov> Subject: Ordinance No. - REPEALING</p>
<p>From: Willoughby Hills Council Sent: Saturday, January 21, 2017 2:19 PM To: 'Willoughby Hills Grove' <willoughbyhillsgroveresidents@gmail.com> Cc: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com> Subject: RE: Public Records Request</p>
<p>From: Willoughby Hills Grove [mailto:willoughbyhillsgroveresidents@gmail.com] Sent: Friday, January 20, 2017 4:06 PM To: Nancy Fellows <nancyfellows@willoughbyhills-oh.gov> Cc: Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet Majka <janetmajka@willoughbyhills-oh.gov>; John Plecnik <johnplecnik@willoughbyhills-oh.gov>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; Law Director Personal <tomlobe@yahoo.com>; Fred Wyss <fredwyss@willoughbyhills-oh.gov>; Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: Grange Cell Tower</p>
<p>From: Willoughby Hills Council <council@willoughbyhills-oh.gov> To: Willoughby Hills Grove <willoughbyhillsgroveresidents@gmail.com></p>

Cc: Law Director Personal <tomlobe@yahoo.com>

Sent: Friday, January 20, 2017 3:02 PM

Subject: RE: Public Records Request

From: Willoughby Hills Council

Sent: Friday, January 20, 2017 1:46 PM

To: 'Fellows, Nancy [ASPUS]' <nfellows@its.jnj.com>; John Plecnik <johnplecnik@willoughbyhills-oh.gov>; David M. Fiebig (davidfiebig@willoughbyhills-oh.gov) <davidfiebig@willoughbyhills-oh.gov>; Chris Biro <chrisbiro@willoughbyhills-oh.gov>

Cc: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com>

Subject: FW: Public Records Request

From: Willoughby Hills Grove [mailto:willoughbyhillsgroveresidents@gmail.com]

Sent: Friday, January 20, 2017 12:35 PM

To: Willoughby Hills Council <council@willoughbyhills-oh.gov>

Cc: Law Director Personal <tomlobe@yahoo.com>

Subject: Public Records Request

NOTE: On a monthly basis, the Finance Director provides a report of the City's financial activity to City Council. The purpose of this reporting practice is to make the City's finances as transparent as possible and to keep the Council informed as to the City's financial activity. Financial Reports for 2014, 2015 and 2016 are posted on the City's Website

NOTIFICATIONS

From: Willoughby Hills Council

Sent: Wednesday, February 01, 2017 7:12 PM

To: 'Chris Biro' <chrisbiro@willoughbyhills-oh.gov>; 'Chris Hallum' <ChrisHallum@willoughbyhills-oh.gov>; 'Christopher Biro (christopherbiro@yahoo.com)' <christopherbiro@yahoo.com>; 'David M. Fiebig (davidfiebig@willoughbyhills-oh.gov)' <davidfiebig@willoughbyhills-oh.gov>; 'Janet R. Majka' <jayrachel@yahoo.com>; 'Jennifer Sommers Greer' <jennifergreer@willoughbyhills-oh.gov>; 'John Plecnik' <JohnPlecnik@willoughbyhills-oh.gov>; 'Nancy Fellows (nancyfellows@willoughbyhills-oh.gov)' <nancyfellows@willoughbyhills-oh.gov>

Cc: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com>; Robert M. Weger (robertweger@willoughbyhills-oh.gov) <robertweger@willoughbyhills-oh.gov>; frankbrichacek@willoughbyhills-oh.gov; Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov>; 'Gail Stuehr (gstuehr@yahoo.com)' <gstuehr@yahoo.com>; 'John Bertosa (jbertosa@news-herald.com)' <jbertosa@news-herald.com>; 'Marian McMahon' <mmcmahon@gazettenews.com>; Willoughby Hills Finance Dept. <finance@willoughbyhills-oh.gov>; 'WINT Radio' <ron@wintradio.com>

Subject: WH Committee Meetings: Working Committee of Council and Finance Committee

From: Willoughby Hills Council

Sent: Friday, January 27, 2017 4:39 PM

To: 'Chris Biro' <chrisbiro@willoughbyhills-oh.gov>; 'Chris Hallum' <ChrisHallum@willoughbyhills-oh.gov>; 'Christopher Biro (christopherbiro@yahoo.com)' <christopherbiro@yahoo.com>; 'David M. Fiebig (davidfiebig@willoughbyhills-oh.gov)' <davidfiebig@willoughbyhills-oh.gov>; 'Janet R. Majka' <jayrachel@yahoo.com>; 'Jennifer Sommers Greer' <jennifergreer@willoughbyhills-oh.gov>; 'John Plecnik' <John@johnplecnik.com>; 'John Plecnik' <JohnPlecnik@willoughbyhills-oh.gov>; 'Nancy Fellows (nancyfellows@willoughbyhills-oh.gov)' <nancyfellows@willoughbyhills-oh.gov>

Cc: 'Gail Stuehr (gstuehr@yahoo.com)' <gstuehr@yahoo.com>; 'John Bertosa (jbertosa@news-herald.com)' <jbertosa@news-herald.com>; 'Marian McMahon' <mmcmahon@gazettenews.com>; Willoughby Hills Finance Dept. <finance@willoughbyhills-oh.gov>; 'WINT Radio' <ron@wintradio.com>

Subject: Public Notice of Open House at The Grange

From: Willoughby Hills Council

Sent: Tuesday, January 31, 2017 5:02 PM

To: 'Chris Biro' <chrisbiro@willoughbyhills-oh.gov>; 'Chris Hallum' <ChrisHallum@willoughbyhills-oh.gov>; 'Christopher Biro (christopherbiro@yahoo.com)' <christopherbiro@yahoo.com>; 'David M. Fiebig (davidfiebig@willoughbyhills-oh.gov)' <davidfiebig@willoughbyhills-oh.gov>; 'Janet R. Majka' <jayrachel@yahoo.com>; 'Jennifer Sommers Greer' <jennifergreer@willoughbyhills-oh.gov>; 'John Plecnik' <John@johnplecnik.com>; 'John Plecnik' <JohnPlecnik@willoughbyhills-oh.gov>; 'Nancy Fellows (nancyfellows@willoughbyhills-oh.gov)' <nancyfellows@willoughbyhills-oh.gov>

Cc: 'Gail Stuehr (gstuehr@yahoo.com)' <gstuehr@yahoo.com>; 'John Bertosa (jbertosa@news-herald.com)' <jbertosa@news-herald.com>; 'Marian McMahon' <mmcmahon@gazettenews.com>; Willoughby Hills Finance Dept. <finance@willoughbyhills-oh.gov>; 'WINT Radio' <ron@wintradio.com>

Subject: Planning & Zoning Commission and Architectural board of Review of February 2, 2017

MINUTES

From: pc-abr

Sent: Friday, February 03, 2017 4:37 PM

To: Law Director Personal <tomlobe@yahoo.com>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; Christopher Smith (csmith@thendesign.com) <csmith@thendesign.com>; Frank Cihula (fcihula@netzero.net) <fcihula@netzero.net>; John Lillich (jml0@oh.rr.com) <jml0@oh.rr.com>; Jonathan Irvine (jirvine1121@gmail.com) <jirvine1121@gmail.com>; katherinedlloyd@yahoo.com; Kevin Trepal <ktrepal@RLBA.com> <ktrepal@RLBA.com>; Mayor <mayor@willoughbyhills-oh.gov>; Michael Kline (mekline219@aol.com) <mekline219@aol.com>; Michael Tyler (michaelyler@oh.rr.com) <michaelyler@oh.rr.com>; pc-abr <pc-abr@willoughbyhills-oh.gov>; City Engineer Personal <PDiFranco@RLBA.com>; Chris Biro <chrisbiro@willoughbyhills-oh.gov>; David Fiebig <davidfiebig@willoughbyhills-oh.gov>; Janet Majka <janetmajka@willoughbyhills-oh.gov>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; John Plecnik <johnplecnik@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov>; Willoughby Hills Council <council@willoughbyhills-oh.gov>; bza <bza@willoughbyhills-oh.gov>; James Michalski (jgmichalski@sbcglobal.net) <jgmichalski@sbcglobal.net>; John Klements (klementswh@oh.rr.com) <klementswh@oh.rr.com>; Mark Kotoch (mkharley55@aol.com) <mkharley55@aol.com>; Robert Bartolotta (jmcbbart@sbcglobal.net) <jmcbbart@sbcglobal.net>; Willoughby Hills Building Dept. <building@willoughbyhills-oh.gov>; Fred Wyss <fredwyss@willoughbyhills-oh.gov>; Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov>
Cc: Dave Phillips <dphillips673@ameritech.net>; Erin Henderson (enh@pinnaclefinancialgroup.com) <enh@pinnaclefinancialgroup.com>; Kristi Hart (khart@bxohio.com) <khart@bxohio.com>
Subject: PCABR Minutes 12/15/16

ON FILE

Willoughby Hills Senior Center News Letter 2017, Issue Number 106

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR'S REPORT: I want to remind everybody that the annual pancake breakfast is March 5th and 12th that's the Willoughby Hills' Recreation and then 19th is the Lion's Club pancake breakfast. It's one of our fund raisers that we do and we appreciate everybody coming for that. The Willoughby Hills' photo contest is going to happen, the date that you have to drop off the entries are March 1st and 2nd and all the directions you can pick up a flyer in the lobby or on the website.

