

City of Willoughby Hills

Regular Council Meeting Minutes of January 24, 2019

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

The Regular Council Meeting was called to order on Thursday, January 24, 2019 at 7:00pm in Council Chambers. President Nancy E. Fellows presided.

Pledge of Allegiance

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

Others Present: Mayor Robert M. Weger, Law Director James O'Leary, City Engineer Pietro A. Di Franco, Clerk of Council Victoria Ann Savage

Absent: Finance Director Frank J. Brichacek, Jr.,

A PRAYER, AN INVOCATION, A POSITIVE MESSAGE

President Fellows: In the spirit of working together and being positive, Councilwoman Majka is going to share some thoughts with us this evening, before the meeting.

Councilwoman Majka: Thank you, Madam President. I'm passing out some cards, if you'll indulge me for a moment. Excuse the print job, I had problems with my printer. So, what I've passed around to Council and the others is a bible verse from Jeremiah 29:7. It says:

Also, seek the peace and prosperity of the city to which I have carried you into exile. Pray to the Lord for it, because if it prospers, you too will prosper.

We had a meeting at my church at the beginning of the year, and that was to pray in the New Year. And the night that I had attended they were doing requests for city officials from municipal officials, so it was very, very, fitting and that verse was already chosen as one of the verses to mediate on. It meant a great deal to me. It really made a great impression on me. The back story of the book of Jeremiah is that this is an old Testament Book and the people of the Lord were in exile for seventy years, so Jeremiah wrote a letter to these people, they were in Babylon which you may have heard of, and part of what his letter said along with this verse was just giving them advise because they were away from their homes, they were separated from some family members, they were generally very unhappy and having hard times, so part of his advise was build houses and settle down; plant gardens and eat what they produce; marry and have sons and daughters; find wives for your sons and give your daughters in marriage so that they too will have sons and daughters; increase in number there, do not decrease and then also seek the peace and prosperity of the city to which I've carried you into exile. Pray to the Lord, for if it prospers, you too will prosper. Skipping a few verses, verse 11 says:

For I know the plans I have for you declares the Lord, plans to prosper for you and to not harm you; plans to give you a hope and a future.

I think that this is very appropriate based on our conversations and even the last Council meeting, that we have a new year, a new opportunity to carry forth in peace and prosperity and hopefully in prayer and meditation along with all the decisions that we have to make. So, thank you very much for giving me the opportunity.

DISPOSITION OF THE JOURNAL

President Fellows: Thank you, Jan. The next is the Disposition of the Journal for the Regular Council Meeting of January 10, 2019.

Councilwoman Pizmoht: Madam President. Motion to adopt the Regular Council Meeting Minutes of January 10, 2019.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Vice President Plecnik to adopt the Regular Council Meeting Minutes of January 10, 2019. Is there any discussion on the motion?

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

Motion PASSED.

President Fellows: The Regular Council Meeting Minutes of January 10, 2019 have been adopted.

The next is the Mayor's report, Mr. Mayor.

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR' REPORT: Thank you. The Mayor's Court was back in session today with our first Court in Willoughby Hills. Thanks to our Court Staff for their hard work over the last two weeks and we're finally back to the point where we can have our cases heard here instead of in Willoughby.

Our Service, Fire and Police Departments have been busy with the snowstorms over the weekend and the flooding yesterday and the day before. Please be patient as they do their best to keep up with all the residents' needs.

Giant Eagle will officially close February 1st. The Huntington Banks in Giant Eagle will also close and recently, last Friday, was the last day of Giant Eagle on 91 and they consolidated with two other banks located in Willoughby right in front of Giant Eagle there.

I continue to ask for names of individuals who are interested in being on the "Dream Team", a way to promote our City in the YMCA Dream House, as it's going to be built in Willoughby Hills as well as the "Business Advocacy Team" to promote our businesses. Please call my office if you are interested in these projects.

A reminder that AARP will not be doing tax assistance in our City this year, but there are other locations that our residents can take advantage of. There is a list on our City Website, and a list here or at the Community Center. If you call us, we'll mail you a list.

Our Art Gallery will be showcasing our recreation events, city news, Willoughby Hills sports and business news. Please stop by the Community Center after tomorrow, to view this fine display.

I want to welcome Michael D'Amico, our newest member of the Veterans' Memorial Commission, who was sworn in earlier this week. We look forward to him to work with Steve Tretinik to plan our fine events.

