

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 23, 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 23, 2017 at 7:01pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

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 first order of business is the Disposition of the Journal for the Regular Council Meeting Minutes of February 9, 2017.

Councilman Biro: Madame President. I would not like to motion for the acceptance of the minutes for the last meeting. The idea behind that is to make sure the accuracy and the, you know, of the document and I just received this literally just about an hour ago, so I think that it wasn't enough time for me to look at it and to review it, so I would, you know, I wouldn't vote to approve them only for that reason. I mean, if we can get them a little earlier so we can look at them maybe we can do this motion at our next meeting for the minutes, but I just think that we need to get them a little earlier and to you know, be able to look at them and to review them.

President Fellows: Councilman Biro, I understand your concerns and in defense of the Clerk, these have been some very long meetings and the minutes are written verbatim from the audio and so it does take her a little bit of time to do that. I think she gets them out at a reasonably appropriate amount of time and I'm not sure that we, there can be easily be a motion at the table and then a seconded and then Council can vote but I appreciate your concerns.

Councilman Biro: Well, I mean, it's just, if we're trying to look at the accuracy of the minutes, if we're going to approve them, without really being able to look at them and look for the accuracy, I think it's kind of a moot point, in terms of the motion, so you know, that's just my thoughts.

President Fellows: Mr. Lobe, do you have an opinion?

Law Director: Yeah. Mr. Biro wanted a motion that's in the negative and we should never do motions in the negative they should always be more in the positive, so, plus you'll need a second so you're still open to asking for a motion to adopt.

President Fellows: Do I hear a motion to adopt the Regular Council Meetings of February 9th? Seeing none that will be on the first order of business of the next council meeting. Thank you.

The next order of business is correspondence, notifications and minutes. I will not have the clerk read these as these will be on file in the journal.

COMMUNICATIONS

COUNCIL CORRESPONDENCE/NOTIFICATIONS/MINUTES & ON FILE ITEMS January 24, 2017 through February 21, 2017
From: Fellows, Nancy [ASPUS] [mailto:nfellows@its.jnj.com] Sent: Tuesday, January 24, 2017 10:39 AM To: Willoughby Hills Council < council@willoughbyhills-oh.gov > Subject: Audit Fee – A few questions popped up in Rules: Timing of Audit; Yearly Audits; Ordinance No. 2017-7 with reference to 3-Readings
From: Frank Brichacek Sent: Wednesday, January 25, 2017 2:05 PM To: Chris Biro < chrisbiro@willoughbyhills-oh.gov >; Chris Hallum < chrishallum@willoughbyhills-oh.gov >; Chris Biro Personal < christopherbiro@yahoo.com >; Chris Biro < chrisbiro@willoughbyhills-oh.gov >; 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 >; 'Fellows, Nancy [ASPUS]' < nfellows@its.jnj.com > Cc: Mayor < mayor@willoughbyhills-oh.gov >; Law Director Personal < tomlobe@yahoo.com > Subject: Audit Fee – A few questions popped up in Rules: Timing of Audit; Yearly Audits; Ordinance No. 2017-7 with reference to 3-Readings
From: Chris Biro Sent: Thursday, January 26, 2017 10:58 AM To: Frank Brichacek < frankbrichacek@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 >; 'Fellows, Nancy [ASPUS]' < nfellows@its.jnj.com > Cc: Mayor < mayor@willoughbyhills-oh.gov >; Law Director Personal < tomlobe@yahoo.com > Subject: RE: Audit fees – <u>Question</u>: Are you in possession of any documents that discuss these allegations of impropriety of pay raises with the auditor?
From: Frank Brichacek Sent: Thursday, January 26, 2017 1:20 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 >; 'Fellows, Nancy [ASPUS]' < nfellows@its.jnj.com >; Willoughby Hills Council < council@willoughbyhills-oh.gov > Cc: Mayor < mayor@willoughbyhills-oh.gov >; Law Director Personal < tomlobe@yahoo.com > Subject: RE: Audit fees – <u>Answer</u>: Tom Lobe and I have our email correspondence with the Auditor's representatives regarding this issue. They are public records and available for your review at your convenience
From: Willoughby Hills Council Sent: Thursday, February 02, 2017 7:17 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 – Lease Agreement for 2608 SOM Center Road
From: Willoughby Hills Council Sent: Saturday, February 04, 2017 8:11 PM To: 'Katherine D. Lloyd' < katherinedlloyd@yahoo.com > Cc: David M. Fiebig (davidfiebig@willoughbyhills-oh.gov) < davidfiebig@willoughbyhills-oh.gov > Subject: Public Records Request
From: Frank Brichacek Sent: Monday, February 06, 2017 12:03 PM

<p>To: David Fiebig Cc: Mayor; Gloria Majeski; Law Director Personal; Willoughby Hills Finance Dept. Subject: Public Records Request - Lease Agreement for 2608 SOM Center Road</p>
<p>From: David Fiebig Sent: Monday, February 06, 2017 12:40 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: FW: Public Records Request - Lease Agreement for 2608 SOM Center Road</p>
<p>From: Chris Biro Sent: Tuesday, February 07, 2017 3:36 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 <johnplecnik@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov> Cc: Law Director Personal <tomlobe@yahoo.com> Subject: RE: Correspondence Public Records request from Councilman Biro to Council Clerk requesting documents presented to Auditor's office during meeting of 11/18/2016</p>
<p>From: Willoughby Hills Council Sent: Wednesday, February 08, 2017 3:34 PM To: Chris Biro <chrisbiro@willoughbyhills-oh.gov> Subject: RE: Correspondence Public Records request from Councilman Biro to Council Clerk responding to request for documents presented to Auditor's office during meeting of 11/18/2016</p>
<p>From: Willoughby Hills Council Sent: Wednesday, February 08, 2017 3:53 PM To: frankbrichacek@willoughbyhills-oh.gov; Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com> Subject: Public Records Request... Law Director & Finance Director email correspondence with the Auditor's representatives that discuss allegations of impropriety of pay raises</p>
<p>From: Willoughby Hills Council Sent: Wednesday, February 08, 2017 5:36 PM To: 'Willoughby Hills Grove' <willoughbyhillsgroveresidents@gmail.com> Cc: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com> Subject: RE: Update: Public Records Request for willoughbyhillsgroveresidents Update to revised public records request of January 30, 2017. City's IT provider Evolve did provide a CD of emails obtained from the City serve; however only for the time period of 2017. A follow up called was made to obtain the emails from 2016.</p>
<p>From: Willoughby Hills Council Sent: Wednesday, February 08, 2017 6:24 PM To: Mayor <mayor@willoughbyhills-oh.gov>; frankbrichacek@willoughbyhills-oh.gov; Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov> Cc: David M. Fiebig (davidfiebig@willoughbyhills-oh.gov) <davidfiebig@willoughbyhills-oh.gov> Subject: Public Records Request: 2016 Property Expense Records for the Grange</p>
<p>From: Willoughby Hills Council Sent: Wednesday, February 08, 2017 6:27 PM To: Mayor <mayor@willoughbyhills-oh.gov>; frankbrichacek@willoughbyhills-oh.gov; Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov> Cc: David M. Fiebig (davidfiebig@willoughbyhills-oh.gov) <davidfiebig@willoughbyhills-oh.gov> Subject: RE: Public Records Request: 2016 Property Expense Records for the Grange <u>Correction:</u> Please note that the subject matter is incorrect as the request is to include all public expense records for the Grange</p>
<p>From: John Plecnik Sent: Friday, February 10, 2017 1:05 PM To: August Babuder <ababuder@att.net> Cc: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: RE: Grange Map</p>
<p>From: Willoughby Hills Council Sent: Friday, February 10, 2017 1:16 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'</p>