Ordinance Nos. 1, 2 and 3, I'm going to request that they be tabled indefinitely. And what they are is the police, the sergeants and the dispatchers. We have some major corrections to them. Council asked somethings and we got them cleared up and we don't have it back from the union yet. So, since it's very, changing a lot, we just wanted to start brand new.

The fire contract and the service contract are basically done, we should have those for the next Council meeting also and those came out very well. We're just waiting Monday or Tuesday to get those back from the unions for that. The third contract are the sixth contract which is ASCME they requested that we were going to meet tomorrow for our first time, they requested next week some time so we'll be meeting with them.

I want to talk a little bit about the cell phone tower. There's been much discussion about it and we talked about why I signed the contract. It was signed because it was passed under an emergency and there's no waiting period. The ordinance authorized me and directed me to enter into the lease agreement, by signing the lease agreement it doesn't mean a tower is going to go up. It's got to go through the Planning Commission first. There was a public hearing on October 20th and a few people spoke on it and I don't know what their pleasure is but be very well aware that they're going to be thoroughly vetted through that process. Councilman Plecnik, he said on June 9th that this issue was discussed extensively and there was substantial benefit to the City. He thought that they've been thoroughly vetted and he was in support of passing it on the 2nd reading, not waiting until the 3rd reading. I also discovered it appears that a longtime friendship, relationship between Nancy Fellows and...

Vice President Plecnik: Madame President.

Mayor: and Jessie Styles, one of the principles of the company negotiating on behalf of TowerCo, on behalf of the TowerCo. Make no mistake Council approved the signing of this lease for the Grange. It doesn't mean that

it's going to happen, it just means they have the lease and that the Planning Commission would have to approve it also.

I'm going to ask the Law Director to do an investigation on Nancy Fellows and Jessie Styles...

Vice President Plecnik: Madame President.

Mayor: and to see if there's any activity that should be reckoned with. That's all I have Ms. President.

President Fellows: Thank you Mr. Mayor. Any questions for the Mayor this evening?

Vice President Plecnik: I'd like to ask the Mayor if he read Section 4 of Ordinance 2016-29 which specifically provides that any execution of a lease agreement with TowerCo, with Verizon's representatives it's contingent upon Planning and Zoning's approval. An approval that has never happened. I wonder if he read Section 4 of Ordinance 2016-29 and interpreting statutes I also wonder if he knows that legislative intent is one of the most important aspects and I can say as someone who voted for it, I did not intend for a contract to be signed before public notice, public hearing or a single meeting was held for residents. So, I'm not sure whether you read it or not or how you're reading it but did you read Section 4 of Ordinance 2016-29?

Mayor: Yes, I did.

President Fellows: Any other questions for the Mayor?

Councilwoman Majka: Madame President. I'm very disturbed about this finger-pointing and blaming that keeps going on. I thought that it was our intention to move on and try to go forward. As things are, as they are tonight, but I do have a question. In June when we were urged and encouraged to pass this legislation due to many reasons, but one of them was to catch the weather while the weather was still good so that construction could begin. I don't know what happened, I'd like to know what happened with TowerCo that we did not receive any building plans that could be vetted by the Planning and Zoning until just this past January. So, that's a time period of six or seven months. And, so that's my comment. My question is whose responsibility was it to bring this issue to Planning and Zoning once it had passed and to get this going quickly and more in conjunction with the whole process?

Mayor: It was TowerCo's job to get the plans to us and they failed to do that for seven months.

Councilwoman Majka: And who was in contact with them in the back and forth because there was a long lull where we didn't get any information like July, August then we had the hearing in October then there was still a lull. We weren't hearing very much. Who was in contact back and forth with them during this period of time?

Mayor: Fred Wyss was in contact with them and they just didn't have the plans for us. It didn't seem like they were in a hurry.

Councilwoman Majka: Just for public record, I'd like to say that none of us Councilmembers and everybody including Mr. Di Franco, we did not receive a look at any TowerCo detailed plans until the end of January, the beginning of February this year.

President Fellows: Thank you. Any other questions for the Mayor this evening?

Vice President Plecnik: I just wanted to ask the Mayor if he was aware that the "relationship" that our Council President's husband had with Jessie Styles was hiring a teenager to run a campaign 19 years ago. I really give them credit for plotting the technology of cell towers that Mr. Fellows would someday get married and that

Jessie Styles would someday end up working for a cellphone tower company. It's pretty incredible I have to say, so I think that they should have invested in some stocks but apparently, they decided to plot a cell tower 20 years later. So, I think that's shameful that was brought up but I want to ask the Mayor if he would apologize for even saying that now that he knows how silly the accusation is. Thank you.

Councilman Hallum: Madame President, I don't think that it's silly at all.

President Fellows: Next order of business is the Law Director's Report, Mr. Lobe.

LAW DIRECTOR'S REPORT: Okay. Just by point of reference, everybody knows about the Albertone case which is that wastewater treatment plant that was supposedly eradicated on Fowler Drive, that was not eradicated and the young couple built it and they found out that the water treatment plant was still underground. I've told you that there's not been a lot of action, just giving you an update. We had some depositions start the other day and we finally took the deposition of one of the defendants, Richard Iafelice and they also took the deposition of Mr. Albertone. It's still my position that we should not be in the lawsuit, but we are in the lawsuit. I've already filed a motion for summary judgment which basically means that I've asked the Judge to summarily dismiss us. The Judge has our motions but then granted the plaintiffs the opportunity I think to about the end of March to take these depositions so that they can rebuke or rebut my motion for summary judgement. So, we're going to have a few more depositions and then maybe in April the Judge may get around to hearing the motion and then if he grants it, then we're out but if not a no trial date is set. So, there's a middle forecast for you that we're in the middle of litigation and we've been in it for about two years. Okay, that concludes my report concerning legal matters.

President Fellows: Thank you Mr. Lobe, any questions for the Law Director this evening? Seeing, none, next is our Finance Director's Report, Mr. Brichacek.

FINANCE DIRECTOR'S REPORT: I have the proposed draft of the 2017 operating budget for the City. I didn't have time to complete a budget message, but it will be forth coming...that will be forth coming later. Basically, it was mentioned earlier the budget is incorporated in the addition of two additional police officers and three additional firefighters. At this point in time, there's a potential that the three firefighters' positions could be funded by a Safer Grant but right now, right now the budget doesn't assume that the grant will be awarded. To summarize, basically the General Fund expenditures are projected to exceed the revenues by about \$295,000. This is literally hot off the presses and really should be approached as a draft. I'm still going through it, I'm trying to fine tune it and that's pretty much...tonight that's all I'm prepared to say about this budget. I'm sorry. As I mentioned earlier, too I incorporated the proposed changes in the police, fire, and the service contracts.

Vice President Plecnik: Madame President. If I might ask, just as with last year's budget, would it be possible for the two of us to meet after I've had a chance to read it through?

Finance Director: Absolutely.

Vice President Plecnik: Thank you.

Finance Director: Like I'd said, I'll try to make this little book clearer with the budget message. The verbiage always makes these number much easier to digest. If you want to focus on something, in the summary section, the page marked BS-3 is the summary of the General Fund and it's at a very, very high level. That would give you a quick idea where we stand. The preceding page, the BS-2 page, is the City as a whole if there were no fund restrictions. So, remember to take the summaries with a grain of salt. Because as an example, that summary it does not mean that there are restricted revenues that can only be used certain ways so they're not available to fund every applicant down to the detail. But, BS-2 gives you a good idea of what the City looks

like as a - - -in the back section are some, in past years' some exhibits of what I consider to be the key revenue sources, key expenditure types, continuing to tweak those, a couple of them compressed down to very small fonts so I'll be reducing some of the information just I the interest of being, making the document a little more readable, a little bit easier to use. As in the past years, we will put this up on the City website.

President Fellows: Any other questions for the Finance Director?

Councilman Hallum: Madame President. Just looking for an update on the Open Check, is that done, or where are we?

Finance Director: That's not done. That's one of my next projects after this.

Vice President Fellows: I didn't hear your question.

Councilman Hallum: I was just curious where we stood.

Finance Director: My reply was that I will be working on that.... that's my next project.

President Fellows: We had sort of discussed in the past, that you would get through the budget system...

Finance Director: Yes.

President Fellows: Any other questions? Thank you, Mr. Brichacek. The next is our City Engineer, Mr. Di Franco.

ENGINEER'S REPORT: No formal report, but I'm open for questions.

President Fellows: Any questions for the Engineer this evening?

COMMITTEES OF COUNCIL

Finance Committee Meeting of February 9, 2017

Vice President Plecnik: Absolutely. I'll submit my formal minutes shortly but earlier tonight we had a Finance Committee meeting, the main topic of which was to look at two proposed ordinances to increase staffing in the police and fire departments by two and three members respectfully. The main order of business given that it was the Finance Committee was to get a sense of the cost and the Finance Director shared that in working on the budget he could say that there was about a \$300 to \$350,000 additional cost but that could vary depending on healthcare coverage, you know single vs. family and the seniority of the hires. The Mayor expressed the intent to hire entry level people although they certainly will gain seniority over time. We also discussed the possibility of achieving a Safer Grant that's something that Council has to pass, the fire department is working on attempting to get this grant which will partially pay for the cost of the three firefighters over a three-year period so that could be a positive to the budget if we achieve it. But Finance Committee given that information felt that it was time to forward the ordinances to Rules for further consideration and amendment, etc. and Public Portion opened and we simply had one question as to whether the ordinances that we were discussing were numbered yet or they were labeled PD and FD by Mr. Cihula our Board of Zoning Appeals Chair. We answered yes, these are ordinances that will eventually be numbered once they ultimately go on the agenda. Public Portion as well as the meeting closed at 7:01pm and I certainly stand open to questions.

