

# City of Willoughby Hills

## Regular Council Meeting Minutes of February 22, 2018

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**Policy No. 2:** All Council meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Council minutes shall be written, and approved by Council.

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The Regular Council Meeting was held on Thursday, February 22, 2018 at 7:01pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

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

**President Fellows:** I would entertain a motion to amend the agenda to add a “Correspondence” caption for setting aside vetoes on specific ordinances.

**Vice President Plecnik:** So, moved.

**Councilman Fiebig:** Second.

**President Fellows:** I have a motion from Vice President Plecnik and a second from Councilman Fiebig to amend the agenda to add a “Correspondence” caption for setting aside vetoes on ordinances. Is there any discussion on the motion?

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

**Motion PASSED.**

**President Fellows:** The motion to amend the agenda to add a “Correspondence” caption has been passed.

**Vice President Plecnik:** Madam President. Motion to override the Mayor’s veto on Ordinance No. 2018-6.

**Councilman Fiebig:** Second.

**President Fellows:** I have a motion from Vice President Plecnik and a second from Councilman Fiebig to override the veto on Ordinance No. 2018-6. Any discussion on the motion?

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

**Motion PASSED.**

**President Fellows:** The motion to override the veto on Ordinance No. 2018-6 has passed.

**Vice President Plecnik:** Madam President. Motion to override the Mayor's veto on Ordinance No. 2018-8.

**Councilwoman Pizmoht:** Second.

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

**Councilman Fiebig:** Madam President. Has our Acting Law Director reviewed the correspondence from the Mayor and have you determined that everything is well written?

**Acting Law Director:** I am comfortable with the drafting of the ordinance.

**Councilman Fiebig:** Thank you, sir.

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

**Motion PASSED.**

**President Fellows:** The motion to override Ordinance No. 2018-8 has passed.

**Councilman Fiebig:** Madam President. I move that Council set aside the veto on Ordinance No. 2018-10.

**Councilwoman Pizmoht:** Second.

**President Fellows:** I have a motion from Councilman Fiebig and a second from Councilwoman Pizmoht to set aside the veto on Ordinance No. 2018-10. Any discussion on the motion?

**Councilman Hallum:** Madam President. I do have one potential concern, there's a few, but in particular, the one that I'm most concerned about is that, my understanding is that a Frank Suponic is who is the auditor that's and also the person who signed the contract. But, I also know that this person has also supported Mr. Plecnik in his run for State and was just wondering if that might be a conflict of interest and kind of should be worrying about. So, I'll ask that of the Law Director.

**Acting Law Director:** It is not a significant position to endorse someone. The concern would always be if there were a large sum donated and there are election laws that cover that.

**Councilman Fiebig:** Madam President. And the first sentence was there was not legally significant...

**Acting Law Director:** No, there's no prohibition against awarding a contract with someone who has endorsed someone for political office.

**Councilman Fiebig:** Certainly. And one member of Council is not a driving force of an entire body.

**Acting Law Director:** Right.

**Councilman Fiebig:** So, therefore, is there anything in this memo that was distributed that raises concerns of yours to the Council?

**Acting Law Director:** No.

**Councilman Fiebig:** Thank you, sir.

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

**Motion PASSED.**

**President Fellows:** The motion to override the veto of Ordinance No. 2018-10 has passed.

**The last one is 2018-11.**

**Councilman Fiebig:** Madam President. Move that Council override, set aside the veto on Ordinance No. 2018-11.

**Councilwoman Pizmoht:** Second.

**President Fellows:** I have a motion from Councilman Fiebig and a second from Councilwoman Pizmoht to set aside the veto on Ordinance No. 2018-11. Is there any discussion on the motion?

**Councilwoman Majka:** Madam President. I have a question for our Law Director. We received, all of Council, an office memo stating in one part, and I quote "I do not believe that temporarily suspending the funds in this account are a legal action". I'd like to ask the Law Director his opinion as to legality of that.

**Acting Law Director:** Well, the title of the legislation describes it as a suspension, but if you look at Section 1, what it does say is that the temporary budget was amended to reflect that no funds are to be expended for the program. And so, even though it's dominated, it's captioned as temporarily suspending, the legal act that you have taken is saying that those funds are not appropriated as a matter of the initial or the temporary budget. Then there's a direction to the Finance Director not to make expenditures out of the fund. And then of course, you're studying the permanent budget for the year, the permanent appropriations. And you control of whether any funds are appropriated out of that account in that document.