<p><jennifergreer@willoughbyhills-oh.gov>; 'John Plecnik' <JohnPlecnik@willoughbyhills-oh.gov>; 'Nancy Fellows (nancyfellows@willoughbyhills-oh.gov)' <nancyfellows@willoughbyhills-oh.gov> Subject: FW: City of Willoughby Hills 340162 Loop FOC – Transferring Phone Provider from Windstream to First Communications to begin on or around February 14th</p>
<p>From: Jennifer Greer Sent: Friday, February 10, 2017 1:26 PM To: Fred Wyss <fredwyss@willoughbyhills-oh.gov>; ppike@americanculinarycorp.com Cc: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: Zoning Map</p>
<p>From: Willoughby Hills Council Sent: Friday, February 10, 2017 1:58 PM To: 'ppike@americanculinarycorp.com' <ppike@americanculinarycorp.com> Cc: Fred Wyss <fredwyss@willoughbyhills-oh.gov>; Jennifer Sommers Greer (jennifergreer@willoughbyhills-oh.gov) jennifergreer@willoughbyhills-oh.gov Subject: Zoning Map</p>
<p>From: Jennifer Greer Sent: Friday, February 10, 2017 2:31 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov>; ppike@americanculinarycorp.com Cc: Fred Wyss <fredwyss@willoughbyhills-oh.gov> Subject: RE: Zoning Map</p>
<p>From: Willoughby Hills Council Sent: Friday, February 10, 2017 2:48 PM To: Robert M. Weger (robertweger@willoughbyhills-oh.gov) <robertweger@willoughbyhills-oh.gov> Subject: FW: Public Records Request</p>
<p>From: Fred Wyss Sent: Friday, February 10, 2017 3:09 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: RE: Zoning Map</p>
<p>From: Willoughby Hills Council Sent: Friday, February 10, 2017 6:10 PM To: 'Katherine D. Lloyd' <katherinedlloyd@yahoo.com> Cc: John Plecnik <johnplecnik@willoughbyhills-oh.gov> Subject: RE: Public Records Request</p>
<p>From: John Plecnik Sent: Friday, February 10, 2017 8:15 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: FW: Public Records Request Received 02/08/17</p>
<p>From: Fellows, Nancy [ASPUS] [mailto:nfellows@its.jnj.com] Sent: Saturday, February 11, 2017 5:19 PM To: Law Director Personal <tomlobe@yahoo.com>; Willoughby Hills Council <council@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov> Subject: FW: REQUEST TO RECORD COURT ORDER CASE NO 98CV001111 JUDGE MARTIN O. PARKS COURT ORDER 1999-2000 ORD 2000-6</p>
<p>From: Willoughby Hills Council Sent: Saturday, February 11, 2017 5:20 PM To: 'Christopher Biro' <chrisbiro@willoughbyhills-oh.gov>; 'Christopher Biro' <christopherbiro@yahoo.com> Subject: Request for Documents – PDF Files 1 through 4</p>
<p>From: Willoughby Hills Council Sent: Saturday, February 11, 2017 5:20 PM To: 'Christopher Biro' <chrisbiro@willoughbyhills-oh.gov>; 'Christopher Biro' <christopherbiro@yahoo.com> Subject: Request for Documents – PDF Files 5 through 8</p>
<p>From: Willoughby Hills Council Sent: Saturday, February 11, 2017 5:30 PM To: 'Katherine D. Lloyd' <katherinedlloyd@yahoo.com> Cc: David M. Fiebig (davidfiebig@willoughbyhills-oh.gov) <davidfiebig@willoughbyhills-oh.gov> Subject: Status of Public Records Request of 2/4/17</p>
<p>From: Thomas Lobe [mailto:tomlobe@yahoo.com] Sent: Sunday, February 12, 2017 12:57 PM To: Fellows, Nancy [ASPUS] <nfellows@its.jnj.com>; Willoughby Hills Council <council@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov>; Bruce Rinker <brinker@mggmlpa.com>; Fred Wyss <fredwyss@willoughbyhills-oh.gov></p>

<p>Subject: Your client: Whittington/Rekner-- 1999 litigation before Judge Parks-- Zoning change-- Lets get this done if we can----</p>
<p>From: Willoughby Hills Council Sent: Sunday, February 12, 2017 3:29 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' <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: Information Attachment: Information.pdf; Ballot Information for Ordinance 2006-6.pdf</p>
<p>From: Willoughby Hills Council Sent: Sunday, February 12, 2017 3:44 PM To: 'ababuder@att.net' <ababuder@att.net> Cc: John Plecnik <johnplecnik@willoughbyhills-oh.gov> Subject: RE: Grange Map Attachment: Grange Map</p>
<p>From: Willoughby Hills Council Sent: Monday, February 13, 2017 1:23 PM To: 'ppike@americanculinarycorp.com' <ppike@americanculinarycorp.com> Subject: Ordinance No. 2017-10 Attachment: Ordinance No. 2017-10</p>
<p>From: Willoughby Hills Council Sent: Monday, February 13, 2017 2:16 PM To: Fred Wyss <fredwyss@willoughbyhills-oh.gov> 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' <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: Ordinance No. 2002-66 Attachment: Ordinance No. 2002-66; Retirement Management Co. 06-07-02; Ordinance No. 2002-66 Ballot Information</p>
<p>From: Willoughby Hills Council Sent: Monday, February 13, 2017 2:19 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> Cc: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com> Subject: FW: Ordinance No. 2017-10 Attachment: Ordinance No. 2017-10</p>
<p>From: Willoughby Hills Council Sent: Monday, February 13, 2017 4:14 PM To: 'Willoughby Hills Grove' <willoughbyhillsgroveresidents@gmail.com> Cc: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com> Subject: FW: Update: Public Records Request for willoughbyhillsgroveresidents</p>
<p>From: Willoughby Hills Council Sent: Monday, February 13, 2017 5:14 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> 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; Christopher Collins <policechiefcollins@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>;</p>

<p>Willoughby Hills Finance Dept. <finance@willoughbyhills-oh.gov>; 'WINT Radio' <ron@wintradio.com> Subject: Council Committee Meetings: Safety @ 6:00pm , Finance @ 6:15pm and Rules & Legislation @ 6:30pm</p>
<p>From: Willoughby Hills Council Sent: Monday, February 13, 2017 8:25 PM To: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com> Subject: Ordinance No. 2017-11 - Confirmation of Mayor Appointments</p>
<p>From: Thomas Lobe [mailto:tomlobe@yahoo.com] Sent: Monday, February 13, 2017 10:09 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: Re: Ordinance No. 2017-11 - Confirmation of Mayor Appointments</p>
<p>From: Willoughby Hills Council Sent: Tuesday, February 14, 2017 2:00 PM To: frankbrichacek@willoughbyhills-oh.gov Subject: Evolve - 2016 Payment</p>
<p>From: Frank Brichacek Sent: Tuesday, February 14, 2017 6:07 PM To: David Fiebig <davidfiebig@willoughbyhills-oh.gov> Cc: Mayor <mayor@willoughbyhills-oh.gov>; Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov>; Chris Biro <chrisbiro@willoughbyhills-oh.gov>; Chris Biro Personal <christopherbiro@yahoo.com>; Chris Hallum <chrishallum@willoughbyhills-oh.gov>; Nancy Fellows <nancyfellows@willoughbyhills-oh.gov>; 'Fellows, Nancy [ASPUS]' <nfellows@its.jnj.com>; Janet Majka <janetmajka@willoughbyhills-oh.gov>; John Plecnik <johnplecnik@willoughbyhills-oh.gov>; John Plecnik <John@johnplecnik.com>; Jennifer Greer <jennifergreer@willoughbyhills-oh.gov>; Willoughby Hills Council <council@willoughbyhills-oh.gov>; Law Director Personal <tomlobe@yahoo.com>; Willoughby Hills Finance Dept. <finance@willoughbyhills-oh.gov>; Debbie Doles <debbiedoles@willoughbyhills-oh.gov> Subject: FW: Public Records Request: 2016 Property Expense Records for the Grange Attachment: Grange Detail Expense History thru 02-17</p>
<p>From: Willoughby Hills Council Sent: Tuesday, February 14, 2017 7:16 PM To: Frank Cihula (fcihula@netzero.net) <fcihula@netzero.net> Subject: Ordinance No. 2000-6 Attachment: Whittington vs. City of Willoughby Hills</p>
<p>From: Willoughby Hills Finance Dept. Sent: Wednesday, February 15, 2017 10:29 AM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: CIVIL SERVICE MEETING - CANCELLED</p>
<p>From: Frank Brichacek Sent: Wednesday, February 15, 2017 11:22 AM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: FW: Lake County Public Officials Directory 2017 Importance: High Attachment: 0291.001</p>
<p>From: Thomas Lobe [mailto:tomlobe@yahoo.com] Sent: Wednesday, February 15, 2017 1:46 PM To: Nancy Fellows <nancyfellows@willoughbyhills-oh.gov>; Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: Fw: Your client: Whittington/Rekner-- 1999 litigation before Judge Parks-- Zoning change-- Lets get this done if we can----</p>
<p>From: Willoughby Hills Council Sent: Wednesday, February 15, 2017 2:06 PM To: Frank Brichacek <frankbrichacek@willoughbyhills-oh.gov> Subject: RE: Lake County Public Officials Directory 2017 Attachments: Public Officials Contact Info</p>
<p>From: Willoughby Hills Council Sent: Wednesday, February 15, 2017 2:14 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> 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></p>