My condolences go out to two families in Willoughby Hills who lost their loved ones: the family of Kevin Zavodny and the family of Richard Hambleton.

That's all I have Ms. President.

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

Vice President Plecnik: Madam President. First, Mr. Mayor, you shared last meeting and this meeting that the alternative locations for free income tax assistance are on the website. May be there are, I've looked for them and I haven't been able to find it. May be, if there are on the website, maybe we could put it a little more obviously, if they're not, we definitely want them there because I've had a couple of residents call and while there are, very helpfully, the lists in the Community Center and in City Hall where you can get the paper. I know that it would be really great if that was prominently on the website because I think that would be helpful.

And I think that when you were referring to the Giant Eagle closing on 91, you meant Huntington Bank is closing on 91 as well.

Mayor: Yes.

Vice President Plecnik: Just to clarify.

Mayor: Yes.

Vice President Plecnik: Thank you.

Mayor: I will take care of the AARP.

Councilwoman Majka: Madam President. Mayor, I wanted to ask about the BAT team that you're putting together. Is this going to be limited to just Willoughby Hills or are there going to be other cities involved as well?

Mayor: Anybody that wants to get involved in it can volunteer, but we will be working within Willoughby Hills proper.

Councilwoman Majka: Okay and the Dream Team, also?

Mayor: Right.

Councilwoman Majka: That will be just handling Willoughby Hills' businesses.

Mayor: Right.

Councilwoman Majka: Okay. Thanks.

President Fellows: Thank you, Mayor. Next is the Law Director's report, Mr. O'Leary.

LAW DIRECTOR'S REPORT: Thank you, Madam President. I just had a couple of things. I've been here for a couple of weeks now and I've had the opportunity to get to meet many of the Department Heads and to get acclimated to City Hall. I have established some office hours on Tuesday and Thursday afternoons so long as my Court schedule doesn't interrupt. I did get involved with Janeen and the Court Staff. I was here for Mayor's Court this morning, had a good discussion afterwards on things that at least I saw that I thought that we could implement that would make things go a little smoother. And so, I've gotten a few phone calls from residents. I've made those return phone calls and where appropriate, I've forwarded the information to either the Mayor or to others to make sure that what follow up I have is not just with me but others are aware of it as well.

President Fellows: Thank you. Any questions for our Law Director this evening?

Councilwoman Majka: Mr. O'Leary. What might your office hours be, roughly?

Law Director: Well, I've been trying to do 1:30 to 4:30 on Tuesdays and Thursdays. Again, part of that is dependent on if I have things scheduled in Courts that are...Kirtland Hills prosecution responsibilities are on Wednesday, and then obviously, Mayor's Court is either Tuesday or Thursday, so that won't affect that as much, so...

Councilwoman Majka: Thank You.

President Fellows: Thank you, Jim. The Finance Director's report, I understand from the Mayor that we should be all jealous because Mr. Brichacek is in Hawaii on his 25th wedding anniversary, so we certainly wish him a happy anniversary, so he can see the minutes when he gets back.

And our City Engineer's Report, Mr. Di Franco.

CITY ENGINEER'S REPORT: Thank you, Madam. President. I would support passage of Ordinances 8 and 9 tonight. Those are accepting the proposals of contractors for the Stratford Pump Station which is a backup pump station to help during wet weather. One is for the installation of the pump itself, one is for the electrical work and then our Service Department will also be performing some work running a force main. I would also request a motion to allow us to go out to bid for the Dodd Road Bank Stabilization Project. We are still waiting for a permit from the Army Corp of Engineers but it has been slowed down due to the federal government shutdown, but we're hoping to go out to bid anyway, we just wouldn't be able to start construction until we got the permit, but we're not expecting any issues, we should get it fairly soon. And I'm continuing to work with Produce Packaging to get all of their approvals ready and I just received the resubmittal from Aldi for the next Planning Commission Meeting, so I'm reviewing those plans as well. That completes my report.

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

Vice President Plecnik: Madam President. Do we have any sense of when Aldi might be looking to enter the Sear's building?

City Engineer: The Mayor just mentioned, I overheard him say early May as an opening.

COUNCIL COMMITTEE REPORTS/ OTHER COUNCIL REPRESENTATIVE REPORTS

President Fellows: Thank you, Pete. Next are Committee Reports of Council. I don't think we've had any Committee meetings since our last Council meeting. I know Finance will be looking for a meeting in the near future to discuss raises and also our budget when we receive that document from the Mayor.