**Councilwoman Majka:** So, just to be clear, our key words are temporary budget and suspension of funds, not cancellation of funds. Correct?

**Acting Law Director:** Well, that's the caption. It says that no funds are to be expended for the program. And you're amending your temporary budget to do that. That could be characterized as a suspension of the program. Council can always reinstitute appropriations assuming the funds are there.

**Councilwoman Majka:** Right, right. Thank you.

**Councilman Fiebig:** Madam President. Just to follow up on another comment that funds cannot be received, there is nothing in our ordinance that prohibits that nor suggests that. If, I'm correct in saying that. So, to claim that would be a fallacy. Is that correct?

**Acting Law Director:** Well, the account still exists. And if donations are made for a specific program, the Administration would be obligated to accept those funds.

**Councilman Fiebig:** Absolutely. Thank you.

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

**Motion PASSED.**

**President Fellows:** The motion to set aside the veto on Ordinance No. 2018-11 has passed. Let's go back to our original agenda.

**Councilman Fiebig:** Madam President. Move that Council adopt the Regular Council Meeting Minutes of January 11, 2018.

**Vice President Plecnik:** Second.

**President Fellows:** I have a motion from Councilman Fiebig and a second from Vice President Plecnik to accept the Regular Council Meeting Minutes of January 11, 2018. Is any discussion on the motion?

**Councilman Fiebig:** Madam President. Just wanted to point out again, that perhaps for people that don't regularly watch or pay attention. These minutes are done verbatim by our Clerk, who tries to go through this and makes sure that everything is recorded and put on exactly as it was said. Sometimes there's words that are you know, "there" or "they're"; they might have different spellings but it is really a remarkable job that our Clerk does and it is way above what is required for a City Council. So, I just wanted to point that out, I wanted to commend our Clerk for being very conscientious about putting those minutes out to accurately record what goes on in these meetings. And the audio recording is the official record of the meeting; the written minutes, they are certainly helpful. So, thank you to our Clerk for that.

**President Fellows:** Thank you Councilman Fiebig and I'm sure that we all echo that. And I think that every now and then it's important that our residents know what are the permanent minutes.

**Councilman Hallum:** I'm sorry, we just added a whole bunch to your minutes for next time.

**President Fellows:** She's getting use to that, so. All right.

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

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

The Mayor's Report, Mr. Mayor.

## **ADMINISTRATION REPORTS & COMMUNICATIONS**

**MAYOR'S REPORT:** Today, I sworn in one Dispatcher, one full time Dispatcher, Samantha and two-part time police officers Tyler Mehalic and Salvatore Continenza. So, they will be joining our family as of today. And they will be in training for some time. But, they will be on board.

The Willoughby Hills Photo Contest is accepting picture. If you are six years old or older, March 2<sup>nd</sup> to March 5<sup>th</sup> they are accepting the photographs from 10 to noon and from 7 to 8pm. They will be on display for the pancake breakfast. The Pancake Breakfast is the 11<sup>th</sup> of March. It's all you can eat pancakes from 8:30 to 1:30pm. Blueberry, regular and French toast. Plus, they have orange juice, apple juice and sausage. The tickets are \$6.50 in advance. They are available at City Hall, in the Community Center and children under four are free and children five to twelve are \$4.00.

The Craft Show, the Spring Craft Show, this Saturday, March 3<sup>rd</sup>. It's from 9 to 3pm. All stands are sold out. So, come and see the Craft Show.

The other thing that we have, the Willoughby Hills Eggstravaganza, it's Saturday, March 28<sup>th</sup>. It's at 10:00am. You have to preregister for that and you, if you go to [eggwhills.com](http://eggwhills.com) you can register for the Eggstravaganza and it's going to be at Calvary Church, down on Chardon Road.

The last thing that I have, I have a Town Hall meeting, it's Wednesday, February 28<sup>th</sup> from 6 to 8pm. And it will feature, all my, my Directors, myself and we're going to talk about what's going on in the City and answer any questions after that. That's all I have.

**President Fellows:** Thank you, Mayor. Are there any questions for the Mayor this evening? Seeing none, the Law Director's report.

**ACTING LAW DIRECTOR'S REPORT:** I have no report.

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

**Councilman Hallum:** Madam President. Mr. Law Director, you know I've expressed my concerns about how you came to be in this position; however, that being as it may, I wanted to ask you with regard to all of the law suits that are going on at the moment, if somehow, I know that your position is that we've in good shape, but if somehow if the judge does find against our position, your position, what kind of risk, damage, monies are we at risk here as a City?