<p>Subject: Planning & Zoning Commission and Architectural Board of Review Meeting of February 16, 2017</p> <p>From: Willoughby Hills Finance Dept. Sent: Wednesday, February 15, 2017 2:26 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Subject: RE: CIVIL SERVICE MEETING – February 23, 2017 @3:00pm</p>
<p>From: Willoughby Hills Council Sent: Wednesday, February 15, 2017 3:17 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> Cc: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com>; Robert M. Weger (robertweger@willoughbyhills-oh.gov) <robertweger@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: NOTIFICATION: WH Civil Service Commission Meeting</p>
<p>From: Willoughby Hills Council Sent: Wednesday, February 15, 2017 3:00 PM To: Frank Brichacek <frankbrichacek@willoughbyhills-oh.gov> Cc: David M. Fiebig (davidfiebig@willoughbyhills-oh.gov) <davidfiebig@willoughbyhills-oh.gov> Subject: RE: Public Records Request: 2016 Property Expense Records for the Grange</p>
<p>From: Willoughby Hills Finance Dept. Sent: Thursday, February 16, 2017 2:53 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: Mark Grubiss <markgrubiss@willoughbyhills-oh.gov>; Mayor <mayor@willoughbyhills-oh.gov>; Law Director Personal <tomlobe@yahoo.com>; Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov> Subject: Council Motion to pass ordinance to accept the recommended Asphalt and Limestone bids Attachments: MEMO ACCEPTING ASPHALT & limestone bids.pdf; 2017 BIDS.pdf</p>
<p>From: Frank Brichacek Sent: Thursday, February 16, 2017 3:40 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 Majka <janetmajka@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>; 'Fellows, Nancy [ASPUS]' <nfellows@its.jnj.com> Cc: Mayor <mayor@willoughbyhills-oh.gov>; Law Director Personal <tomlobe@yahoo.com>; Debbie Doles <debbiedoles@willoughbyhills-oh.gov>; Willoughby Hills Council <council@willoughbyhills-oh.gov>; Willoughby Hills Court <court@willoughbyhills-oh.gov>; Christopher Collins <policechiefcollins@willoughbyhills-oh.gov>; Patricia Heller <heller.whfd@gmail.com>; Mark Grubiss <markgrubiss@willoughbyhills-oh.gov>; Willoughby Hills Recreation Dept. <recreation@willoughbyhills-oh.gov>; Fred Wyss <fredwyss@willoughbyhills-oh.gov>; Willoughby Hills Finance Dept. <finance@willoughbyhills-oh.gov>; Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov>; Willoughby Hills Police <police@willoughbyhills-oh.gov>; Nero Gmail <nero.whfd@gmail.com>; Willoughby Hills Building Dept. <building@willoughbyhills-oh.gov> Subject: Resignation Announcement - Assistant Finance Director Debbie Doles Importance: High</p>
<p>From: Pietro DiFranco [mailto:PDiFranco@RLBA.com] Sent: Thursday, February 16, 2017 5:07 PM 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 <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>; Tim Miller (Tim.Miller@lakecountyohio.gov) <Tim.Miller@lakecountyohio.gov>; McCarthy,</p>

<p>Gregory L <glmccarthy@ushchealth.com>; NDJA Sturgill <NDJASTurgill@hotmail.com> Subject: Willoughby Hills City Engineer's Report 170216 Attachments: WillHills Engineer Report 170116.pdf</p>
<p>From: Katherine D. Lloyd [mailto:katherinedlloyd@yahoo.com] Sent: Thursday, February 16, 2017 6:42 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Cc: David Fiebig <davidfiebig@willoughbyhills-oh.gov> Subject: Re: Status of Public Records Request of 2/4/17</p>
<p>From: Frank Brichacek Sent: Friday, February 17, 2017 6:22 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Cc: 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 <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>; 'nfellows@its.jnj.com' <nfellows@its.jnj.com> Subject: 2017 Appropriation Ordinance Attachment Attachments: MX-411ON 20170217 174022.pdf</p>
<p>From: Willoughby Hills Council Sent: Saturday, February 18, 2017 2:49 PM To: 'Katherine D. Lloyd' <katherinedlloyd@yahoo.com> Cc: 'tmarshcpa@att.net' <tmarshcpa@att.net> Subject: Public Records Request – Mr. Marsh</p>
<p>From: Katherine D. Lloyd [mailto:katherinedlloyd@yahoo.com] Sent: Saturday, February 18, 2017 3:02 PM To: Willoughby Hills Council <council@willoughbyhills-oh.gov> Cc: tmarshcpa@att.net Subject: Re: Public Records Request – Mr. Marsh</p>
<p>From: Willoughby Hills Council Sent: Saturday, February 18, 2017 3:06 PM To: 'Kristi Garabrandt' <kgarabrandt@news-herald.com> Subject: Public Records Request Attachments: Original-Option & Ground Lease & Memo of Agreement for Grange.pdf; Recorded Memorandum Agreement for Grange.pdf; Ordinance.2016-29.pdf; Ordinance.2016-30.pdf; Original-Option & Ground Lease & Memo of Agreement for West Miller.pdf; Recorded Memorandum Agreement for West Miller.pdf; Working Committee.0225.16.pdf; Minutes.May.12.16.pdf; Minutes.May.26.16.pdf; Minutes.June09.16.pdf; Minutes.July28.16.pdf; Minutes.Oct.27.16.pdf; Minutes.Nov.10.16.pdf; Minutes.Dec.08.2016.pdf; Minutes.Jan.12.2017.pdf; PCABR Minutes 10-20-16 Amended.PDF; PCABR Minutes 11-3-16.PDF; Ordinance.2017-Repealing.pdf; Letter-Lobe to Galloway-Contingencies.pdf; Email of 06-16-16.pdf</p>
<p>From: Willoughby Hills Council Sent: Saturday, February 18, 2017 7:28 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' <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> Subject: Concerns and Issues raised by Resident Peter Pike Attachment: Ballot Information for Ordinance 2006-5.pdf</p>
<p>From: Willoughby Hills Finance Dept. Sent: Tuesday, February 21, 2017 3:49 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: Mark Grubiss <markgrubiss@willoughbyhills-oh.gov>; Mayor <mayor@willoughbyhills-oh.gov>; Law Director Personal <tomlobe@yahoo.com>; Gloria Majeski <gloriamajeski@willoughbyhills-oh.gov> Subject: Council Motion to pass ordinance to go out for bid on the 2017 Pavement Markings Program Attachment: MEMO TO COUNCIL TO GO OUT FOR BID – 2017 – PAVEMENT MARKINGS PROGRAM.pdf</p>
<p>From: Willoughby Hills Council Sent: Tuesday, February 21, 2017 9:27 PM</p>

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>
Cc: Thomas G. Lobe (tomlobe@yahoo.com) <tomlobe@yahoo.com>; Robert M. Weger (robertweger@willoughbyhills-oh.gov) <robertweger@willoughbyhills-oh.gov>
Subject: City of Mentor Ordinance No. 17-0-17
Attachments: News Herald Article dated 2-18-17.pdf; 17-0-17; Amend section 931 – Rights of Way above ground utility use.pdf

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

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR'S REPORT: Thank you Nancy. The AARP is doing income tax service for the senior citizens and they go from February 13th through April 10th. If you call my, if you call City Hall, uh, make an appointment and it's necessary and they do them from 9:30 to 1. So, make your appointment with City Hall.

Income Tax, RITA, the City income tax, they're going to be here March 30th from 1 to 7 and they'll be at City Hall, right here.

I want to announce that 2017 baseball registration ends March 15th and the girls' softball registration ends March 12th.

The Willoughby Hills art gallery, the photo contest, the deadline to enter is March the 2nd and the reception is the 10th of March and that's a Friday.

We have pancake breakfast on March 3rd, March 12th, the 19th. The first two are by the Rec Commission, the third one is by the Lion's Club. It's seven dollars at the door, uh, children five to twelve are four dollars and under four it's free.

The 2017 Deer Management Program is going on right now, today, tonight, and they're in the park, it's closed and they're culling the deer. And this will go on through March, ah, at periodic times and they close the park with the rangers. That's all I have Ms. President.

President Fellows: Thank you. The next order of business is the Law Director's report.

LAW DIRECTOR'S REPORT: Two matters for tonight. Number one is Ordinance 2017-11 which involves the matter concerning Civil Service and the appointment to department heads. Last time I reported, I asked for a little time on this because we had a Civil Service meeting scheduled for last week, due to some notice issues that didn't go out, so we had to cancel it and we had it today. We had a very good meeting with members of the Civil Service, the Mayor and Ms. Councilwoman Majka showed up and we had a very good and frank discussion. I think that she is going to report on this later, hopefully. I'll be asking that it remain on 3rd reading and/or tabled at this time, subject to what Ms. Majka's opinion was of that meeting but I think we're on the parallel opinion of that thing and we had a good discussion with them and I think we understand Council's concern and there are other things that we may be recommending to you and hopefully we'll get Council's consensus on this but I'll let Ms. Councilwoman Majka lead that discussion and I'll chime in at that time.

Number two, there are some issues concerning the SB 311 [331], I believe, it's the tower issue and I understand that there's been, Councilman Plecnik brought forward some things about some things that Mentor's doing and a few others and some moratoriums and things of that nature. Uh, I'm going to ask the Council to go with a little bit of caution on this one and not to jump the gun, it's a very touchy issue, it's fertile for litigation, ah, in

fact we were in a seminar today, although I had to leave a little early because I had to come to this Civil Service thing, about what we can do and can't do and what some of the other cities are doing, okay. Uh, you don't want to go too far on this. We have some rights, but they're very limited rights. There's been federal preemption as you know with the Telecommunications Act back in 1996 and this SB 331 which is the State preemption for right-a-ways. So, everybody's sort of scrambling to do things and there's a lot of opinions out there as to what you can do and how far you can go and things of that nature and I'm going to give---I'm going to talk with the clerk about this, I've got some material for you to review, that I just didn't get to her today and hopefully, I'll have it. But, it's something that we should look at but don't go too far on this because you don't want to go too far, that's all my concern is. You're going to have some rights, but they're very limited now with the state preemption, so I have a review of what Mentor did and the mortarium issue is not really available anymore either, just so you know. Okay, thank you. I'm open to questions.