President Fellows: Any questions? Thank you, John. Councilman Hallum, anything on Planning and Zoning? Do you know what the next agenda is going to be?

Councilman Hallum: Sorry.

President Fellows: Do you have any idea of the next agenda?

Councilman Hallum: No, they don't send that out until the week of, so really no. But, I will say that we did have the Planning and Zoning Committee of Council, not Council, the Planning and Zoning Commission and Architectural Board of Review meeting last week we had a tremendous turnout of residents that wanted to voice their opinions of the cell tower which I know for one and other people on the board were very appreciative of the residents for taking the time to come out and let us know their position on the cell tower at the grange specifically. We did have some comments on the one on West Miller Road as well but primarily on the Grange. The Board preliminarily approved the tower at the West Miller property but we had postponed any vote of any kind on the Grange property. There were several issues that the City Engineer wanted to have addressed before we could consider that. At this point, TowerCo has sixty days to respond to that, otherwise it's automatically a rejected project. Thank you.

President Fellows: Thanks. Any questions for Councilman Hallum? Okay, thank you.

Councilman Biro: Madame President. Yes, I was in attendance at the Recreation as you were. So, maybe you could help me out here. The funny thing that happened on the way to Council, I left my notes in my wife's car because I had to get her gas. So, we don't have to make that part of the record. But discussions entailed pancake breakfast tickets and since, like Mr. Lobe was saying, I'm having half-heimers so other discussions were...I think that we had the best January we've ever had at the Community Center, \$5,200 versus last year's \$3,000, I forget what it is and then they discussed some eggstravaganza thing. I can give a little more detailed discussion at our next Council meeting. But it was a good meeting and I appreciate all their hard work that they do for the City because it's truly a gem for what they do, so you can add to that if you like. I know that you spoke at....

President Fellows: I'm good. So, actually the letter that I had crafted and sent to Council for thoughts and opinions there were some concerns that came back with the letter so I did present it to the Recreation Commission as from me, not from Council. But basically, it was to define what the role of the Chairperson is of the Standing Committee of Council for Recreation. And that they are not required to go to the Recreation Commission meetings. They are not a standing member of the Commission and they do not have a vote. However, we are all in support, as Councilman Biro had said, of their activities and the hard work that they do for the City. Okay, any questions?

Just to make mention for the Safety Committee, Councilman Fiebig is Chair of that. The snow ban ordinance is in that committee. Just so people know where that went.

The next one would be the Working Committee of Council which we had this evening.

Working Committee of Council Meeting of February 9, 2017

President Fellows: We discussed the ordinance that would be proposed from Council for confirmation for mayoral appointments to department heads; looking to identify family in that ordinance as defined from the Ohio Ethics Commission of the State of Ohio and also to wait for some comments from Mr. Majeski who is the Chair of the Civil Service Commission aligned with medical examinations and background checks, right, thank you.

COUNCIL REPRESENTATIVE REPORTS

President Fellows: Any other Council Representative Reports for this evening? Seeing none we will 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: The next item of business is Public Portion. This is an opportunity for the public to come forth and share thoughts and opinions with Council and Administration. Sometimes we can address your questions and sometimes we cannot and if we cannot it certainly would be done in a timely fashion. The policy of Council is for three minutes. I will ask that you come up and state your name and address for the Clerk.

I will open Public Portion at 7:26pm.

Doris Catherine Dodge – 37881 Milan Drive. The question that I have is since we do have a signed contract with TowerCo is it possible for them to come back on the City legally for us not performing on our end? That was one question. The other question is, I went to the Grange Open House, I just thought that it was lovely. It's a beautiful building and I would like to know if it would be available for residents to rent it like for bridal showers or something like that nature other than having to use the Community Center? I understand that it's used for the Boy Scouts and the Girl Scouts and in touring the facility I was kind of amazed when I went to the second floor and I found, well, on the first floor I found a big screen TV and I was kind of wondering what the Boy Scouts were doing with that and also a billiards table and poker chips and I was wondering if the Boy Scouts were now getting Texas hold'em merit badges. But I think that it would very nice to open this up to residents for rental purposes.

Jenna Bing – 36951 Beech Hills Drive. Completely different topic. In these time periods when it has warmed up, I like many of the residents have been cutting back bushes and doing all that kind of stuff and I wanted to applaud whoever it is in the City that takes care of the brush dump that we have because as residents we're not really good at really orderly placing it. But, my God, the City keeps it like piled back up there, keeps it clean. Every time that I've gone which every warmup period, I seem to have to go there, it's been managed really well and it's very easy and it's a great benefit, I think, to have that there for people who take their clippings. The only thing I miss is when we first moved here, is it turned into mulch on site and we then had the opportunity to get mulch and I really wish there was a way that could come back so that we would have that benefit as a City, as a Village people to have mulch available given that we're putting all of our stuff someplace. So, I don't know how that works but just a thought. Thank you.

Peter Pike – 2903 Cricket Lane. Good evening Council President, Council and Mayor. I want to pass out before I begin my time an outline. Take my cap off here, I don't want the glare to hit it. I'm here tonight to speak as a former Council President and after dialogue with another former Council President, and former Mayor, Mayor Lorenz, we're here to discuss or speak on behalf of a few issues that were both very, very, dear to us and the residents in this community and that is zoning and the protection of residential property in the City.

Councilman Hallum: I'm sorry, could you please give your name and address for the record.

Perter Pike: Absolutely. Peter Pike, 2903 Cricket Lane, here in the City, Willoughby Hills. Sorry about that Mr. Hallum.

The very first thing that I want to bring up is on November 4, 1996, there was a Charter amendment 5.15 which calls for a mandatory public vote on all land use changes. That particular amendment passed by the public also changes 5.32 – the Powers of the Board of Zoning Appeals and also is affected by 6.2 of our Charter. Our Charter as you may know is very much like our constitution, that’s how we told the state how we were going to operate. On November 5th of 2000, Osborne Corporation had property on West Miller, they went to the public, they asked the public to please help them, vote yes or no for an assisted living complex only on West Miller, site of one of your cell towers, and the public vote was yes. The property is assisted living complex only, a gold mine for the City. On November 5, 2009, another public vote was held on Maple Grove which now houses a wonderful, incredible, Maple Valley Estates originally asked the citizens if they could turn it into a senior citizens’ complex and create a new zone. The public said no. They came back and it’s a wonderful, magnificent assess to the City, 1-acre residentially zoned. As of June 1st, of this year, actually 2017 the property on River Road, the Maple Grove Grange, is zoned 1-acre residential. It doesn’t matter who owns it, he didn’t change the zoning because you haven’t gotten permission from the public to change it yet. The background of this issue, the facts is on February 25th the Working Committee of Council, Council President Fellows called to order the Working Committee of Council at 6:00 to give two cell tower companies, two cell tower companies an opportunity to present their proposals. And if you don’t know that please refer to your minutes of that meeting, February 25, 2016. On June 9, 2016, Ordinance No. 2016-29 authorizing the Mayor to enter into an agreement with TowerCo. for the lease of certain property located at 2454 River Road was presented. That ordinance was passed by this body. The only descending member was Councilman Fiebig. You can also refer to your minutes to confirm that. They granted the Mayor permission that evening, June 9th, the same evening the 3rd Reading Rule was circumvented, we don’t need another week. They passed on and gave the Mayor the authority to enter into an agreement that day. Twenty-one days later, he entered and executed that agreement authorized by Council. On June 28th of 2016, Mayor Weger did sign the lease agreement with TowerCo for two locations, Exhibit A and Exhibit B and that I will bring to you.

President Fellows: Peter, you’re winding down on time.

Peter Pike: Am I winding down on time, this is a very important issue to the City. Be it time or not time, I’ll ask a member of the public to yield two or three minutes of time to be able to finish this conversation.

President Fellows: Keep going.