**Acting Law Director:** There is no claim for

**Councilman Hallum:** But, we would potentially have fees for the plaintiff's attorneys, or things like that. Is that correct?

**Acting Law Director:** If there were a determination that taxpayers action was properly brought up

**Councilman Hallum:** Okay. And are there other concerns with regards to that case, if that should happen with regard to any of the other opinions that this Council has relied on from you that could be impacted as a result, if they should find against us?

**Acting Law Director:** No.

**Councilman Hallum:** Thank you.

**Councilman Fiebig:** Madam President. To our Acting Law Director, have your, you're provided services to this community before, for quite a number of weeks now and we in good faith came up with a payment plan for you, for those services, and you have rendered them in good faith. Have you been paid?

**Acting Law Director:** No.

**Councilman Fiebig:** I believe that to be egregious on behalf of this community that there is a check sitting on the Mayor's desk that he will not sign to pay for your services that you have rendered to our community.

**President Fellows:** Thank you, Councilman Fiebig.

**Vice President Plecnik:** Madam President. I just have one question for the Acting Law Director. If I'm not mistaken, the individuals who are suing the City at this point are the Mayor, the former Law Director, Mr. Lobe and the City Prosecutor, Mr. Germano who is in the middle of a removal process. Are those the three individuals who are suing the City?

**Acting Law Director:** Yes.

**Vice President Plecnik:** And if those three individuals were to do the right thing and drop that lawsuit, there would be no risk to the City; there would be no further legal fees if they simply just dropped their case.

**Acting Law Director:** Yes.

**Vice President Plecnik:** Thank you.

**President Fellows:** Thank you, Vice President Plecnik. Thank you, Mr. Byron. The next is the Finance Director's report, Mr. Brichacek.

**FINANCE DIRECTOR'S REPORT:** Only thing that I have, in addition to what I had mentioned in the Finance Committee meeting about changes in the budget is that I forgot to mention is that the General Fund budget also reflects the transferring of the staffing from the Road Fund of the Service Department to the General Fund; that's probably an impact of about \$90,000 out of the General Fund. Other than that, I have no other report.

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

**CITY ENGINEER'S REPORT:** Thank you, Madam President. No report tonight.

**President Fellows:** Thank you, Pete. Are there any questions for the City Engineer this evening?

### **COMMITTEES OF COUNCIL**

**President Fellows:** Moving on to Committee Reports. So, we had some Committee Reports this evening.

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#### **SERVICE COMMITTEE MEETING HELD ON FEBRUARY 22, 2018**

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**Councilman Fiebig:** Madam President. I'll report, that yes, we did have, I had two committees. The Service Committee did meet at 5:40pm where we brought in our Road Superintendent Mark Grubiss to hear his thoughts and comments specifically regarding the budget and the needs of that department for our roads for the upcoming budget cycle.

We talked in great detail of his plans to redo the garage, to fix the doors that are in there. We talked about some other projects, about four different projects that would perhaps, be help funded through our Storm Water Management, through Lake County. We also talked about the improvements to the complex here to switch over to LED lighting so that we'll reduce our, while there's an initial outlay in cost, it does reduce our electricity costs in the long run. And he did indicate that there was quite a bit of progress made on that to the tune of maybe about ninety percent (90%). We talked about salt and our storage capacity. We have about a storage capacity of 1,000 tons and we go through about 2,800 to 3,300 tons per year. A couple of neighboring communities have the capacity to storage as much as about 4,500 tons. So, expanding the capacity to that amount of rock salt would help us to affectively deliver that to the roads especially in times of back to back snow emergencies, these snow incidences that would happened; major events is what they're called. We were talking about the resurfacing of Red Fox and Kennelly and some other roads in the Mayfair area and also to include some hanging obstacles so that large trucks are not encouraged to cross the Pleasant Valley Road Bridge. After the meeting, he did come up and tell me that he did just receive a message that the plow truck is going to be delivered tomorrow. So, the new truck will be here in the complex tomorrow. We had a Public Portion; two people spoke. We adjourned at 6:02pm.