President Fellows: Thank you. The next order of business is the Finance Director's report.

Vice President Plencik: Madame President, I did have a question for the Law Director. Going back to the issue of the cell tower at the Grange, ah, I think that he and I have a different interpretation of 2016-29 and I just wanted to clarify what his interpretation was. I've said repeatedly that I as a legislator voted for Ordinance 2016-29 under the impression and the belief that Section 4 made execution contingent on Planning and Zoning approval which is essentially a quote from Section 4 but I'm under the impression that while I believe execution means both parties to the contract signing, I think that the Law Director believes that execution means something different in this context and if I'm correct on that, I'd like the Law Director to explain what he thinks execution means in this context.

Law Director: Well, you can't focus on just that one word. You've got to look at the entire thing. You look at things for the intent. There's going to be a difference of opinion on this, legally, okay. I don't look at it that particular way, I think if you look at just one word, if you try to interpret one word in a contract or in an ordinance that's not the way to do it. You have to look at it telescopically to get all the facts and circumstances. That's how I believe a Court will interpret it. And the point on that, particular point is primarily it could be read two ways and the Court will always, in my opinion, will interpret it that it will not have a legal impossibility, a legal fiction, or an impossible situation because of a matter of law, approval by Planning is in fact required before they get approval. So, the interpretation the way it is, and it's an interpretation, and it's subject to a lot of interpretations, it would be a legal impossibility, it would be a legal fiction and it's only a matter of timing when we got the approval because under, I think it's 1161.08(b)(6), I wish I had the numbers here, John, I'm misquoting and I apologize. One of the prerequisites to get approval is in fact the lease. And when we go to Planning often times we require, most of the time with good Planning Directors, always require and Planning Commissions if somebody is building on somebody's property you need the approval of that individual to even proceed in the process. So, that's where I'm coming from. And when you look at everything, the rest of the ordinance, the minutes, and everything that the words from the four corners, the most important, I read it absolutely differently.

Vice President Plecnik: So, just so I understand, you're saying in your legal opinion, actually signing the agreement was not contingent on Planning and Zoning approval.

Law Director: No, I'm saying as a matter of law, as a matter of law, Planning approval is required as a matter of law pursuant our ordinances under 1161.08 whatever it is, it is required. So, you didn't have to put it in there. That's why it is absolutely a condition pursuant as a matter of law so you couldn't, the way, if you interpreted it any other way you'd say that we need approval but you can't get approval, it's the chicken and the egg, it's the cart and the horse, and it's just a matter of timing, so that's how I interpreted it.

Vice President Plecnik: So, I just want to make sure that I understand. My interpretation has been that the Mayor's signing of any agreement with the cellphone company was contingent on Planning and Zoning

approval and that he should not have done so. You're telling me that signing was not contingent on Planning and Zoning approval.

Law Director: We're really dancing on the top of a pin and I don't want to argue about it...

Vice President Plecnik: But I just want to know.

Law Director: You can't get approval without that. You cannot get approval without the lease being signed. That's our law, that is the ordinance as we have adopted it in 2006. That's why it comes to the point that you need it beforehand. You can't interpret it the way that you are interpreting it, otherwise, it would be a legal fiction. It would be a legal impossibility because you can't get approval without it. That's where I'm going.

Vice President Plecnik: Just like I said, just so that I understand, you're saying and if you could tell me yes or no, just so I could simply understand. Was the Mayor's signing of the agreement contingent on Planning and Zoning approval, yes or no?

Law Director: No.

Vice President Plecnik: I have the opinion of an attorney who says that signing the agreement and by the way, this attorney goes so far as to say that it's crystal clear that signing the agreement was not just contingent but totally contingent on Planning and Zoning approval.

Law Director: I think that I've talked with that lawyer. And I've talked with other lawyers.

Vice President Plecnik: I think that you've talked to this lawyer too and I'd like to give everyone a copy of this lawyer's statement. And I'd be happy to share this with any members of the public that would like to read it as well.

Councilwoman Greer: Council President, may I ask if this is the proper time to be doing this?

Law Director: You know...

Vice President Plecnik: And I quote I just wanted them to be crystal clear that the signing of the agreement is totally contingent on the Planning Commission approval, thanks Thomas G. Lobe. June 16, 2016. I just thought that was important to share.

Law Director: I understand you taking an email and attempting to use it for that purpose. I understand that. The email does not take control over the ultimate intent of this thing and as a matter of law. I get that Mr. Plecnik, I really do and it's a nice attempt --- it's a simplification of a much more complex issue. And I get that.

Vice President Plecnik: Thank you.

President Fellows: Thank you everyone.

Law Director: Any I did talk with other attorneys, I apologize, I did talk with other attorneys, in fact Mr. Bryon is here and I talked with Shelley Berns and I've talked with others. There's varied opinions on this thing. Trust me, there are varied opinions.

President Fellows: Thank you. The next order of business is the Finance Director's report. Mr. Brichacek.

FINANCE DIRECTOR'S REPORT: I'd first like to report that the Budget Message for 2017 was emailed to all of Council today as well as hard copies were placed in your mailboxes so, if you could please review that. Along with the Budget Message I included, I also included a schedule that reconciles the figures and the, the figures that appeared in the budget book that was distributed on February the 9th to the numbers in the appropriation ordinance. There were a couple of changes that we discussed at the last meeting. Secondly, I'd like to let you know that the \$550,000 general obligation note was sold today. The interest rate will be 2% with a yield of 1.2%. I've also emailed that information to you. This is higher than last year's rate of 1%. The market has shifted since last time we've talked. There have been a couple of pronouncements in raises in short-term interest rates. The short-term market has moved, the long-term market has not moved. However, we're very competitive in the market place. The other thing that and even more so than these statements, the only thing that works against us is the fact that it's only a \$550,000 note. It's a very small issue. But those two things combined to result in the 2% rate. That note will be issued on March the 8th.

And the last thing that I have for you tonight is that, I also emailed out, I received last night, I was able to access the change in the January Consumer Price Index. And as a result of the change from January this year to January of last year, the Council, Mayor, Safety Director and Public Works, sorry, the Service Director the salary adjustment for this year will be 1.57%. That's an across the board increase for all elected officials and it's required by Section 121, 131 of the Codified Ordinances as well as ordinances 2002-119 and 2002-120.

President Fellows: Any questions for the Finance Director?

Councilman Fiebig: One to think about Frank would be since you mentioned the smaller amount of the bond at \$550 having some difficulty with getting that out there. If we want to consider for next year and for planning purposes, do we still want to continue to put that out there for bond renewal or do we want to look at some other options? I think that we can talk about that in detail...

Finance Director: Actually, I may have already started to think about it. It just depends upon what our plans are. Some, actually some of the decisions that I've made this year is if we decide to finance anything that's in the budget this year then we can roll the issues together.

Councilman Fiebig: Okay, thanks.

President Fellows: Anyone else? Thank you, Mr. Brichaeck. Next is our City Engineer's report. Mr. Di Franco.

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

President Fellows: Any questions for the Engineer this evening? Thank you, Pete. Next order of business is Committee Reports. Vice President Plecnik, would you like to start with finance.

COMMITTEES OF COUNCIL

Finance Committee Meeting of February 21, 2017

Vice President Plecnik: Certainly Madame President. We had a Finance Committee meeting on February 21st at 6:18pm. Myself was present as Chair as well as our President of Council Nancy Fellows as member. Councilwoman Greer was absent. But also present were Councilman Biro, Councilman Fiebig, Councilwoman Majka, the Mayor and the Finance Director.