Peter Pike: This particular agreement if you go to Exhibit A and Exhibit B. You go to Exhibit B it’s a blank piece of paper. That blank piece of paper is the West Miller property. That West Miller property is a massive property, it needs to be protected, it’s an asset to this City. Obviously, the other location which is Maple Grover is zoned residential. This Council, a Building Inspector, a Planning Commission no one has the authority to change the zoning and the use, the permitted usages of that property without the public. Those can be seen in the notes I left to you, for you through the execution of a simple Charter application. That particular agreement oddly enough, only authorizes 2545 River Road. It doesn’t authorize anything else. So, if I take you to Section 5.15 and 6.2 it says all land use changes must be presented to the people of the City of Willoughby Hills at the next scheduled election. While everyone at tonight’s Council table may have egg on their face, let’s move forward and let the people of this community vote. I personally recommend a no vote by the public. 5.15 and 6.2 are protection for the people of the City to control their neighborhoods and protect their assets, their property. If anybody needs any further information with regard to that I’d be happy to meet, discuss. Law Director Lobe was here at the time. I think the only thing that Planning Commission can do right now is to prepare their recommendation and it goes on the November ballot the same way Osborne did, not one time but two times. That is the law in this City. November 4, 1996 that is what the people said that we must yield to the people. The people control this, they own the City. Nobody else makes that call. The BZA clearly, when you

read the Charter highlights that I've given to you also says they don't have the administrative authority to make changes to use of property, only the people. So, the only thing that we can do is to present it back to the people and let the people make the call, it's their City. We're nothing more than caretakers at this table. I took an oath, Mayor Lorenz took an oath, we all take an oath to protect our Charter. That we must do. It doesn't matter about opinion, it doesn't matter what we think, we must follow the law that is in this City. Until you change the law, the only people that can change the law are the residents of this City. That's all I have. I have more documents if you like to support that. I'd be happy to meet in a workshop if you like to review those. I do have everything to support the legislative intent of those changes which are very, very important in litigation. There's a better path for all of us, a better path. That property on West Miller is an asset to this City. A wonderful and incredible asset and I have to commend Law Director Lobe for having the keen foresight to see what that is. Possibly that could go behind Loehmann's Plaza, possibly you could go behind the other apartments over there and quite possibly Maple Grove Grange needs to be sent someplace else, possibly back to Waite Hill. But nobody in God's earth can this Council allow a commercial building and a commercial structure which they've already said is going to be one more commercial company, two more commercial companies, three commercial entities to operate on land residentially zoned. That's wrong.

President Fellows: Thank you Peter.

Peter Pike: Dead wrong.

President Fellows: Thank you Peter.

Peter Pike: Thank you for the time.

President Fellows: You're welcome. Anyone else for Public Portion?

I'll close Public Portion at 7:41pm.

UNFINISHED BUSINESS

Vice President Plecnik: Madame President. This is Unfinished Business. If I could just say, I did want to clarify, I noticed in the outline that Mr. Pike shared with us, he reports that on June 9th Councilman Fiebig voted no on Ordinance No. 2016-29. I want to clarify that six members of Council were present that evening, Councilwoman Greer was not present at that meeting so she didn't vote for or against. Councilman Fiebig voted no on waiving the 3-Reading Rule but voted yes on Ordinance 2016-29. So, I think that it is important just for the record to clarify that, he did actually vote yes on 2016-29 and I'd just restate as I did before, that when I voted for 2016-29, speaking only for myself, I also was voting reading Section 4 which explicitly said any execution of an agreement for a cell tower with Verizon or its representatives is contingent on a full Planning and Zoning review and I'm not sure if I was the only person who read Section 4 or not but when I voted for 2016-29 with the rest of Council I wanted to insure a full Planning and Zoning review. And when I said that I was in support of that ordinance, I certainly was not saying that I was in support of waiving Planning and Zoning review and putting up a cell tower. Not that Council has the authority to put up a cell tower, I do agree with Mr. Pike on that point. But, I do believe that it was Council's responsibility to review the financial considerations of a cell tower which is why it went through Finance, Utilities and other committee meetings but it wasn't our preview, it's Planning and Zoning's preview to look at whether a tower should be approved and I was personally distributed when I learned that an agreement was signed before Planning and Zoning had a single meeting. But, I just wanted to clarify given the comments made both by the Mayor and by Mr. Pike how Council voted and to try remind everyone of Section 4 and the importance of a full Planning and Zoning review. Thank you.

President Fellows: Thank you Mr. Plecnik. I wanted to get back to Doris' question about a legal question and Tom, I don't if you can answer that this evening or not and then also if residents can rent the grange for activities.

Law Director: Ms. Dodge, please call me. It's Tom Lobe, 440-725-5410. Call weekends, weeknights. Try me anytime and I hope to get back with you and meet with you for coffee, better to dialogue as opposed to trying...that's been my policy for 20 years.

President Fellows: And then the rental issue.

Mayor: The rental issue, we don't currently have it on the rental status. There's issues as far as having a caretaker there. We have the Community Center available and there's four rooms there and we have one monitor there. So, right now it's just a financial site.

President Fellows: And then Jenna, you'll probably have to thank Mark Grubiss our Road Superintendent and his staff for maintaining the brush that the residents can come and get. I know that we did mulch but I don't remember why, maybe Bob does. The Mayor does.

Mayor: Yeah, the mulch...the thing that stopped that is the EPA. We weren't allowed to grind it and store it here. Now we have a company that just takes all our brush, they haul it out once a week so that's why it's so clean over there cause they pick it up and they make mulch themselves.

President Fellows: Thank you. Any other Unfinished Business?

Councilman Biro: I have a question, I have a question and a request and it has to do with this cellphone tower issue and how information is disseminated. There was an email out in May 18th of 2016 that was addressed to yourself and also Willoughby Hills Council and the TowerCo individuals and unfortunately I didn't get a copy of that. It was, since it was addressed to Willoughby Hills Council I just assumed that was forwarded on to us but I looked at my records, I had no record of it and this is an interesting memo from Mr. Lobe, that, you know that talks about paralleling both ordinance and you know the planning issue. And had I received that I, this was a couple weeks before the vote and actually shortly before we had our Rules meeting, having that information, I think that may have been something that we could have really considered and may have changed our minds on this issue. And so, it's unfortunate, we need to change how we get information. And every once in a while, Vicki will send me an "fyi" although I'm not listed on that email, she may think that it's pertinent to what may be important to me but I think this, we need to have all this information if we're to make a good decision on and this is actually one of the most important decisions we've made, we need to have all that information. And I request that if it's addressed to Willoughby Hills Council, I think that I'm part of Council and I think that I deserve a copy of that so I can, you know collate what information there is and take it to the meetings that I need to make a decision on. So, I would request that if that's okay and if Vicki has no issues with that and I mean she's been very good about documents but this is one that I would have loved to have had prior to that meeting and had more discussion on it so if you could do that, I'd appreciate that.

Vice President Plecnik: Madame President. Two quick things. First, I believe Willoughby Hills Council is just the address of the Clerk so it's not an automatic forward to all of Council, there might be some misunderstanding there and I certainly hope that when the Law Director thinks there is something pertinent he shares it with all of Council but I don't believe it was an email that the Clerk generated so as many emails as I'm sure that she receives on a daily basis I know that she does the best that she can to forward them but I think that we should bear in mind that it's not an automatic forward from that address. But what I had wanted to mention before going back to Ms. Dodge's issue irrespective of whether we can ultimately put the Grange out for rent due to caretaker issues, I do think it's important for us to have the same opportunity that we have in the Community Center for all nonprofits to access the use of it. I think that it's wonderful that Boy Scouts and Girl

Scouts can use the Grange but there may be other worthy nonprofit groups or community groups and given that the City does pay for the maintenance of this building it seems a shame to have only one or two meetings a month in the historic Grange and if there are other nonprofit groups or community groups that can make good use of it and appreciate the history of the Grange and build our community, I certainly think that we should look to whether we could at least put the Grange into the same schedule or the rules that we have for the Community Center for exempt groups who can apply for the use of rooms or meetings for free so that we could start opening the Grange up to the rest of the City. During the Open House, I think that it was the first time I ever had the opportunity to go in the Grange because it's not really open to the public and given that it's paid for by the public I think that we should really make a greater effort to make it accessible even if it's only for nonprofit groups or community events but I'd certainly like a better understanding of why there's a TV in the Grange and other amenities that don't appear geared to the only two groups that we're aware that use it. I think that we need to have some accountability there and I really think that it should be handled by our Recreation Department or Service Department or both as opposed to just having the Mayor chose a couple of people, hand them the keys and say do the best you can. And you know, I'm sure that there's good faith efforts there, but if it's public property, I think we need accountability.

Councilman Biro: Madame President. Just one more issue. It goes with this informational issue. I think we're experiencing some transparency issues with this Council also. There was, I posed the question to you at one of the meetings about why we had an audit that was early. And the response was that it was a scheduling issue and that, you know, Mr. Brichacek you were going to contact him and find out, you know, what potentially, why we had that early audit and I eventually found out what may have had something to do with that was a meeting that you had with the auditor back in November and this, I was not aware of the meeting and I know that Vicki was part of that meeting also. And it's something that would have been interesting to know about the meeting and had a potential to be part of, but the transparency of it too is that we've been admonished by Mr. Lobe many times about using non-Willoughby Hills emails. I think that it's important for our citizens that we remain open and have this transparency and use our Willoughby Hills emails. I think, unfortunately, some of the correspondences between the auditor and yourself didn't have that and I think that's information that's important to the public and I'm a little confused, I think after the last election, Presidential election, one of our Presidential candidates was using a private server, private emails to conduct City business, I would think that I would think we would think twice about that, so in terms of transparency it's my wish that we were more open, utilize these email addresses that we're given for the City and have the ability for our residents to be able to use them to. So, that's just my comment in terms of information and things like that. Thank you.