Planning and Zoning, Mr. Fiebig, Councilman Fiebig, is there anything else other than what the Engineer stated?

Councilman Fiebig: No, Madam President. We approved a new home also on Maple Hill this past Thursday, and you know, we're continued on Produce Packaging and Aldi, those were the recent developments that are of note other than the usual, you know, garage and additions and things like that, that we approved.

President Fellows: A little slower now, I suppose, because of the weather.

Councilman Fiebig: A little bit, but it was nice to see new home development still going on in our city and then I look forward to a full report, you know, at year-end that we'll be getting probably around February sometime and we'll look how at how many houses, how many additions and all that. It was pretty busy year, I would say.

President Fellows: Thank you. Councilman Hallum, anything upcoming for Recreation right now?

Councilman Hallum: I'm going to make a motion later, I think I past an email to you, a week or so ago, about making it a public purpose for the Eggstravaganza.

President Fellows: I don't recall seeing that.

Councilman Hallum: I thought that it was really weird that she hadn't responded. Yeah, I sent it to both emails that I have for you. But...

President Fellows: Just use Willoughby Hills...

Councilman Hallum: I used both, so okay.

President Fellows: No, I did not see them.

Councilman Hallum: Okay, that makes sense then.

President Fellows: Okay.

Councilman Hallum: So, that's the only thing that I will be requesting. So that we can have the support of, the Chairperson had asked...

President Fellows: Have we done that in the past?

Councilman Hallum: Yes. We've done public purpose for community events so that we have police...

President Fellows: For the egg... Vicki?

Council Clerk: Offhand, I don't recall, I'd have to research it, but I could...

President Fellows: Okay. I did (consider) having Rules on Monday, at the time, the only thing that was on the docket was for the CODY contract and so all the other ordinances came after that.

Safety? Service? Utilities? PR? Anything else on Committees? Any other Council Representative Reports this evening?

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: Next order of business is Public Portion. This is an opportunity for individuals to come forth. We ask that you keep your comments to 3 minutes, if you can and please state your name and address for the record and I will open **Public Portion at 7:17pm.**

Ed McKenna – 2963 Lamplight Lane. I had some questions for the Finance Director and so, I don't know, maybe in his absence, I'm wondering if the Mayor can answer my questions after Public Portion is over with. I'm wondering if the payments for the back wages for the unfair labor case have been paid and if so, how much? I'm wondering if payments for the legal fees on the settlement have been paid and again, how much they have? And if the cost of the settlement, if that will go into this year's budget or next year's budget? Or last year's budget or this year's budget? And also, if the cost, or someplace of the settlement or if the total of the cost of the settlement can be made someplace where the public can read it without going into the Open Checkbook information that it can be posted on the webpage or something, okay. Thank you.

Linda Fulton – 2990 Marcum Boulevard. This was also for the Finance Director, but maybe the Mayor can answer this. I'd like to know, for the Road Levy, is the Road Levy, does it every year, generate money in the Road Levy or is it, I just recently was in South Euclid and it was mentioned that their Road Levy money goes to the General Fund and therefore, the money can be used for anything. Is that how ours is working? And um, if it is, I'd like to know, you know, why it's not being used for roads instead of salaries for different people. And the other thing is, for the Mayor, can you, do you think it's possible that we can have the government channel updated? That's all, thank you.

President Fellows: Thank you, Linda. Anyone else this evening?

President Fellows: I will close Public Portion at 7:20pm.

UNFINISHED BUSINESS

Vice President Plecnik: Madam President. If I could respond to Ms. Fulton's questions on the Road Levy. It is within the jurisdiction of a city to decide how individual levies are restricted or spent and for many years, our Road Levy was restricted to only materials used in building roads, but I'm not sure exactly when, maybe about 7 or 8 years ago, the Law Director recommended and Council at that time, before I was on Council, voted along with the Mayor's signature to expand the Road Levy to include not only materials for building roads as a proper purpose, but salaries related to street maintenance, what have you, in other words, allowing it to be used for certain Service Department wages generally. Now, there's no doubt that we can't build roads without manpower, womanpower, you have to have the people to do it, but it did make the money more assessable generally because we have to pay the Service Department salaries each year regardless of how money roads we pave and the Road Levy doesn't bring in an enormous amount of money per year. It does bring in, money every year, I think it's something on the order or 4 or 5 hundred thousand.