I'll try to summarize because it was rather a lengthy meeting. We covered a lot of bases but we discussed how the Finance Director, the Mayor and I had met the previous Friday to discuss the 2017 proposed budget. And in

short, Administration agreed to revise the proposed budget and we've received the budget message which reflects those revisions so that it will balance. I explained that the main difference between the 2016 budget and the 2017 proposed budget is the cost of additional staffing in the Police and Fire Departments specifically an increase of two police officers and three firefighters and it was agreed that the additional cost should essentially come from Safety Forces, 234. I had asked our Finance Director to share his thoughts and he agreed that the proposed budget is now balanced. But clarified that the General Fund, 110 subsidy to the Safety Forces Fund 234 was reduced to the tune of \$300,000 which essentially reformulated the deficit from about \$294,600 to a small surplus of about \$5,000 which is reflected in the budget message. He also described how we discussed the balances in the road funds and it was decided at least amongst the three of us, that it was prudent to leave those balances in place for future years and not draw down the funds any further. We talked more and the Finance Director talked more specifically about changes to the 2017 proposed budget relative to 2016 and Finance Director Brichacek agreed that the biggest change is the staffing for police and fire. The biggest wild cards in budgeting for that increased cost would be guessing when the new police and firefighters would be hired, their level of seniority and how their hiring will impact overtime in their department because the cost of overtime in the Fire Department was extremely high in 2016 relative to past years we're budgeting for more historically normal costs in 2017 under the assumption of increased staffing will elevate the cost of overtime somewhat. The Finance Director added that the 2017 budget reflects the reduction in sewer rates passed by Council but only impacts three quarters because the first quarter collected in 2017 actually relates to sewer usage in 2016 before the sewer fee cut was passed and effective. I had mentioned that we also discussed the Pleasant Valley Road Bridge Maintenance Fund 443 when the County proposed shutting the bridge down the City purchased the bridge to preserve it for residents, the City created Fund 443 and required \$15,000 to be transferred to it every year from the license fees in the Street Construction, Maintenance & Repair Fund. However, for years Administration failed to transfer the legally required annual amount of \$15,000. I had noted that Council President Fellows was the one that first discovered this failure on the part of Administration. Finance Director Brichacek replied that he was the one who first discovered the legal failure of Administration to transfer the funds but nonetheless, the funds will be fully restored as of next year, and may be restored this year depending on whether or not we need additional funds because there's a serious possibility we'll be performing essentially its once a decade maintenance this year to restore the bridge. We also discussed road work in the Service Department budget for 2017. Councilman Fiebig asked the Mayor which roads were on the agenda for repaving this year and Mayor Weger replied that our Street Superintendent Grubiss had identified Rockefeller, Stark, Red Fox, and Kennelly as the highest priority roads for repaving. Councilman Fiebig asked if the Mayor meant all or part of Rockefeller and the Mayor replied that he only meant Rockefeller in between Chardon and Eddy. The Mayor also shared that the City Engineer wants to review the roads. Councilman Fiebig asked why and the Mayor replied to determine the cost of the projects. The Finance Director explained that only \$400,000 is currently budgeted for road repair but a soft estimate for repairing all of our roads that really need work was about \$1.8 million. We discussed whether or not we were still relying on the 2014 Service Department Report by Street Superintendent Grubiss and the Mayor replied yes, we are. I had raised the issue that some of those numbers, I believe, came from the 2013 report from our former Street Superintendent. The Mayor replied that yes, the road rankings were drawn from that original report. A couple additional budget issues we discussed, Finance Director Brichacek mentioned that debt is a viable alternative for financing the repaving of streets. He also shared that there are many items in the state budget that might impact Willoughby Hills. There's a proposal to reallocate the local government fund toward bedroom communities which could be favorable. There's also a proposal to have the state more involved in collecting our income taxes which could cost us more money. Councilman Biro asked about the impact of losing Debbie Doles. Finance Director Brichacek replied that his Assistant Finance Director Doles has submitted her resignation to Willoughby Hills and is joining Wickliffe as Deputy Finance Director on a transitional basis. The plan being for her to be promoted to the full Finance Director for Wickliffe, so, I guess congratulations are in order to Ms. Doles. Councilman Fiebig asked if we've looked into the possibility of hiring a payroll services company instead of another Assistant Finance Director. The Mayor replied that payroll services companies would still require us to have another employee to fill out the paperwork so it would make no sense and the Finance Director asserted that we'd still do 80% of the work. Councilman Fiebig asked how the budget

accounts for the salaries of the union contracts that have yet to be passed. I replied that the budget assumes a, assumes the raises of the current drafts of the union contracts as well as the 2% raise for most non-union employees and the Finance Director added that the budget is merely a plan for spending, the budget is not a license to spend. He also closed by stating that he had shared with Council a schedule which reflects the aforementioned reduction of the General Fund subsidy to safety forces. We had a public portion at 6:53pm, closed at 6:54pm with no one speaking and the meeting adjourned at 6:54pm. I certainly stand open to questions.

President Fellows: Any questions of Vice President Plecnik on his Finance Report? Seeing none, Councilman Hallum, any updates or tidbits from Planning and Zoning.

Councilman Hallum: We approved a house and a pole barn. That's about it.

President Fellows: Okay. Thank you.

Safety Committee of Council Meeting of February 21, 2017

Councilman Fiebig: I have a report a report from the Safety Committee of Council which met on Tuesday, February the 21st at 6:04pm. I'm the Chair of that, Janet Majka was in attendance. Jennifer Greer was absent. Council President Fellows also joined us along with Vice President Plecnik, Councilman Biro and Mayor Weger.

We were considering two pieces of legislation for tonight, tonight's agenda. Proposed Ordinance 2017 regarding a snow ban. This came through the Administration via the Chief of Police. I gave the Mayor an opportunity to comment on that he said that it was pretty self-explanatory and agreed with everything that was in there. Councilwoman Majka talked about how notification happens and the logistics of that and through that conversation it came up that we should notify Council, that the Mayor should notify Council and also should be using social media channels as well as the usual channels 3, 5, 8, 19 and I suppose any newspapers too that, that you would notify too. But any sort of notification should include Council so it was determined that we should include that language in the legislation and I did go ahead and make that amendment and that is in tonight's legislation, number 17, I believe.

President Fellows: 19.

Councilman Fiebig: Or 19. The other concerns of Councilman Plecnik brought up about how police use commonsense on enforcement and that our intent of this legislation is for officers to take into consideration driveways being repaired and things like that when it comes to either a parking ban or a snow ban type of incidence. I brought up how Lakewood in their particular community have some very specific problems and because of their density, they have maps and streets that are already designated so the residents on those streets already know ahead of time. It's kind of a proactive way to let people know that live in the community that your streets are targeted for particularly first snow bans and things like that. So, we might want to consider doing that for a couple of the roads that are in the City that came out of our conversation there. There was only one incident that the Mayor brought up of a car in the last snowstorm that managed to park, like in the middle of the street and we had some issues with trying to get around that. I suppose you had some trouble with the plows and things like that but they called the resident in the morning and they moved the car and it hasn't happened in about twelve years as you indicated Mayor. But there were some concerns, Councilwoman Fellows who expressed through Councilwoman Greer that might have had some issues with either the snow ban or the parking ban so we did discuss what they might be, but I'm open to questions tonight if you did have any. And Councilman Hallum, I understand that you talked with the Police Chief, we mentioned that in our meeting and that may be your concerns were alleviated because of that. So, we were kind of working along both of these tracks of the parking ban and the snow ban. The consensus was to with the amendment it's ready to put on the

agenda which obviously, it is tonight. And on the parking ban, this is an update to existing law which simply puts the window of time between 2 and 5am rather than the current law which says any 8-hour window between 10pm and I believe it's 6am. So, it's very difficult to enforce, the Chief had asked us to clean up the language and mirror what other communities were doing and make the ban simply between 2 and 5am and that's for safety and for our residents in the community. Obviously, we talked about, you know, the enforcement of that and how officers do have discretion on whether they write a ticket or if they run a plate and know it's the resident there. Obviously, commonsense if a driveway is being repaved or something like that, they're not going to write a ticket or that was like commonsense. And we have to put it in the hands of the officers to enforce the law and to use good discretion on that. The decision for that, the consensus was to put in Rules and to allow Rules to recommend it for passage. Public portion opened at 6:16pm and there were just a couple of comments. Linda Fulton made the suggestion of putting the snow ban signs at each of the entrances to the City and we designated about seven places where there were entrances to the City and let people know that during a snow emergency that they shouldn't be parking on the streets. Mr. Cihula just simply asked about what the legislation was numbered. So, public portion closed at 6:18pm. I'm open to any questions if there are any, specifically from you, Ms. Greer. If you had any concerns on that. Thank you.

President Fellows: Thank you Councilman Fiebig. Jennifer, did you have any?

Councilwoman Greer: Not at this time.

President Fellows: Anyone else have any question for Councilman Fiebig on safety and street bans and snow bans? Councilwoman Majka are you willing to share some tidbits from the Civil Service Commission before I do Rules? Or, if not that's fine.

Councilwoman Majka: I'm - - I gathered a lot of information and we talked for really a couple of hours. So, I felt that the information would be best to go into committee and we could work on that together in Rules.

President Fellows: Mr. Lobe, did you, were you at the meeting?

Law Director: I was, the Mayor was there. Ms. Majka and I talked after the meeting. She has a few good things to present to Council and see where Council wants to go with it.

President Fellows: Okay.

Law Director: An I'll let her take the lead on it.

President Fellows: All right, thank you. Then I'll report on Rules and Legislation.

Rules and Legislation Committee of Council Meeting of February 21, 2017

President Fellows: The Rules and Legislation Committee met on February 21st. We began at 6:59pm. All members of the committee were there, myself, Vice President Plecnik and Councilwoman Jan Majka. Also present were Councilman Biro, Fiebig and the Mayor. The order of business was for legislation this evening.

The first one is **Ordinance 2017-4**. This is the ordinance to amend Section 351.14(a) concerning overnight parking. This was brought forth for clarification and to aid our police officers in enforcing the law. What we have now is outdated. We have had a lot of discussion on this. This has been in committee. We have had it on 3rd reading already and so Rules and Legislation of Council recommends adopting.