President Fellows: Well, thank you Councilman Biro and indeed I had a meeting in downtown Cleveland with the State Auditor's office because I have a responsibility to all of our residents. And I would have you all, if you had any questions or concerns, they welcome anyone's questions or concerns. I think that it's a responsibility I have to the residents that if I do have concerns that I can go to the auditor's office and ask that question. So, this is an ongoing audit right now so I'm not at liberty to discuss any of that. And in terms of my email address so, if you want transparency, I'm a nurse for Johnson and Johnson for those of you who don't know and that may be listening. I've worked for Johnson and Johnson for twenty-one years. My laptop, my only computer that I have is owned by Johnson and Johnson. Johnson and Johnson has given us privilege to use our laptops for personal use, in fact, I used this very laptop to get my Masters in Nursing from the University of Phoenix. All of my emails that I send using my asp address, to the best of my recollection, for the last 15+ years, I have never had anybody until now say that they haven't received something from me and anybody that sends, any email addresses that I send to Willoughby Hills addresses and I do also send to Councilman Hallum and Councilwoman Greer's private email addresses because some months back they said that they weren't getting my emails so, not only do I send them to their Willoughby Hills addresses, I also send them to their private ones so when you see my distribution list and asking why I might do that, that is the reason for that. But anybody that sends me emails addresses through the Willoughby Hills.gov email is filtered through Evolve to come to me. I currently have a ticket out with Evolve, I've been speaking to Evolve representatives about if I have addresses, emails coming to me through Willoughby Hills government address that get to me through my

company email then why can't it be reversed. If I'm sending out an email to a Willoughby Hills government email address then it would come from me that as well So, they are in the process of doing that. If this angst people so much and because you're looking for things to discredit me then I will go out and purchase another laptop, a personal laptop so that I will set it up through Evolve so that everything will just be Willoughby Hills and that's it. And then that would make you all very happy.

Councilman Biro: I'm not...

President Fellows: The next order of business...

President Fellows: The next order of business is legislation.

LEGISLATION

Ordinance No. 2017-1

1st Reading: January 12, 2017

2nd Reading: January 26, 2017

Ordinance authorizing and directing the Mayor to execute an agreement between the City of Willoughby Hills and the Ohio Patrolmen's Benevolent Association on behalf of the Sergeants and declaring an emergency.

President Fellows: So, this evening in the Mayor's report, he asked us if we would table this ordinance as there is substantial changes that need to be made to it.

Councilwoman Greer moved to table. Councilwoman Majka seconded.

Roll call: **YEAS: Biro, Fellows, Greer, Hallum, Majka, Plecnik**
Motion passed.

Ordinance No. 2017-2

1st Reading: January 12, 2017

2nd Reading: January 26, 2017

Ordinance authorizing and directing the Mayor to execute an agreement between the City of Willoughby Hills and the Ohio Patrolmen's Benevolent Association on behalf of the Patrol Officers and declaring an emergency.

President Fellows: Again in the Mayor's report this evening, he has asked Council to table this motion [ordinance] as there are substantive changes that need to be done to the Collective Bargaining Agreement.

Councilman Biro moved to table. Councilwoman Majka seconded.

Roll call: **YEAS: Biro, Fellows, Greer, Hallum, Majka, Plecnik**
Motion passed.

Ordinance No. 2017-3

1st Reading: January 12, 2017

2nd Reading: January 26, 2017

Ordinance authorizing and directing the Mayor to execute an agreement between the City of Willoughby Hills and the Ohio Patrolmen's Benevolent Association on behalf of the Dispatchers and declaring an emergency.

President Fellows: Once again this evening in his Mayor's Report he has asked Council to table this motion [ordinance]. Do I hear a motion?

Councilman Biro moved to table. Councilwoman Majka seconded.

Roll call: YEAS: Biro, Fellows, Greer, Hallum, Majka, Plecnik
Motion passed.

Ordinance No. 2017-4

1st Reading: January 12, 2017

2nd Reading: January 26, 2017

Ordinance repealing Ordinance No. 1978-33, and enacting in lieu thereof a new ordinance amending Part Three – Traffic Code, Title Seven – Parking, Chapter 351 – Parking Generally, Section 351.14 – Overnight Parking of the Codified Ordinances of the City of Willoughby Hills and declaring an emergency.

President Fellows: This ordinance is on 3rd Reading. One thing that I would like to share is though, is that we do have an ordinance on snow banning that is now in the Safety Committee and the penalties in the snow ban ordinance are identical to parking and the snow ban ordinance speaks to penalties that could be associated with ice, sleet, hail, snow - - - I can't make a personal opinion with the gavel (passed the gavel to Vice President Plecnik). I think personally we should leave the parking one on 3rd Reading and look at the snow ban one and see how they're running parallel.

Councilman Biro: Would you move that over to committee?

President Fellows: Well, we had put the parking back into Safety, it was in Safety and we had it back, but we could put the two together because they're running parallel and I do have some questions about the snow ban one but when I saw the similarity with the parking, we should take a look at this again. So, we can leave it on 3rd Reading and put it back in committee.

Councilwoman Greer: I'm in favor of, because I said it before and I'll say it again, I think that this is too restrictive. So, I'd like to give it another chance to...

President Fellows: Councilwoman Greer, I appreciate that. So, we'll leave this on 3rd Reading. I'll convey to Councilman Fiebig to put that back into committee as well as the snow ban one.

President Fellows: Any other thoughts on that? (Vice President Plecnik passed the gavel back to President Fellows).

Ordinance No. 2017-7

1st Reading: January 26, 2017

An ordinance authorizing the expenditure of funds required to perform the City's 2015-2016 audit and declaring an emergency.

President Fellows: And this is 2nd Reading. And then the next one is Ordinance No. 2017...pardon...

Finance Director: I'd request Council consider enacting this ordinance tonight because the auditor has sent me a bill for the work that they've done so far. I can't pay them until this ordinance is passed.

Councilman Hallum: May I ask a question?

President Fellows: You need a motion to ask a question. Well from the silence I'm, what I take from the silence is that we're not ready to pass this Mr. Brichacek.

Ordinance No. 2017-8

1st Reading: January 26, 2017

An ordinance authorizing the expenditure of \$26,925.17 required for the annual support/service contract for the Cody CAD/RMS system and declaring an emergency.

President Fellows: This is also on 2nd Reading.

Ordinance No. 2017-10

Ordinance amending Part Eleven – Planning and Zoning Code, Title Eleven – Supplemental Development Standards, Chapter 1161 – Regulations for Wireless Telecommunication Facilities, Section 1161.04 – Location Requiring Conditional Use Approval of the Codified Ordinances of the City of Willoughby Hills.

Vice President Plecnik: Madame President. If I could just say because Councilman Fiebig is not here, I want to thank him in his absence for proposing 2017-10 which would extend the required notice put into the mail to residents for proposed cell towers from 500 feet to a half mile. While 500 feet is enough for a shed or a garage, I think that it's prudent to extend the notice further so that in the future, while we were lucky that some residents got the word out, in the future it's only fair to give notice to a whole neighborhood when something as significant as a cell tower is proposed. That said, unless someone is going to try to propose a cell tower tonight, I think that it can go on three readings and we can fully consider whether the language might need to be tweaked here or there to make it as effective as possible. But I certainly want to thank Councilman Fiebig for his wisdom in proposing 2017-10. Thank you.

Law Director: I just want to go on record that I'm not in favor of this. I understand the populist issue on this particular point. No other municipality does it to this extent. I think that we're over reacting on this particular point. Most municipalities have it the adjacent 300 feet, 500 feet and a 1,000. I understand why but I think that there's other ways to go around it. I also mentioned in committee that with the new Senate Bill 331 this might interfere where there's going to be state preemption where they're allowed to put towers in the right-of-way and for those reasons and the others that I had expressed at the committee meeting, I'm not in favor of it. So, this Council can do as it wants, I understand it and I understand why you may be wanting to give out more but I think that you're creating, you're over-reaching on this one as a result of what's occurring and I don't think that it's good legislation.

President Fellows: I just want to mention at the Planning and Zoning Commission meeting the individuals presented to the Commission for all to hear, fairly good discussion about Senate Bill 331 and the utility towers which was very educational for all of us that were there. So, this is 1st Reading.

Ordinance No. 2017-11

1st Reading: January 26, 2017

An ordinance establishing the terms and conditions required for the confirmation of Mayor appointments of the heads of all the departments of the municipality.

President Fellows: So, this was discussed tonight in the Working Committee of Council that there would be enough changes to it that we should...

Vice President Plecnik: Take it off the agenda.

President Fellows: So, did we want to just table this one because the other one needs to be amended or we're not sure how much amending there needs to be, we know family is going to be amended but we don't know yet about the other two. So, why don't we, just leave it on 2nd Reading for right now. I think that's fine there. Okay, the next one is 2017-12.

Ordinance No. 2017-12

An ordinance imposing a temporary moratorium on medical marijuana cultivation, processing, and retail dispensary facilities within the City of Willoughby Hills, Ohio and declaring an emergency.

President Fellows: So, this will be on 1st Reading, there has been some information that the Police Chief has provided to us. So, there's a lot of municipalities that are looking at this now considering that medical marijuana has been signed by the Governor in the State so this is on 1st Reading.

Ordinance No. 2017-13

An ordinance authorizing and directing the Mayor to enter into an agreement with Evolve IP, LLC for the City's IT support services for 2017.