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#### **SAFETY COMMITTEE MEETING HELD ON FEBRUARY 22, 2018**

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I'll move right into the next committee meeting which was for Safety which included the same members of our committee, I'm sorry, I neglected to mention that has Jan Majka and Laura Pizmoht - who was not present at the first one (Pizmoht was not present at the first meeting); however, was for the second. I'll have a full report

written out, but basically, we met with our Acting Fire Chief Tim Serazin and our Police Chief Collins. We talked in broad strokes about staffing levels, about overtime, ways to reduce overtime and methods of full-time versus part-time personnel because Council did at some point, suggest or passed legislation to approve funds for three full-time firefighters; however, there's a change in thinking that going to part-time might be more cost effective and actually serve us better when it comes to reducing overtime and for the flexibility. But, also adding perhaps, a full-time fire/safety person that could also swing into those shifts. So, we will continue the discussions about that. Our Chief had talked about the additional two firefighters, I'm sorry, police officers. We talked about his strategy and his plans looking forward to keeping the department at full force, full operating force. I understand there were some discussions about perhaps leasing some space down the street at the old Lohemann's Plaza. I think that conversation is ongoing and we'll anxious to hear more about that. Let's see, we discussed the Dispatch Center and some conversations that have been had to consolidate with some larger dispatch operations like the Lake County one for example and what would be involved there. They had suggested that we form a committee to discuss that in great detail and to see what the best possible outcome for that is; so, I hope we do that. I think that we should at least investigate. We would be doing our due diligence and certainly with this budget that we've been presented, it's in a deficit to almost two hundred and fifty, two hundred and seventy thousand dollars, we do have to look at things as cost savings. There were various questions from the committee but in general these discussions were regarding the budget. Public Portioned and we adjourned at, there were only just a couple of questions there, and we adjourned at 6:37pm and moved right into the Finance Committee meeting, Council Vice President Plecnik's. I stand open to any questions if there are any.

**President Fellows:** Any questions for Councilman Fiebig on Service or Safety? And before I move on to Vice President Plecnik on Finance, Dave any comments for Planning and Zoning?

**Councilman Fiebig:** We have Councilwoman Pizmoht as the alternate member to Planning and Zoning and I have asked and she has said yes to Laura Lenz being the other member of the Planning and Zoning Committee. Now, that's the committee membership. As far as last Thursday's meeting, I'm happy to report that McDonald's restaurant came to us and they have a plan to redevelop their McDonald's restaurant to add two lanes; to keep the interior up to, they have like the state of the art design, so not only the exterior but the interior of that building is going to get a real refurbishing and they do plan to keep the drive thru open during this process. It will happen this summer, so you can still get your coffee and biscuits. So, that was good news and I did compliment them and said thank you for being in our community and for your investment in the community. I thought that was very good to see.

**President Fellows:** Thank you. Thank you.

**Councilman Hallum:** Madam President. If I may. Mr. Fiebig, did they talk about anything about the access road. Remember we had a conversation a while back about potentially down the road adding an access road from Eddy. Was there any discussion about that going that far or do you remember or do you know?

**Councilman Fiebig:** Council President. No, there was not discussion about that access road that would go along the back of those properties. No, that was not brought up at all.

**Councilman Hallum:** Okay. I just couldn't remember if we decided anytime if that they made any changes that we might add that in there.

**President Fellows:** As I recall, that was more of a discussion when Dunkin' Donuts was put in.

**Councilman Hallum:** Right, but I think that we were talking about adding it so that any time there was additional work done on any of those lots that we were going to consider doing something...

President Fellows: The Mayor has a...

**Mayor:** There are lots in between that are undeveloped and would make no sense to do it...

**Councilman Hallum:** So, unless or until...Okay. Yeah, I just wanted to make sure that, if there was an opportunity for us.