The next one is **Ordinance No. 2017-7**. An ordinance authorizing the expenditure of funds required to perform the City's 2015-2016 audit. This was requested because it exceeds the Mayor's spending limit. Rules and Legislation Committee of Council recommends reading it the third time and adopting.

Ordinance No. 2017-8 is an ordinance authorizing the expenditure of \$26,925.17 for the annual support/service contract for the Cody CAD/RMS system for the Police Department. This is an annual contract. Rules and Legislation of Council recommends reading it for the third time and adopting.

The next one is **Ordinance 2017-10**. This is the ordinance to amend Part Eleven of the Planning and Zoning Code, Chapter 1161 to expand the area in which property owners are provided notification of proposed conditional use of a telecommunications tower or facility from 500 to 2,640 feet or a half-mile radius. This was discussed in the Safety Committee of Council on 1-23, it's still in the Safety Committee. There's a lot of discussion that came around that night. Some say that a half-mile is fine. There were other just thoughts about may be instead of having it going to 2,640 feet to go to 1,000 feet or 1500 feet. So, it was decided to either continue to explore this in the Safety Committee or I can obviously put it into the Working Committee of Council. The Mayor was going to forward utility pole tower information to Council which he's done. So, right now, Ordinance 2017-10, Rules and Legislation recommends this to be on 2nd reading.

Ordinance 2017-11 is the ordinance establishing the terms and conditions required for the confirmation of Mayoral appointments of department heads. This is intended to be used by Council as a checks-in-balances for confirming new appointments. We have had this discussion in the Working Committee of Council on February 9th. We did incorporate the definition of family from the Ohio Ethics Commission and we did determine that it would stay on the 3rd reading as we were waiting for some suggestions and thoughts from Tom Majeski and the Civil Service Commission. I think it was specifically to drug testing and background checks. So, we will move forward with that since that meeting was done today.

The next one is **Ordinance 2017-12**. An ordinance addressing a temporary moratorium on the cultivation, processing and retail dispensing facilities on medical marijuana. I reviewed Section 4 of the ordinance. I misunderstood the sequence of the ordinance at the Rules meeting and it is important for Council to eventually adopt this for the Planning Commission and the Administration to move forward with what they are tasked with. The Rules and Legislation recommends that this stay on 2nd reading.

The next couple is in, relates to the composition of police and fire ordinances introduced by the Mayor at the end of January. This is an excellent opportunity to review Chapter 139 for the Police Department and Chapter 141 for the Fire Department so that everything is current and updated.

Ordinance 2017-14 is the composition of the Police Department. It will also have the two additional full time police positions identified in that. Rules and Legislation recommends 1st reading.

Ordinance 2017-15 is the composition of the Fire Department and that would also add three additional full time positions and the Mayor indicated that during the collective bargaining meetings, Captains are being eliminated and therefore the purpose of the positions would be Fire Chief, Assistant Fire Chief, Lieutenants and Firefighters. Rules and Legislation recommends 1st reading.

Ordinance 2017-16 is an ordinance accepting the bid for asphalt is recommended for 1st reading.

Ordinance 2017-17. An ordinance to accept the bid for limestone. Recommend for 1st reading.

Ordinance 2017-18 is the 2017 budget permanent appropriations. Rules and Legislation recommends 1st reading.

And then **Ordinance 2017-19** the snow ban ordinance. This has been vetted in the Safety Committee. Rules and Legislation recommends 1st reading.

New Business was that there would be a motion for this evening for the 2017 Pavement Marking Program.

Public Portion opened at 7:31pm and Linda Fulton inquired of the Mayor when he was going to appoint a Fire Chief as he had indicated prior to this that the process was to begin in January 2017. The Mayor replied in the near future. And Frank Cihula identified some small corrections needed on ordinances. Public Portion closed at 7:33pm. The meeting adjourned at 7:33pm. And I'm open to any questions.

Councilman Fiebig: Madame President. On Ordinances 16 and 17 the limestone and the concrete and stone are we in a bit of a time factor on that, to get that order in. It's something that we do every year, but do we need to do that immediately, Mayor or our Road Superintendent. Does that need to get done now rather than hold-off for a couple of weeks?

Road Superintendent: Probably now, we're starting on some projects that I'll need to get [undecipherable].

Councilman Fiebig: I saw the pile in the back and it seemed low. So, I think, if you don't mind, I may make a motion to waive and adopt that. If that's all right.

President Fellows: Just those two.

Councilman Fiebig: On both those, yeah.

President Fellows: Anyone else?

COUNCIL REPRESENTATIVE REPORTS

President Fellows: Okay, so we will move forward to any other Council Representative Reports which I don't believe we have. And the next would be Public Portion.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies

(a) All meetings of any municipal body are declared to be public meetings open to the public at all times.

All meetings shall provide a reasonable opportunity to hear public opinion.

President Fellows: So, I will open Public Portion at 7:37pm. This is an opportunity for the public to come forth to share their thoughts and opinions on issues in the City. Sometimes we can answer questions that the residents have, sometimes we need to collect some information either from Council or from Administration. But we will let you know on that. So, anybody is welcome to come forward. And please give you name and address.

Doris Dodge – 37881 Milan Drive. I would like to ask if it's possible to have the audio and visual parts of the Chamber updated because watching it at home on Channel 12, it's very grainy and the audio portion is quite poor unless the Council members are speaking literally right into the microphone, so I think that it would be time to get this updated. Also, regarding the Grange. Since this facility is supported by the tax payers' dollars, I would again ask that this, this is a lovely facility, and allow it to be open to the public the same way that the Civic Center is for rental purposes. And the last issue, I heard your report on the roads, what roads are going to be fixed. Pleasant Valley Road was done a couple years ago but the other half wasn't done and I wanted to

know if there was any progress in having that part done because it's getting pretty nasty down there. The potholes are huge.

President Fellows: Thank you, Doris. Anyone else?

I will close Public Portion at 7:39pm.

UNFINISHED BUSINESS

President Fellows: The issue of the audio, you know that has been looked into on and off and it would certainly warrant investigation and it would be costly to do that but your comment is certainly noted and others have made the same, Doris. And as far as the road, Mr. Grubiss is here, I don't want to put you on the spot, Mark, she had a question about Pleasant Valley. And if you want to speak, you have to come to the microphone or you can contact her later.

Road Superintendent Grubiss: What was the question?

Resident Dodge: Half of Pleasant Valley was resurfaced but the other half wasn't and I wanted to know if you were going to do the other half.

Road Superintendent Grubiss: You mean the other side of the bridge, not at this time.

Mayor: But the potholes will be fixed.

Road Superintendent Grubiss: Will be patched as soon as the weather breaks - - the asphalt plants aren't open right now.

President Fellows: Okay, so just to reiterate, Ms. Dodge had asked about the second half of Pleasant Valley Road on the other half of the bridge and if that was going to be repaired as it's in bad condition. And Mr. Grubiss said not at this time. However, the Mayor added that the potholes would be filled and asphalt plants aren't open right now. Correct?

Road Superintendent Grubiss: Correct.

President Fellows: Thank you.

Road Superintendent Grubiss: Correct. Even if we wanted to do road repair we can't do it right now, we can't get asphalt.

President Fellows: Okay, so asphalt not available to start road repair so, patching can be done. Is there any unfinished business for, is there any unfinished business for Council this evening? Seeing none, the next order of business is legislation.

LEGISLATION

Ordinance No. 2017-4 – 3rd Reading

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.

Councilman Fiebig moved for passage. Councilwoman Majka seconded.

Councilman Hallum: I recall in the ordinance there were some specific areas that the police felt were more in need of making sure that we had overnight parking and I was just wondering if there was any discussion about putting any kind of signage up on those particular streets?

Vice President Plecnik: Madame President, if I could answer. We did discuss that and it's entirely the discretion of the Police Chief in the City to put that signage up. The ordinance does say that the Police Chief can designate whatever streets that they think need it and it's the City's responsibility to put up a sign and I certainly agree that we should get the signs out on the relevant streets.

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

Motion passed.

Ordinance No. 2017-7 – 3rd Reading

1st Reading: January 26, 2017

2nd Reading: February 9, 2017

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

Councilman Biro moved for passage. Vice President Plecnik seconded.

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

Ordinance No. 2017-8 – 3rd Reading

1st Reading: January 12, 2017

2nd 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.

Councilman Biro moved for passage. Councilwoman Majka seconded.

Councilman Hallum: Madame President, just one question. When, is there a particular date when this invoice is due? Do we know?

President Fellows: The exhibit was dated November 1st. It was given to us, this is 3rd reading.

Councilman Hallum: No, I understand, I was just wondering like when you get an invoice from them, I'm assuming that we got an invoice from them, I don't remember, there was a date when it was due by?

Councilwoman Greer: February 1st.

Councilman Hallum: Okay, thank you.

President Fellows: Councilwoman Greer, did you have a question?

Councilwoman Greer: I did. Does this go out to bid?

Finance Director: No, it didn't. It's a professional service and a soul source provider.