President Fellows: This is on 1st Reading but I have some questions and you don't have to answer them this evening Mr. Mayor, Mr. Brichacek but I would like responses for them. This agreement is for \$7,000 per month which comes to \$84,000 a year; we do require that anything over \$50,000 go out for bid. Now I understand that the first contract that we did for this was deemed that it was for professional services; however, I see these guys here all the time doing technical services as well. And I would like you to check because I thought the last contract was for 2013, 2014 and 2015 so, I'm just curious how 2016 got paid unless I'm in error of my dates. And those questions I would like to have answers to at some point. Anybody else on this one?

Councilwoman Greer: If possible, I would like to see the full contract of what services are provided. Gloria did provide the invoice which had a brief description of the services provided. But at a glance, it seems like it's very expensive for the services actually provided. Our website is pretty antiquated and it could really use some updating so I know that there are some other things that are done too but perhaps there's someone out there who's willing to update those types of things for that kind of price.

Mayor: It's more than just the website, it's the LEADs, the CAD system, the CMI system for Finance. The CMI for the Court and all the servers involved in keeping all the records so, it's not as easy as just the website. The website is handled by another company totally.

Councilwoman Greer: So, is that our software leases included in that?

Mayor: Some software leases like the sims and the drives down stairs are included in that.

Councilwoman Greer: So, this doesn't have to go out to bid. Did it ever?

President Fellows: We...

Councilwoman Greer: It was before I came on.

President Fellows: It was before you came on and to provide an opportunity for it not to go out for bid it was determined that it was for professional services which I would challenge because this is an \$84,000 a year contract and we're supposed to go out for bid for anything over \$50,000 and who knows, I know people, I know people like Evolve because they're use to it and it provides for their needs but it deters the competitive market. And I agree with you, it would be nice to see the contract too. You might be better at reading that, than me Jennifer.

Mayor: Okay.

President Fellows: But those are the questions that I have about it anyway, so I think that the questions are fair enough...

Mayor: Yeah.

President Fellows: I think there are so, anyone else?

Law Director: Can I make one comment. Even if it's professional we can go out to bid, that part is always there, okay but we pay a lot of other people professional services like an engineer, etc., so, but a lot of places even if it's professional go out to bid just so you can see if you're getting it but you don't have to per se. So, it's not a bad concept to do sometimes.

Councilwoman Greer: Thank you.

President Fellows: Anyone else?

NEW BUSINESS

- **Motion of Council in support of the WH Fire Department to seek the following grant funding: A Priority One Grant with subsequent submission for Economic Hardship Grant and/or Board Priority Grant.**

President Fellows: Okay, we're going to move on to new business. Now, the new business has a motion and I'll pass the gavel, I'm going to pass the gavel to John, so I...and I wish the acting chief was here and maybe I'll go in to see her tomorrow. The motion is to ask or to allow the Fire Department to seek grant funding for two grants. One of them is called an Economic Hardship Grant under FEMA. And if I pulled the correct application which I may have not, so I can check with Patty on that. There are two areas of eligibility for an Economic Hardship Grant and the first, I'll read the second one, it says you have to demonstrate that the grantee which would be our Fire Department or the grantee's governing agency or municipality has filed for bankruptcy, Chapter 9, Title Eleven which obviously, we do not qualify for. However, the other one says in addition to this affirmation to be eligible for an economic hardship waiver a grantee must demonstrate economic hardship in one or two ways and this is the first way. Demonstrate that all of the following conditions are met and I'm not going to read all of them but the first one is that the rate of unemployment in the grantee's community has increased over each of the previous three years preceding the application. So, I went on line and the unemployment rate in Willoughby Hills in 2014 was 5.9%, in 2015 it dropped to 4.4% and then in 2016 it went to 4.7% so we have not increased our unemployment as a City in three years together, so it says that we have to meet all of the conditions and we already don't meet that one. One of the other things it speaks to is medium household income. The medium household income for the last three years for the grantee's community has to be 80% or less than that of the medium household income in the state. So, on our City's website in terms of demographics under education income it states that the medium income is 21% higher than the rest of the state. Also, under housing it states that the medium value of homes in Willoughby Hills is over \$250,000 and by far the highest among others in Lake County. So, I think that we need to have more information from the Fire Department and I would certainly want to see what the difference between the Economic Hardship Grant was and the Board Priority Grant because we are rolling the two into one motion. I think that there needs to be more information.

Vice President Plecnik: I get that look again (passes the gavel back to President Fellows).

President Fellows: So, I will take the responsibility in talking to Acting Chief Heller. Okay, is that all right with everybody? Okay.

Vice President Plecnik: Madame President. I'm very concerned about a number of issues related to the cell tower and frankly I think that it's time for Council to have a conversation about potential litigation. We've had

several people state possible litigations with respect to the cell tower whether it be with respect to public records request, with respect to the cell tower itself, with respect to the Mayor's signature on an agreement before Planning & Zoning approval and given how wrapped up the Mayor and his Administration were in the negotiation of this contract and some of the statements that have been made by the Mayor and various members of his Administration, I think that it's important for that conversation to be among Council itself which is why I would make a motion to go into Executive Session immediately after "For the Good of the Community" and before "Adjournment" to discuss potential litigation. I think that it's important, and to only invite the members of Council because I think that it's important for Council to have that discussion. Thank you, that's my motion.

Law Director: Can I make a statement, please.

President Fellows: No sir. The Law Director must be included on this John.

Vice President Plecnik: Then I'll invite the Law Director as well.

Law Director: The Law Director will not go into Executive Session because he doesn't feel that there is enough threat or imminent litigation to go back and discuss it outside the sunshine. So, even if you invite me I do not want to go back there. I don't know what litigation you're talking about, Mr. Plecnik. I heard a lot of people say somethings but I don't think that it rises to the level that we go outside of the sunshine. That's my opinion.

President Fellows: Mr. Lobe, Mr. Lobe, when at the last Council meeting there was an ordinance that was drafted, it was not numbered, it was placed into committee for discussion and that ordinance was to repeal Ordinance No. 2016-29 and your comment was that if that would happen that this would put the City at risk and potentially have the City be sued. So, that's litigation.

Law Director: No, it's not. That is not a threat of litigation. That is advice from the Law Director. Threat of litigation is from somebody from the outside threatening us. That is absolutely not correct, improper and I still stand that we do not have an actual threat of litigation that would warrant this body not to discuss this matter in the sunshine. Now, you can twist my things all you want. My words are my words and I do not, I will not go back in at this time. When there is a threat of litigation I will do and second of all, as a matter of law, I have to be back there with you. That's under state statute and under our ordinances.

Vice President Plecnik: Madame President. Two points if I may. First of all, an anonymous public records requester who I strongly suspect may or may not be affiliated with the Mayor's Administration did threaten litigation toward various members of Council in writing so I suppose that meets the Law Director's standard given that it was an actual threat of a lawsuit. I would also add Madame President, that we just heard our Law Director say that even if Council were to vote to invite him to an Executive Session he would decline to do so. I find that disconcerting given that the Law Director says he's not willing to do his job.

Law Director: No, the Law Director has to follow the law, number one, and it's my job to tell you what the law is so, I always stand to do my job. This is the first time in so many years that I've been accused of not doing my job. If anything, I do it 24/7 for the City for the last twenty years. But, I'm not going to allow you to do something improper or illegal. Number two, as to that anonymous person, I don't put too much stock in somebody that sends something anonymously therefore, I don't think that it rises up to that. Again, we are trying to make excuses to go back in the backroom and I do not want to be part of it and I will not be a part of it. When we have a real threat of litigation let somebody come up here I don't care if it's Joe Blow or somebody else and say I am going to bring a lawsuit that is a threat of litigation. That is imminent litigation. I don't consider an anonymous person and who says somethings that, that's a threat of litigation. That's as far as I'm going and I always stand to do my job here. Now, if you don't like my advice, I understand it. This Council doesn't like my advice a lot of times but I'm going to have to start putting it more on the record, thank you.

Vice President Plecnik: Madame President. Given that I don't hear a second then I'll simply state my baseline concern. Going back to 2014 there have been instance after instance where I will admit that I am not confident in our Law Director's advice and opinion. I do not feel that the Law Director is representing Council with the same fervor that he represents the Administration. And frankly as of our last meeting when the Law Director was ruled out of order three times and removed from the Council meeting the animosity that I see from him towards members of Council is very concerning to me and I personally think that Council needs to have an independent legal view at this point going forward particularly with respect to the cell tower because after all Mr. Lobe was the one who negotiated this agreement. I think that we need to have a fresh look. I think that we need to have an attorney that's looking for Council's interest and answers to Council and so, out here in the sunshine let me state just as I did to the residents at the Grange, I think that it is important to have another attorney look at this matter because apparently, it's okay, Mr. Lobe says it's okay for the Mayor to sign this agreement without Planning and Zoning approval. I strenuously disagree. He can say I'm wrong, well, I'd like to have an attorney who has had nothing to do with this process take a look at it and give Council an independent opinion. So, I think that it's important for Council to hire its own counsel.

Law Director: Council President.

President Fellows: I want to make a statement, please.

Law Director: It's your meeting.