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## **FINANCE COMMITTEE MEETING HELD ON FEBRUARY 22, 2018**

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**Vice President Plecnik:** Our Finance Committee meeting met at 6:39pm tonight. All members of the committee were present as well as all of Council, the Mayor and the Finance Director. We took our first look at the proposed 2018 budget from the Mayor's administration and I noted right-off the bat that we were dealing with a roughly \$270,000 deficit and that it was going to be a challenge for Council to face given our commitment to always balance the budget. I asked the Finance Director what were the significant differences between the 2017 budget that was adopted by Council and the proposed 2018 budget and he had indicated that revenue wise, there was an increase in the City Income Tax but a decrease in the Mayor's Court revenue as well as the Building Department revenue; there in particular because we're using the County Building Inspectors. It doesn't cost us to use them but we do let them keep the fees. I had asked whether or not our budget included the three additional firefighters that have yet to be hired and the Finance Director indicated that yes, we were retaining that feature from a 9 to 12 increase. He listed off several other minor changes that were in the budget message as well. I followed up with a question as to whether or not this budget reflected an increase in pay for the secretaries' union and he replied that yes the increase that the Mayor had negotiated was reflected in this budget. Councilman Fiebig asked how the Finance Director calculated the cost of three additional firefighters and the Finance Director replied he did so by taking the entry level salary for a firefighter and adding the cost of health insurance as well, in particular, for a family, and he had indicated the cost would grow as the firefighters became more senior. Councilman Fiebig had asked whether part-time would be more affordable and there was some discussion as to how the cost of part-time firefighters are calculated and paid. Council President Fellows asked whether or not the proposal that our Acting Fire Chief Tim Serazin had brought forth in the Safety Committee meeting to, instead of having three full-time firefighters, have one full time fire prevention officer along with a cadre of part-timers, what would that cost. The Finance Director had indicated that he had asked for a proposal from the Acting Fire Chief but had not received it yet. There was some discussion as to what the Fire Levy consists of which supports our Fire Department. It's a property tax along the lines of our Road Levy only it's permit in nature and it's not reviewed or reaffirmed by the taxpayers. I closed my discussion with a concern that we have a deficit budget, that everything needs to be on the table, all positions, all responsibilities so that the budget can ultimately bring to a balance unless if there was a desire on the part of Council to raise taxes which I sincerely doubted, so I opened to correction and no one corrected me. So, I think that our philosophy of balancing the budget without raising taxes remains our position. I opened Public Portion and closed it as well as adjourned at 6:54pm as there were no comments from the public. I stand open to questions.

**President Fellows:** Thank you, Vice President Plecnik. Are there any question for him concerning finance, budget?

## **OTHER COUNCIL REPRESENTATIVE REPORTS**

**Councilman Fiebig:** Yes. This was not a question, I'm sorry. This is for the next portion for "Other Committee Reports" or "Other Council Reports". This is in regards to the Chagrin River Watershed Partners. Councilwoman Majka just reminded me that I had attended that meeting for the City as the alternate trustee on the 15<sup>th</sup> of February. So, let's see, I attended the first half and then you (Councilwoman Majka) joined me about halfway through. So, I believe that some of it was their annual meeting to discussion their organizational meeting. So, you know, it was the discussion about that and some new people that were being added to that and I think that we got an email to that effect, too and the Chagrin Watershed Partners website has, you know, all the additional information. We're glad to be a member of that and I see our fees for the year were paid for that. This an organization that helps us with stormwater management especially right down to the resident level. So

you can, if you have some issues or if you would like to be involved in say, rain garden water barrel, downspout for the gutters, what is that called, rain barrel, or any other sort of mitigation for water and how it enters our waterways, they are a resource that we have and I don't know if enough residents take advantage of it, certainly some do, if they are aware of it, so, I'm mentioning it again. There's also grant funding that available and something new this year, if landscapers would be willing, they will do some training for them to, for example, I think of people that cut the lawns right up to a riverbed or creekside and they don't let nature grow to keep the land from falling into the river and things like that. Excuse me for not being technically correct, but that's the idea of it and that really does help. It keeps the water clean, it keeps it pure and it also stops things from happening like flooding and we don't want flooding to happen into basements and things like that. So, also covering roadways and that. I think it's a resource that we could use a little more of. Anything to add?

**Councilwoman Majka:** Especially, since we do, yeah. I've spoken about this before. We do pay fees, taxpayers do pay fees that goes towards this organization. The meeting was organizational. It was pretty basic and routine. A lot of the things that they talk about, they reiterate each time; however, it is a really rich source of grants that are water base and related. And, actually, I'm going to be approaching Pete soon to talk about grants, possibly that we may be in line for and it may help us with some of our sewer issues in the City. They are connected with so many different organizations in the Great Lakes region that it's hard to keep them all straight, but like I said, it's a good source of grant money for groups that they can give advice to about projects, everything from sensitive areas to problem areas. So, thank you to Councilman Fiebig for attending when I couldn't because I was running late.

**Councilman Fiebig:** And this was, I think, when you were teaching.

**Councilwoman Majka:** Right.

**Councilman Fiebig:** And this was nice because it was right across the street at the Community Center. They travel around, so they go to their different communities. It also gives the trustees and membership the opportunity to visit around the multiple community areas and sometimes we even see some of the projects. For example, right across the street at the Community Center, they did a permeable asphalt project. And so, when their meeting here, they were able to demonstrate this is why it works, here's the measuring devices that we put in there, if you ever see, there's a little box and that measures how much water infiltrates and at what rate and they're using that to collect data to also, you know, for future projects down the road. And we do have a Willoughby Hills' resident Donna Klements as a Committee Member at Large and she has been since the formation of the Watershed Partners and this is their fiftieth year, fifty-first year.