Councilwoman Greer: What do you mean by soul source provider? There's no other, this is the only company that can provide this service to us.

Finance Director: That's correct. It's proprietary software.

Councilwoman Greer: Okay.

President Fellows: For the Police Department.

Councilwoman Greer: Thank you.

President Fellows: Any other questions?

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

Ordinance No. 2017-10 – 2nd Reading

1st Reading: February 9, 2017

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.

President Fellows: Rules and Legislation recommended that this be on 2nd reading and either we readdress it in a Safety Committee or a Working Committee of Council and I'll speak to Councilman Fiebig about that as Chairman of Safety and see where we want to put it and then we'll set a date either one way or the other for Council to know.

Ordinance No. 2017-11 – 3rd Reading

1st Reading: January 26, 2017

2nd Reading: February 9, 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: Rules and Legislation suggested that this stay on 3rd reading until we have an opportunity to hear the recommendations and thoughts from the Civil Service Commission.

Ordinance No. 2017-12 – 2nd Reading

1st Reading: February 9, 2017

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: And Rules and Legislation recommended that this stay on 2nd reading.

Ordinance No. 2017-14

An ordinance repealing Ordinance Nos. 2011-21, 2001-46 and enacting in lieu thereof a new ordinance amending Part One – Administrative Code, Chapter 139 – Police Department of the Codified Ordinances of the City of Willoughby Hills.

President Fellows: Rules and Legislation had recommended that this be on 1st reading.

Ordinance No. 2017-15

An ordinance repealing Ordinance Nos. 2002-47, 2008-43 and enacting in lieu thereof a new ordinance amending Part One – Administrative Code, Title Five – Administrative, Chapter 141 – Fire Department, Section 141.01 – Composition, Section 141.02 – Rules and Regulations and Compensation Adopted, Section 141.03 – Part-Time Firefighters, and Section 141.04 – Fire Chief; Conditions of Employment; Duties of the Codified Ordinances of the City of Willoughby Hills.

President Fellows: Rules and Legislation recommended that this be on 1st reading.

Ordinance No. 2017-16

An ordinance accepting the bid of Osborne Concrete & Stone for the purchase of asphalt for the year 2017.

Councilman Fiebig moved to suspend. Councilman Hallum seconded.

Councilman Fiebig: Madame President, just to reiterate what we had spoken earlier, 2017-16 and 2017-17 are time sensitive. In fact, we've had a bit of an early spring here so we want to make sure that we can take care of our roads here and this is an annual appropriation so, waving the 3-readings would be prudent for us to do it this time.

Mayor: Madame President. Would you like to add the emergency clause on it so we can purchase stone next week?

Councilman Hallum: This is just for 3 readings, though.

Mayor: For stone.

Law Director: You need to amend it first and then do the 3 readings. So, if you're going to do it, I'll ask that you withdraw, amend it, vote on the amendment then waive the 3 readings. You don't have to waive the 2-day notification because...

President Fellows: I thought that Mr. Grubiss indicated also that...

Mayor: Asphalt, you don't have to do it.

President Fellows: You can't buy asphalt right now anyway.

Mayor: But for the stone, you might want to do it with the emergency clause. So, this is okay.

Councilman Fiebig: Madame President, question. On asphalt, because of the early spring, do you think that they'll be opening a littler earlier this year?

Mayor: No, it's going to be cold again and they won't open.

Councilman Fiebig: You've got your crystal ball out, I see. Mayor Weger is predicting another six weeks of winter.

Mayor: I saw my shadow.

President Fellows: So, I have a motion on the table to waive the 3 Reading Rule.

Councilman Fiebig: Madame President, I'll withdraw that motion.

Councilman Hallum: I think that we're okay, Dave because he said that they're not open anyway.

President Fellows: They're withdrawing their motion to waive. Okay so, there was a motion on the table.

Law Director: There's a motion on the table...

Councilman Fiebig: To waive and adopt.

Law Director: The 3-Reading Rule, it was seconded. We asked for an amendment. Now we've determined that you don't need the amendment and emergency clause, so I hope you proceed simply on the waiver of the 3-Reading Rule.

Councilwoman Majka: Right, right. We're good.

Councilman Fiebig: Which we can. Although, it might not be that the asphalt plants will open but this opens up the opportunity, just in case, I'm right, and spring will come early.

Mayor: Okay.

Councilman Greer: Well, in that case, you may as well amend it because you still - - - if you don't put the emergency tag on it, you're still thirty days out.

Vice President Plecnik: Madame President. First, I'll make a motion to amend Ordinance No. 2017-16 to add an emergency tag. Councilman Hallum seconded.

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

Councilman Fiebig moved to suspend. Councilman Hallum seconded.

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

Councilman Fiebig moved for passage. Councilman Hallum seconded.

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

President Fellows: Ordinance No. 2017-16 has been adopted [as amended].

Ordinance No. 2017-17

An ordinance accepting the bid of SOS Trucking Company Inc for the purchase of limestone for the year 2017.

Vice President Plecnik moved to amend Ordinance No. 2017-17 to add an emergency tag. Councilman Fiebig seconded.

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

Councilman Fiebig moved to suspend. Councilman Hallum seconded.

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

Councilman Fiebig moved for passage. Councilman Biro seconded.

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

President Fellows: Ordinance No. 2017-17 has been adopted as amended.

Ordinance No. 2017-18

An ordinance adopting permanent appropriations necessary to maintain City services for the fiscal period beginning January 1st through December 31st of 2017; repealing all legislation inconsistent herewith.

President Fellows: Rules and Legislation recommends that this be on 1st reading.

Ordinance No. 2017-19

An ordinance amending Part Three – Traffic Code, Title Seven – Parking, Chapter 351 – Parking Generally by the establishment of Section 351.16 – Snow Emergency of the Codified Ordinances of the City of Willoughby Hills.

President Fellows: Rules and Legislation recommends that this be on 1st reading.

NEW BUSINESS

- **Motion of Council authorizing the Mayor to seek bids for the 2017 Pavement Markings Program.**

Councilman Biro moved to authorize the Mayor to seek bids for the 2017 Pavement markings Program. Councilman Hallum seconded.

Vice President Plecnik: Madame President. I just wanted to share that while this is not formally part of the program, several residents have approached me, I know that they've approached the Mayor as well questioning about the markings on SOM Center Road and whether they were final or not. Apparently, the road was wet when the final stripes were added and even so, they didn't add the proper beading as well so there wasn't the proper reflectivity that should have been there. So, while it was intended to be the final striping it wasn't done properly and they've kind of washed off the road. The company is going to be redoing the striping at no expense to the City. So, it's not formally part of the program, I do want people on SOM Center Road to know that the problem is known and that it will be dealt with.

Councilman Fiebig: Madame President. Two items for new business. First to add...

President Fellows: We have a motion on the table yet.

Councilman Fiebig: Oh God, excuse me.

President Fellows: That's okay. Any other discussion on the motion to authorize the Mayor to seek bids for the 2017 Pavement Marking Program?

Roll call: YEAS: Fellows, Fiebig, Greer, Hallum, Majka, Plecnik, Biro

Motion passed.

Councilman Fiebig: Madame President. The idea that the Grange should be added to Section 941 as a public property was discussed in a Recreation Committee of Council many years ago which I chaired. I think that it's prudent to bring it up at this time again and to move forward with making sure that it's on our list of public properties and access is available. So, I move to, whether you want to make a motion for this or not, it's up to you as Chair, but I believe that we need to move forward with that. Whether that's Recreation or Working Committee of Council or whatever you chose.

President Fellows: We can put it in the Working Committee of Council along with a couple of other things. Agreed, for discussion? Okay.

Councilman Fiebig: Second item. I believe that it's well taken that the audio and the video for the Council Chambers has long been deficit and our residents have suffered through that for a long time. I'd recommend or suggest that we put together an Ad-hoc Committee of Council to investigate capital improvements for the technology there and I'd be glad to be involved with that.

President Fellows: I'm just thinking, how to move forward with it. Because we don't really have a committee on communication.

Councilman Fiebig: It would have to be an Ad-hoc Committee that we would form. I'm willing to be the chair of and get a few members and research what would be required. If there are any other suggestions from the dais that would be find too. But I think that would be the best way to move forward just to investigate what it would take to make that happen, make that improvement.

President Fellows: Councilwoman Greer.

Councilwoman Greer: Madame President. Perhaps you start by looking at the research that's been done before. It sounds like there's been some bids or suggestions on how to improve the technology that's already in here, maybe you start there.

Councilman Fiebig: Quite a while ago, yeah.

President Fellows: Well, it's been about ten years.

Councilwoman Greer: Oh, well. Technology changes a lot in ten years.

Councilman Fiebig: It sure does.

Councilwoman Greer: As evidence of my phone. I had a flip-flop ten years ago.

President Fellows: Councilman Fiebig is offering to be a chair of an Ad-hoc Committee just to begin to collect some information for improvement on the audio/video for City Council. Would anybody else like to work with him on that? I guess we need a motion to form an Ad-hoc Committee.