President Fellows: (Passed gavel to Vice President Plecnik) We can go back and forth with everything. The facts are that these things are over. They're passed and we need to try to move forward, we've said that and tried it on many occasions. Councilwoman Majka mentioned that earlier tonight. I think that there are two things that we're looking at in reference to the cell tower. One is to rescind the ordinance which may or may not bring litigation to the City or put the City at risk, maybe I should say is a better way to do it. Two is to wait for Planning and Zoning and the Mayor mentioned this earlier tonight about waiting for Planning and Zoning, to see if, and Bob you can correct me if I'm wrong on this, to see if the cell tower company comes back to us before sixty days or not, otherwise I think that becomes kind of a null and void issue and we're sort of done with it or if they come back and the City can meet their contingencies. But we might want to consider, I'm trying to find the right words, I'm sorry, we might want to consider taking the Mayor and the Law Director out of this mix right now and consider employing an independent legal counsel to take on this topic for us, take on this issue for us. And whether you believe me or not Tom, and I'm saying this in the best interest to you and to the Mayor and to the City and to our residents as well.

Law Director: Can I be heard. Number one is, let's be very frank about this, there was a statement made by Mr. Plecnik that the Administration did the negotiations on this contract. That is absolutely not a correct statement. This matter was fully vetted with Ms. Majka, we went through it. I even sat down with the Clerk. We had multiple committee meetings, I can't remember the proper committee, Janet that...

Councilwoman Majka: Utilities.

Law Director: Utilities, okay, so I misstated it again. We had multiple meetings, I had telephone conversations, we then, it went to finance, I believe and then it was vetted through Mr. Plecnik's and then it was vetted through Rules committee. We even matched the other groups. I sat down with Vicki because I think Ms. Majka wanted, where we went out and tried to price this matter from other communities and we saw that we got the best one was from Mentor and we matched, Vicki and I sat down with Council Clerk, and sat down there and matched it word for word to the best contract that we got through public records. To say that the Administration did this is not correct. In fact, I was part of the process for Council, and I still think that we got a good financial deal because at that time we were not only dealing with this one at the Grange it was also with the West Miller at the same we were negotiating across the street. And it's this Council that asked me to go

back on this particular deal and see if I could get a signing bonus on these particular two and I did that. So, to say that this Council had nothing to do with it, it has everything to do with it and we had a lot to do with it in multiple committees and at Council table. That's just one fact, so when somebody says something it doesn't make it 100% correct. And let me now talk about and I didn't want to get into this, but I agree with you, with everybody here, but the opinion of Mr. Plecnik if you take his opinion and I don't know why he has that opinion, the Mayor had the authority to sign it. I was against it, everybody knows it. I told you what to do you didn't follow it. Okay, why everybody up here didn't know about it, I don't know. But that was never the Administration nor my recommendation. Flat out, you can read my email from that date, it's very crystal clear.

President Fellows: So, Mr. Lobe...

Law Director: No, I've not concluded yet.

President Fellows: Okay, I need to ask you a question when you're done.

Law Director: Okay and I will answer all questions, okay. They passed it not only with waiving the 3-Reading but as an emergency, okay. Now, if you take Mr. Plecnik's interpretation of it and he talks about construction and everything, that it has to be completely vetted and concluded by Planning that's a legal impossibility. It's a legal fiction. It's a legal fallacy because it's the cart before the horse, the chicken before the egg, because you need, you need the lease to get through Planning. And that's why, why we did it, why this Council did it at that time and everything and if you read Section 4 and you read the other notes and what was said at the committee meetings I think that it's crystal clear. Now, this issue about getting other counsel, I've already been contacted by another counsel from members on this dais that has already chosen somebody to do that. There's a Mr. Steve Byron that has contacted me. We've been in communication via email. I've been in communication by telephone. He's been in communication with the Clerk. We have been giving him records. I've talked with him two or three times, okay. So, I don't need anybody to pass on this one, okay. I really don't. I don't have a conflict. I like Mr. Byron and I've had conversations with Mr. Byron and I've had comments from other lawyers, from people in the community, Shelly Berns who is a very respected counsel, he's looked at it. Okay, I've seen other lawyers who have contacted me. They've discussed it with me. Now, let's talk about the recension. You know my comments on that. I am against it. If this Council wants to do it, go right ahead and do it. You have my advice not to do it but if this Council feels prudent and confident enough to do it then go ahead over my objection. There are three things that can happen if you do that. One is, TowerCo says that they've had it with Willoughby Hills and they just walk away and everybody's happy, a lot of the opponents of the tower will be happy that they walked away, that's a possibility. The second probability is that we get sued and we win because Mr. Plecnik's idea is we carried the date, carried the date through court. But the third possibility is that we get sued and we get hit with damages. My recommendation is that we locked ourselves in, you know what I have. So, we can point the fingers, we can politicize this, we can do a lot of things. I am not in favor of it. I don't know why it was even drafted, I think the drafting of it even hurt us. I put that down, I don't want to argue, I don't want to finger point. But that's all I'm going to say on the topic and I will stand open to any questions from anybody on this dais or anybody in the public at any time, weekends included.

Vice President Plecnik: Madame President, I believe you had a question.

President Fellows: So, Tom you had advised us not to vote on it the way we did, suspending the 3-Reading Rule, and then adopting it. So, we could have waited two more weeks until the next Council meeting which would have been a 3rd reading. Would you have advised us not to vote on it at the 3rd reading or not as an emergency clause?

Law Director: Both. Both.

President Fellows: So, you would have, your recommendation to Council was not to anything with this.

Law Director: No, no, no. It's not what I said.

President Fellows: Well, how...

Law Director: I had conversations and it's in writing, and what I said because you like the 3-Reading Rule and because they might have proceeded, okay, but at the time that this occurred they didn't even have any plans there. Okay, and then they didn't bring plans because God knows if they even want to proceed now, there's rumors that they're going to go back to Waite Hill, there's rumors, there are a lot of things but for some reason they are not proceeding. My comment was to try to accommodate Council's desire to have 3 readings and I even said we don't expect it until we go farther in, much farther in the process, I talked with the Clerk about even having a public hearing for Council when Council was going to vote on it even through it's not required by law for Council. It is required by law for the Planning Commission and after, if it had gone that far, I would have recommended it and I had this discussion with the Clerk that when it came back to Council maybe at that time when everything is in the sunshine, when all the cards are face up, when everybody gets their voice heard up, down and indifferent, good, bad or ugly that I was even going to recommend in the interest of more communication that Council, even though not required by law to have a public hearing, have another public hearing because, just because it's good for Planning, it may not be good to even put it up. That's the policy consideration. The one thing, the only thing that I'd probably agree with Mr. Pike is that whether they should do it or not. I disagree with a lot of Mr. Pike's positions as a matter of law, but that is what I wanted this Council to do.

President Fellows: Do I still have the floor.

Vice President Plecnik: Yes, Madame President.

President Fellows: I asked for public hearings. I remember asking for public hearings. We can go back in the minutes and find them, I remember asking Councilman Hallum for public hearings and he said it has to come to Council first and then we'll do that in Planning and Zoning.

Law Director: That's not what he said, I just reviewed the minutes from the first meeting and I could be wrong but the first meeting and I don't want...

President Fellows: I don't what time frame it was Tom, but I recall...

Law Director: It was the end of May.

President Fellows: I recall asking about public hearings and I was told we, I was told it's got to go to Council first. I still want to know, if we had gone to the 3rd reading, if we had not had a motion from Councilman Biro to suspend the 3-Reading Rule and we had gone two weeks later to the 3rd reading would you have counseled us then not to vote on it and leave it on 3rd reading at that time?

Law Director: Absolutely, positively, consistent with my memo to you and...

President Fellows: Well, none of us realized that then. Back to Councilman Biro's comment earlier tonight. Why would we have all voted on that if we didn't know that.

Law Director: Ms. Fellows, I had conversations with members on this dais. I put it in writing. I don't know what more I could do. If I object too much, I get censored out. If I write it or say it that's not enough.

Vice President Plecnik: Mr. Lobe, be careful, to say that you're censored I don't think that's fair discussion. But go forward.

Law Director: Okay, I'm thrown off the dais. That's factually correct. Okay, so that is why it didn't happen the way that I had wanted it, it's not what I had said orally. It's not what I put in writing. And it's not, I've done this for twenty years. I knew this was potentially going to happen. It doesn't make sense to go first because there was nothing in Planning at the time. There was nothing in Planning and I had these discussions with TowerCo that was going to be my direct advice to the City. That's all I can say and I don't want to get into finger pointing anymore.

President Fellows: One last thing. Not a correct statement, you had said that several times this evening, Tom. The Mayor has alluded that I had a relationship with Jessie Styles and I had a game plan with him for the cell tower. That is not a correct statement, it's preposterous, it's ridiculous, it's disgusting.

Law Director: Is that a question to me?

President Fellows: No, it's a comment to the Mayor. And I will look for libel and written lawsuit for that.

Law Director: Well, now we have a threat of litigation. So, that's a threat of litigation.

President Fellows: And you will not be able to defend me because you think I'm vile and you hate me.

Law Director: Wow, all right. I can't, all right.

Vice President Plecnik: Would anyone else like to ask a question of the Law Director?

Councilman Biro: I would like to provide further clarification in terms of my motion to waive the 3-Reading Rule that was, once again I was not given certain information and coming out of the meeting, Rules meeting the recommendation from Rules was to waive the 3-Reading Rule and pass. So, with certain information that I did not have I was not aware that there were reservations from Mr. Lobe and those are things that we could have discussed in Rules, so just for clarification on certain issues.