**Councilwoman Majka:** She said that she had been involved about twenty years...

**Councilman Fiebig:** I don't want to devolve her age. It's been quit a number of years they've been in. She's been a founding member of that. So, it's good to have her on the committee as well.

**President Fellows:** Thank you. Thank you very much, Councilwoman Majka and Councilman Fiebig. Going backwards to finish off Committee Reports, Councilman Hallum, we still need to have a Recreation Committee of Council. I think that we were trying to coordinate, you were trying to coordinate the Boys' League representative because that ordinance is on 3-Reading this evening.

**Councilman Hallum:** Thank you Madam President. I did speak to Tom Elliott from the Boys' League and apparently the Boys' League group is meeting like, I think, the 3<sup>rd</sup> of March to discuss the questions that the Acting Law Director had and to make sure that they have, and to explain everything. I'm going to try to attend that meeting myself just to kind of hear what they're talking about and have us all meet after they've had an opportunity so that we'll have an opportunity, they'll be prepared to speak with intelligence to what we had asked.

**President Fellows:** Wonderful.

**Councilman Hallum:** So, hopefully, my hope is that the second week of March we can get that meeting and move forward.

**President Fellows:** Thank you. Thanks.

**Councilman Hallum:** Oh, Ma'am. I had a question for Mr. Fiebig. Did you say they offer training for landscapers at the Watershed? Did they say if that was free, is there a cost, do you know?

**Councilman Fiebig:** Madam Chair and to answer Councilman Hallum's question, I don't believe that there was a cost to it, but I can get you in touch with...I see Pete shaking his head no. You have better information than I did.

**City Engineer:** No, I don't think that there is a cost to it.

**Councilman Fiebig:** I didn't think so.

**Councilman Hallum:** Okay. Thank you.

**Councilman Fiebig:** So, yeah, it's a service that's available and I can forward information to all of Council, I meant to, it slipped my mind.

**President Fellows:** Any other comments on any Committees and/or other Council Representative reports this evening? Moving on we will move 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:** Public Portion is an opportunity for individuals to come forth to share information and state opinions. We ask that you keep your comments to three minutes. We also ask that you state your name and your address for the record.

**I will open public portion at 7:37pm.**

**Alan Exley – from the Lake County Engineer's Office.** Thank you, Council. I'm here to talk to you about the new County permissive vehicle license fee that has been passed by the Ohio legislature. It is an opportunity for each county in Ohio to pass an additional five dollars (\$5.00) in motor vehicle license cost each time you go to renew your license. And Lake County Engineer Jim Gills, he's trying to go to as many communities as possible to discuss this in an open forum because he wants to go to the Commissioners and recommend approval of this additional five-dollar (\$5.00) fee. He wants to make everybody aware of the reasoning for that and we've put together a packet associated with that. County Engineer's income has been going down primarily because of gasoline usage and we get monies from gasoline taxes. So, as the usage goes down, the income goes down as well. Costs are going up for the things that we do. You're fully aware that asphalt, concrete, labor costs have all been going up, so that weighs in the mix and the fact that we're a benefit to all. We take care of Route 2 in Lake County which about everybody uses that. We take care of the County roads, bridges, and we take care of the bridges in many of the communities as well as your community. As you might be aware, Bishop, Dodd, we assist with Pleasant Valley, Rogers Road, we take care of. We want to make sure that people are aware in a public form type setup of what we're up to on that. And that's it unless you have any questions.

**President Fellows:** Mr. Exley, we'll wait until Public Portion is through and then we can come back around to that. So, if would, if you're done, we'll see if there is any body else who has other topics and then once Public Portion is closed, then we can address questions or concerns that people might have on what you just shared with us.

**Mr. Exley:** Okay. If I may, I have the packet, can I just hand that off to the Clerk. And this information is also on our website if you would like to see it there.

**President Fellows:** Wonderful. Thank you. Anyone else this evening for Public Portion? **Okay, I will then close Public Portion at 7:40pm.** So, thank you very much for the information, we appreciate that. Vicki will make packets for Council and certainly we can reach out to you or to the office in case we have any questions or concerns. We didn't really have an opportunity to have a committee meeting on it.