Vice President Plecnik: Madame President. That's exactly what I was about to suggest. I would make a motion to form an Ad-hoc Committee naming Councilman Fiebig as Chair and like any other of our committees he would then have the ability to approach anywhere from three to five of us and invite us to join his committee and so hopefully he can find some willing volunteers. I'd certainly be happy to help as well and I'm sure most Councilmembers would be. But I would make a motion to form an Ad-hoc Communications Committee of

Council with an eye towards updating the technology so that residents could better see the Council meetings and have more access to them. Is there a second? Councilwoman Majka seconded.

President Fellows: So, I have a motion from Vice President Plecnik and a second from Councilwoman Majka for Council to form an Ad-hoc Committee for Communication and with Councilman Fiebig being the Chair of the Committee.

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

President Fellows: An Ad-hoc Committee will be formed. Councilman Fiebig will be the Chair and he will contact other members or of course you can contact him if you have an interest in collecting some research to improve our audio visuals here on Council table. Any other items of new business?

Vice President Plecnik: Madame President. I have two items, one for discussion and one motion and first I'd like to briefly just essentially put something on the record. As with the rest of Council, and I think like most Department Heads, I received an email from our Finance Director this morning regarding our contract with Evolve which is the IT company for the City. I know that this is a question that you've directly posed to the Finance Director as to how we've continued operating without Council approval in the last year and the Finance Director had explained that the expenditures had been made without Council approval and attached to it a contract dated December 27th was signed on December 27, 2016 by Bob Weger. And I do agree with the Finance Director given that the contract is clearly for \$84,000 it's more than triple the \$25,000 spending limit. So, I agree that this contract was signed without authorization just as previous in the meeting, I agreed with the 2016 email from the Law Director that it's crystal clear that the signing of the cell tower agreement was contingent on the Planning and Zoning Commission approval and not appropriately signed by the Mayor either. I'm not trying to pile on but it's contract after contract at this point and I think that's important that it be read into the record that we've now got two contracts in front of us that were signed without approval and I'm very concerned by that and while the Finance Director took responsibility at the end of the day it's not his signature on the contract, he's not the Mayor of Willoughby Hills and I don't think that everyone should have to be constantly be watching the Mayor for what he's signing. I would really be encouraging our Mayor to be more careful in the future with every contract that he signs to be sure that he has full legal authorization to do so. Not trying to pile on, I'm just extremely concerned that an \$84,000 contract in the one hand and a contract for a cell tower in the other has been signed and I don't believe either was authorized. So, that's item number one.

Item number two is somewhat related to it. I would make a motion to go into Executive Session after For the Good of the Community before Adjournment inviting all of Council, the Mayor, the Law Director and Mr. Steve Byron to have a Personnel Relations discussion on the appointment and compensation of a public employee. Councilman Fiebig seconded.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to go into an Executive Session after For the Good of the Community inviting all of Council, the Law Director, the Mayor and Mr. Steve Byron.

Law Director: Are we limiting the time?

Vice President Plecnik: I didn't limit the time in my motion. I think that it might be an important meeting.

President Fellows: Any discussion?

Councilwoman Greer: What is the exact topic again, please?

Vice President Plecnik: A personnel relations discussion to discuss the appointment and compensation of a public employee.

Councilwoman Greer: Does this relate to the ordinance that we just discussed that we're leaving in committee or is this something different?

Vice President Plecnik: I would, speaking only for myself, what this relates to is something that I've raised at several Council meetings. I think that it is important for City Council to explore pursuing more legal guidance for Council and I think that it's important for us to have a discussion about that and I want to be respectfully of everyone in that conversation which is why since this is an personnel relations matter I don't think that it's necessary, I don't think that it's legally required and I also don't think that it's fair or prudent to have a discussion in public.

President Fellows: Any other discussion on the motion?

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

Motion passed.

Councilwoman Greer: Madame President. I believe Councilman Plecnik's message got lost in some of the accusations about contracts. But I'd like to go back to that particular contract what did happen in 2017-13, why is it not on our agenda anymore?

President Fellows: We did not put it on the agenda because I had inquired of Mr. Brichacek how the City paid for those services in 2016 because the contract, the last contract was for three years, 13, 14, and 15 and as I read the information there was a gap and so we just decided not to put it on as an ordinance because that should go out for bid because it's an \$84,000 a year contract.

Councilwoman Greer: So, will it?

President Fellows: I believe that the Mayor has started to look at some...

Mayor: Alternatives...

President Fellows: Alternate alternatives, correct.

Finance Director: But to be clear, it's not required to go out to public bid. It's a professional service, it's exempt from public bidding as noted in the whereas clauses of the 2012 ordinance.

President Fellows: But Mr. Brichacek, I'd asked that at the meeting, the committee meeting and I have seen these individuals on site doing work and at the last meeting the Law Director had indicated that we can go out for bid for professional services.

Law Director: Correct.

Finance Director: Didn't say that we couldn't, I said it's not required to go out for bidding.

Councilwoman Greer: It sounds prudent and I appreciate you looking into it Mayor.

President Fellows: Thank you.

Vice President Plecnik: Madame President. Just to clarify, I do want to make it clear that I'm not making any accusations, I'm simply discussing public records, you know emails sent by the Law Director and the Finance Director and I do agree with the Finance Director that the Mayor exceeded his spending authority by more than three times. I think that the Mayor agrees that he exceeded his spending authority by signing the contract with Evolve and I know that there is some disagreement now but I do agree with the Law Director's statement from 2016 and I've always maintained I don't believe that the Mayor should have signed the contract for the cell tower without the authorization of the Planning and Zoning Commission and I believe that he was restricted in Section 4. I understand that the Law Director now takes a different opinion as he shared with us but last year he said that it's crystal clear, it's totally contingent. So, I'm simply just trying to make the point that we have multiple instances where it's either crystal clear or fairly clear that the Mayor has signed contracts that he shouldn't. And that's not an accusation, that's an observation that we need to be far more cautious going forward as a City so that we're not put at risk.

President Fellows: Thank you.

Councilwoman Greer: Madame President, I've said something similar to this before, when these long diatribes go on and that was unrelated to the issue at hand, the message gets lost. The people sitting at the Council table don't really realize what we're talking about, that we're talking about 2017-13, that we're talking about an IT contract and then when you bring in a completely different subject and if we get lost, how do you think the public feels. I think it's detrimental and it shouldn't be allowed.

President Fellows: Thank you.

Vice President Plecnik: Madame President

President Fellows: Anyone else? Okay, let's move on please.

Councilman Hallum: Thank you.

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

FOR THE GOOD OF THE ORDER

Councilman Fiebig: It's with a heavy heart that I express our sincerest condolences to you and your family on the loss of your father, John Rash who was a Willoughby Hills resident and someone who will genuinely be missed in the community.

President Fellows: Any other For the Good of the Order or For the Good of the Community?

Mayor: Madame President, can we excuse the Finance Director and the Engineer.

President Fellows: Yes, we should have done that in the motion but we will do that. I will adjourn to go into Executive Session at 8:10pm excusing the...

Councilman Fiebig: Madame President.

President Fellows: Excusing the Finance Director and the Engineer.

Councilman Fiebig: There were a couple of points for the Good of the Community. A couple of quick announcements if we could. I did have one for the Willoughby South musical is coming up March 17th, 18th,

and 19th. They're producing Guys and Dolls and it's like a hundred of our children all the way from freshmen to seniors are involved in that. So, a lot of people in the community and there's a lot of work that goes into that.

Also, there a Prom Fashion Show next Thursday night and that's also a community event that raises money for their After Prom for the seniors that go to Willoughby South. That's another important thing that our community does. I just wanted to acknowledge that.

And our Lake County Port Authority was noted for achievements on their 10th anniversary and I just wanted to express that also for that organization here in Lake County.

President Fellows: Thank you Councilman Fiebig. I'll just amend the time to go into Executive Session.

Councilman Hallum: Madame President. A few more things.

President Fellows: I'm so sorry.

Councilman Biro: Councilman Hallum just reminded me that St. Noel's blood drive is this Sunday. So, please take yourselves and your blood with you up to St. Noel's and give heartedly.

Councilman Hallum: Also, I just want to mention that the building that is just before you get into downtown, just before you get to the building with the whale on it, they're exploding that building tonight. So, if you hear loud booms in the middle of the night, don't be alarmed. It's the building that they've been tearing down on the left side as you're heading into downtown.

Councilman Fiebig: The old CEI building, you're speaking of.

Councilman Hallum: The old CEI building, correct. Yes, they're actually doing a demolition on that with explosives this evening. So, don't be alarmed.

President Fellows: Anyone else for the Good of the Community? Okay, so, we will go into Executive Session at 8:12pm. We will excuse the Finance Director and the Engineer, thank you.

With all Members present, the Regular Council Meeting of February 23, 2017 reconvened at 9:26pm. Also present were the Law Director, the Mayor and Council Clerk.

ADJOURNMENT

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

YEAS: Unanimous.

The Regular Council Meeting of February 23, 2017 was adjourned at 9:26pm.

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