Councilwoman Majka: Mr. Lobe, I'm just wondering, now you know I don't have any legal background so I'm not making any legal opinion but I'm just wondering if there should be any problem with litigation in going forward, if it would make sense, I'm a little concern because we already have lawsuits going on, several lawsuits within the City and maybe that's par for the course for a municipality, I'm not sure. But, wouldn't it be in your interest, you especially as our Law Director to have another legal counsel, work side-by-side to ensure your protection? And to bring clarity into the situation? Because you are on record quite a number of times as going back and forth calling the representative, you never could pronounce her name, Onyi or something like that and there was active negotiation going back and forth for the terms and it applies to the Mayor also, you know just because he is the Mayor, I wonder if it would be a good idea, maybe to, even if it's just temporary have an independent counsel take a look so it would take some of the heat, potential heat down the road off of you, off of the Mayor and perhaps protect the City a little more.

Law Director: I don't have any heat on me. There are just a lot of people that come out with a lot of opinions, okay, number one. Number two, the Onyi that you're talking about doesn't even apply, and I know this gets confusing because we had so many going. Onyi was the one for the cell tower across the street and has nothing to do with you and I know that they're all jumbled together, so I'm just telling you...

Councilwoman Majka: And there were some of the things you referred to earlier regarding Utilities meetings they were not about the Grange cell tower.

Law Director: Correct.

Councilwoman Majka: There were concerning other cell tower projects, right.

Law Director: And I have had this conversation with other lawyers, okay. For example, I told you, I had a conversation because some of the Grange people contacted Shelly Berns and I have consulted with him. We did dialogue these things, okay and he has a different opinion, totally different opinion which I'm not going to get into now but, so I have been doing my homework. And for right now my job is to make sure that as it pertains to the Planning and Zoning Commission that everybody has a voice that the matter will be held in a quasi-judicial fashion that anybody that is a proponent of it or an opponent of it gets their voice in the record by public portion and or through exhibits, okay, that's my job. But I don't have any heat on me other than there's a lot of finger pointing going around. Doesn't have anything to do with me. I'm pretty clear about what I think and how we're going forward and have my opinions. But, you know, in twenty years, I've only need help one time and that was on some major litigation involving the Heritage. So, I don't really quite need it now, it be, and that one, I absolutely needed it, there's a person in the audience that even asked me if I needed help for the Heritage litigation and I said I did because it was complex litigation and I needed extra hands at the trial table. So, I'm okay.

City Engineer: Just a minor comment but the 60-day period that the applicant or the Planning Commission has to make their decision starts when they make their application which was on January 17th. So, the Planning Commission meeting that the decision needs to be made on would be March 16th so they would have to submit a couple weeks in advance for me to review it. So, basically, they have 3 weeks to submit.

President Fellows: I have one more question for the Law Director. Mr. Lobe are you by any chance familiar with the Effective Prohibitive Act concerning cell towers?

Law Director: I don't know exactly what you are talking about. I apologize.

President Fellows: The Effective Prohibitive Act concerning cell towers for the Federal government.

Law Director: Not specifically.

President Fellows: Thank you.

Law Director: Are you talking about the Telecommunication Act, 1996?

President Fellows: Possibly.

Law Director: I can't answer that.

Vice President Plecnik: Madame President, I will return the gavel and I would ask for the floor. First, I'd like to say, speaking for myself, I've heard the residents in Willoughby Hills loud and clear, I hope our Planning and Zoning Commission has. I've always said that Planning and Zoning decisions should be made by the people who have to live with those decisions and that the real job of the Planning & Zoning Commission when making their case is to find out what the people want and then do it so long as it's legal because at the end of the day the people who live by the Grange or the people who will live by a tower or not they're the ones who will be impacted by it and hearing from so many residents I think that it's clear not only to me but to every fair minded person, to quote the Mayor, the people don't want the tower and I think that answers the question for all of us. I think it should answer the question for all of us and I hope that the Planning and Zoning Commission votes no. I voted for Ordinance No. 2016-29 and I would vote for it today because I wanted to ensure a full Planning and Zoning review and maybe there are those who disagree with what I thought was very plain, clear wording in

Section 4 that said an execution was contingent on Planning and Zoning Review, I think that means an execution is contingent on Planning and Zoning review but I've heard that apparently, people think those words mean something different. I also want to add that if our Law Director as our lawyer and the Charter makes it clear that he is the lawyer for Council as a body and Council members individually and the Mayor and the City. Then if our Lawyer felt so strongly that it was wrong to pass 2016-29 he was at that meeting, he was recognized several times, he was asked many questions and he didn't once say Councilman Biro, woe, woe, woe, you're making the motion to waive the 3-Reading Rule, you're making the motion to adopt, he didn't say once Councilman Plecnik, Councilwoman Majka, Councilman Fiebig, Council President Fellows, Councilman Hallum, woe, woe, woe, don't do this. I think if we're talking about a lack of communication, we're talking about an email from the Law Director that our Council Clerk in the thousands of emails that she receives from residents and Council people, that she neglected to forward it, well, if our Law Director thought it was so relevant and important and that all of Council should see it, I would of hoped that our Law Director would have shared that email because like Councilman Biro, I didn't receive either and didn't see it until many months later when the Law Director presented as evidence of his opinion. Well, maybe it was but an opinion that no one knows about is not particularly useful. So, I would express concern about a lack of communication as well but I don't think that I would be blaming the Council Clerk for not forwarding emails that she didn't even write. That said, I certainly care passionately and deeply about my vote and my responsibility and I believe that every member of Council does the same. I think what the residents of the Grange care most about is the right result. And I sincerely hope and pray that the Planning and Zoning Commission including the Mayor and all its representatives have heard you loud and clear and that the vote will be no. I also sincerely hope that Verizon representatives don't use the agreement that the Mayor signed which I believe that he did not have the approval to sign, I hope that they don't use it as grounds to sue the City, I hope that it doesn't put our City at risk but I will say that I want to have greater confidence in the future that my concerns are heard. When I have had, public records request made by this anonymous person that were frankly vile and despicable and accused me of everything under the sun, very threatening in my view, the Law Director said, oh fulfill the whole request of all emails because I don't view overly broad as a good defensive. Well, the Attorney General in the State of Ohio gives the first example of an overly broad request as a request for "all emails". Forgive me if I think that Attorney Mike DeWine is a little more experienced than a local Law Director. I personally, speaking as a Law Professor at Cleveland Marshall would look to an Attorney General's as more precedential than a local Law Director's, I'm sorry that's where I'm coming from. And so, when I see our Law Director advise us that he has a better notion of Robert's Rules of Order than its authors, when I see him advise us that various conflicts of interest that I found deeply and utterly concerning were okay, I'm sorry, I personally would like to have independent counsel but I publicly would like to have independent counsel as well because I want to protect our City. And so, I intend as Chair of the Finance Committee to make sure that there is a line-item in this budget for a Council attorney because Council needs to be heard and its concerns need to be heard starting with the cell tower but I think on a whole host of issues. And I think that our Council President deserves to feel as every individual member deserves to feel as though her Law Director or Lawyer or representative is actually looking out for the best interests of the City and her in her official capacity. I clearly don't see that tonight and I think that any fair-minded person would say that this leader in our community doesn't feel fully represented and speaking as a Law Professor who has trained students for years, an attorney-client relationship is sacred and to have gotten to the point where many members, if not a majority of the members of Council feels as though the Law Director isn't meeting that standard even if you disagree you should welcome another attorney so that they feel that they are fully represented. Not that we necessarily have to spend more money, I'm opened to taking a portion of the current budget for the Law Department and reallocating it. We can easily simply subtract from one line and add to another. But I don't intend to vote for a budget that doesn't include a line-item for a Council attorney, that's me speaking for myself. Thank you.

Law Director: Council President, are you going to recognize me or not?

President Fellows: I'm thinking about it.

Councilwoman Greer: Madame President. I respect everyone at this table. But I just want to give my opinion on how this meeting has ended up tonight. I think a lot of these statements are politically motivated. I don't think it does the residents any good whatsoever to have these long diatribes by individual members that feel very politically motivated and could be very hurtful in many ways. It does not go towards the goal that we're working towards as working together for the better of the City and I really, really hope that could be stopped in the future. These long speeches about eight different subjects that are personally motivated aren't good, they don't help us.

President Fellows: Mr. Lobe.

Law Director: I'll stand on my 20-year record in the City. That's what I'll stand by. Anybody out there that knows...the good work that I've done, I didn't start changing the good work just this year when Council membership changed for political issues that's all I'll say.

President Fellows: The next order of business is For the Good of the Order.

FOR THE GOOD OF THE ORDER

Councilwoman Greer: Just a notification, I will be calling a Recreation Committee meeting soon and I'm hoping that Mr. Brichacek and I can either work together before hand or during the meeting. A lot of people including Denise have asked for a way to have on-line payments for basketball and softball and baseball and from what I gather, the only thing holding it up is the way that the funds are reported and allocated. So, that's what I'd like to address and maybe we can get it done in time to catch some of the summer registrations.

President Fellows: Thank you. Anybody else for the Good of the Order or the Community? I'd entertain a motion to adjourn at 8:48pm.

ADJOURNMENT

Motion was made by Councilman Plecnik to adjourn. Councilwoman Greer seconded.

YEAS: Unanimous.

The Regular Council Meeting of February 9, 2017 was adjourned at 8:48pm.

APPROVED: March 9, 2017
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

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