**Mr. Exley:** We're not asking for anything specific. It's just informational.

**President Fellows:** And we appreciate that, absolutely.

**Finance Director:** I do have just one quick question. Is any of the five dollars (\$5.00) locally shared?

**Mr. Exley:** No, it is not.

**Finance Director:** Thank you.

**Councilwoman Majka:** Madam President. If I may, so does that mean the extra five dollars (\$5.00) will just go into the General Fund?

**Mr. Exley:** No, it will go to the County Engineer.

**Councilwoman Majka:** No, not our General Fund. But, I mean it will go into general expenses.

**Mr. Exley:** Right.

**Councilwoman Majka:** Okay.

**President Fellows:** Any other quick questions for Alan? Thank you so much. Thank you, thank you for joining us.

## **UNFINISHED BUSINESS**

- **Hearing for the charges set forth in the Complaint for the Removal of Michael Germano from the position of City Police Prosecutor. As stated in said Complaint, the Hearing shall commence at 8:00pm.**

**President Fellows:** A hearing will be set at the first Regular Council meeting thirty days after Judge Fuhry's decision on the validity of the Mayor's lawsuit against the Council. And then we'll move on to legislation.

## **LEGISLATION**

### **ORDINANCE NO. 2018-4 – 3<sup>rd</sup> READING**

**1<sup>st</sup> Reading: January 25, 2018**

**2<sup>nd</sup> Reading: February 8, 2018**

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

**President Fellows: This ordinance will stay on 3<sup>rd</sup> Reading.**

**ORDINANCE NO. 2018-5 – 3<sup>rd</sup> READING**

**1<sup>st</sup> Reading: January 25, 2018**

**2<sup>nd</sup> Reading: February 8, 2018**

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

**President Fellows: This ordinance will also stay on 3<sup>rd</sup> Reading.**

**ORDINANCE NO. 2018-13**

**AN ORDINANCE ADOPTING PERMANENT APPROPRIATIONS NECESSARY TO MAINTAIN CITY SERVICES FOR THE FISCAL PERIOD BEGINNING JANUARY 1<sup>ST</sup> THROUGH DECEMBER 31<sup>ST</sup> OF 2018; REPEALING ALL LEGISLATION INCONSISTENT HEREWITH.**

**President Fellows: This ordinance will be on 1<sup>st</sup> Reading.**

**ORDINANCE NO. 2018-14**

**AN ORDINANCE ACCEPTING THE BID OF SOS TRUCKING COMPANY, INC. FOR THE PURCHASE OF LIMESTONE FOR THE YEAR 2018 AND DECLARING AN EMERGENCY.**

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

**President Fellows:** I have a motion from Councilman Fiebig and a second from Councilwoman Majka to waive the 3-Reading Rule on Ordinance 2018-14. Is there any discussion on the motion?

**Councilman Fiebig:** Madam President. As we heard in our Service meeting, the Road Superintendent urged that we do this as expedient as possible for the purposes of being sure that we can take of our roads without any delay. So, this is something that's done year after year, and this is approving a bid that was done following the bid process. Mayor, was this out to bid for the longest possible time? And for at least the minimal time?

**Mayor:** Yes.

**Councilman Fiebig:** He has answered yes. So, therefore, I would move that we waive 3-Readings.

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

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

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

**President Fellows: Ordinance No. 2018-14 has been adopted.**

**ORDINANCE NO. 2018-15**

**AN ORDINANCE ACCEPTING THE BID OF GRAND RIVER ASPHALT CO. FOR THE PURCHASE OF ASPHALT FOR THE YEAR 2018 AND DECLARING AN EMERGENCY.**

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

**President Fellows:** I have a motion from Councilman Fiebig and a second from Councilwoman Majka to waive the 3-Reading Rule on Ordinance No. 2018-15. Is there any discussion on the motion?

**Councilman Fiebig:** For the same reasons that I had just mentioned, this is an urgency and it's a routine matter and Mayor this was out for the minimum amount of time and for the maximum that's allowable.

**Mayor:** Yes.

**Councilman Fiebig:** He's confirmed yes, so I would approve that, I would move that we waive the 3 Readings and adopt this as soon as possible.

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

**President Fellows:** The 3 Reading Rule for Ordinance No. 2018-15 has been waived.

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

**President Fellows:** I have a motion from Councilman Fiebig and a second from Councilwoman Majka to adopt Ordinance No. 2018-15. Is there any discussion on the motion?

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

**President Fellows:** Ordinance No. 2018-15 has been adopted.

**RESOLUTION NO. 2018-3**

**A RESOLUTION RECOGNIZING THE HEROIC ACTIONS TAKEN BY POLICE OFFICERS CRAIG ANDERSON AND CORY PLANISEK IN THE LINE OF DUTY.**

**Vice President Plecnik moved to suspend. Councilwoman Pizmoht seconded.**

**President Fellows:** I have a motion from Vice President Plecnik to waive the 3-Reading Rule on Resolution No. 2018-3. Is there any discussion on the motion?

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

**President Fellows:** The 3 Reading Rule has been waived on Resolution No. 2018-3.

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

**President Fellows:** I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to adopt Resolution No. 2018-3. Is there any discussion on the motion?

**Vice President Plecnik:** Madam President. I know that it's unusual to do this, but I honestly think given the heroic actions of our officers, it's worth taking the time to read the resolution into the record at this time.

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***A RESOLUTION RECOGNIZING THE HEROIC ACTIONS TAKEN BY POLICE OFFICERS CRAIG ANDERSON AND CORY PLANISEK IN THE LINE OF DUTY.***

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***WHEREAS***, on September 28, 2017, Officers Anderson and Planisek were dispatched to Classic BMW for a male customer who was acting erratically within the Service Department; and

***WHEREAS***, upon arrival, the officers made contact with a 30-year-old male who had his car at the dealership for service; and

***WHEREAS***, a records check disclosed the male had multiple warrants for his arrest and as the officers attempted to make the arrest, the male suspect ran through the service bay towards the large overhead door to the parking lot; and

***WHEREAS***, the officers pursued the suspect as he exited to the outer parking area, with Officer Anderson by his side, Officer Planisek tackled the suspect; and

***WHEREAS***, as the suspect was being tackled, he pulled a handgun from his waistband and began firing at the officers, striking both officers multiple times; and

***WHEREAS***, in spite of their serious injuries, both officers continue to engage the suspect, Officer Planisek wrestled the male to the ground moving to control the suspect's gun hand while Officer Anderson recovered and shot the suspect four times with his duty weapon; and

***WHEREAS***, the critical, selfless actions of Officers Anderson and Planisek to continue to engage the suspect after both were shot several times and seriously wounded, ensured the safety and welfare of the many dealership employees and customers; and

***WHEREAS***, without their heroic actions, the potential threat to the employees and the public was significant as the suspect shot all the bullets from his gun and had another loaded pistol magazine in his pocket; and

***WHEREAS***, the extraordinary manner in which Officers Craig Anderson and Cory Planisek performed their duties demonstrates their enduring commitment to serving and protecting our community; and

***WHEREAS***, their outstanding efforts bring great credit upon themselves and the Police Department and sets a standard of excellence for all law enforcement officers to emulate.

***NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:***

**SECTION 1.** *The City Council of Willoughby Hills hereby acknowledges the heroic actions taken by Officers Craig Anderson and Cory Planisek and want to extend its appreciation to both Officers for their exemplary service to our community.*

And I think that we'll all be honored to pass this resolution today. Thank you to you for your heroic service and for saving and protecting the residents of the City of Willoughby Hills and all of our residents and customers at Classic BMW. Thank you.

**President Fellows:** Thank you and thank you Vice President Plecnik for reading that.

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

**President Fellows:** Resolution No. 2018-3 has been adopted.

### **NEW BUSINESS**

**President Fellows:** Next order of business is "New Business". Is there any new business for Council table this evening?

### **FOR THE GOOD OF THE ORDER**

**President Fellows:** For the Good of the Order.

### **FOR THE GOOD OF THE COMMUNITY**

**President Fellows:** For the Good of the Community.

**Vice President Plecnik:** Madam President. I do want to share that on Sunday, March 18<sup>th</sup>, the Lions Club is having its Regional Convention and our very own Willoughby Hills resident Mike Tyler who has served on our Planning and Zoning Commission in the past, is going to be elected as Governor for the Northeast Ohio Lions. It's a substantial honor that one of our residents is taking on that role. And I want to thank Mike for his service to the community and express our gratitude to him for that and congratulations as well.

**President Fellows:** Thank you. Any other For the Good of the Community?

### **ADJOURNMENT**

**Motion was made by Councilwoman Lenz to adjourn. Councilwoman Majka seconded.**

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

**The Regular Council Meeting of February 22, 2018 was adjourned at 7:53pm.**

**APPROVED:** April 12, 2018  
**Date**

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

Nancy E. Fellows  
**Nancy E. Fellows**  
**President of Council**