Mayor: Six hundred thousand.

Vice President Plecnik: Six hundred thousand. It fluctuates with the property values to some extent, so now it's about six hundred a year and I think that about half of it in recent years a little more than half has been used for salaries and about half has been used for materials; whereas, maybe seven or eight years ago, before that change was made, we had to use all of it for materials which kind of earmarked more money for roads. So, it

you've noticed a change, that was the functional change in the levy expanding it from only being used for road building materials to being used for road building material plus salaries which we used to only pay out of the General Fund. And I will share, I certainly share your concern in that I prefer the Road Levy as it was, restricted to just materials. It's kind of forced the city to find the money for the Service Department elsewhere and invest a certain amount of in roads each year which I think was a good discipline to have in the budget. Unfortunately, at this point, we can't really change the Road Levy as it comes up in future years because you may know that there's matching funds from the state of about 12.50% that are grandfathered in. The state used to give 12.50% to every levy as kind of a subsidy to municipalities and they took that away and they said that if you change levies going forward, you'll lose the grandfathering. So, if we were to switch the language back or in fact, change anything in the Road Levy, that we would lose that extra money that's given from the state. So, at this point, we just have to discipline ourselves to use the money well. I didn't like the change that happened before I was on Council that expanded it. But now if we change it even one word in that Road Levy, we would lose a significant subsidy from the state and have even less money to spend on roads. So, I hope that answers your questions.

Councilwoman Pizmoht: Madam President. Just, I think last year, for a first in a while, there were no salaries taken out of the Road Levy. Is that right, Mayor?

Mayor: No, just the salaries for when they worked on the roads.

Councilwoman Pizmoht: I believe the proposed budget and then the budget that was passed had no salaries taken out of the Road Levy fund because there was a \$500,000 General Fund subsidy rather than giving...

Mayor: Right.

Councilwoman Pizmoht: The subsidy to the Road Levy, it was just used for the salaries and the Road Levy, I believe was just used for the paving of the roads. So, I believe that's what we approved in the budget and that what was actually proposed in the budget as well.

Mayor: Okay.

Councilwoman Pizmoht: In 2018, yeah.

Mayor: And the Road Levy is a 5-year levy and it's up this year. So, it's got to be voted on in November.

Um, the question that Mr. McKenna asked, the back wages have not been paid yet, they're still figuring them out and we got a piece of legislation on the docket today which is another piece of it. Legal fees, we haven't gotten all of them yet. Um, total cost of the settlement, no, we don't know yet. So, when Frank gets back, we'll have everything figured out, probably, by the next Council meeting. That's the best I can do.

President Fellows: He was asking if it was going to come out of last year's budget or this year's budget.

Mayor: I at this point, don't know.... oh, yeah.

President Fellows: And then the government channel.

Mayor: Oh, the government channel was updated today. So, it's up to date now. So, going forward it will be updated.

President Fellows: Thank you. Any other comments for Unfinished Business? I have one. It's a totally different topic. But I know when individuals are absent from Council meetings, they have a tendency to call

their favorite Council member to tell them and then that Council member comes to the dais and shares that with everybody. But I just want to remind everybody because this is part of Rules of Council:

Procedure for Excused Absences. Council members shall be required to contact the City Clerk's office prior to the Regular Meeting of Council requesting he or she be excused from the meeting and stating the reason for such absence unless unforeseeably impossible. The Clerk shall inform the Council of the reason for the member's absence. Upon passage of a motion by a majority of the members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes. If the motion is not passed, the Clerk will note in the minutes that the absence is unexcused.

So, I just ask you moving forward to remember that this is our policy. That the information needs to go to Council Clerk and then she will disseminate the information appropriately to the members of Council so that we can move away from individuals calling other individuals to tell us who's not going to be here. Thank you.

Any other Unfinished Business?

LEGISLATION

ORDINANCE NO. 2019-6

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF \$29,122.16 REQUIRED FOR THE ANNUAL SUPPORT/SERVICE CONTRACT FOR THE CODY CAD/RMS SYSTEM AND DECLARING AN EMERGENCY.

President Fellows: So, at the last Council meeting I shared with everybody that the Police Chief and the Mayor had sent out a memo about renewing this contract and it is time-sensitive. This is due by February 1st, so we need to act on it this evening.

Councilwoman Pizmoht: Madam President. Motion to waive the 3-Reading Rule on Ordinance No. 2019-6.

Councilman Fiebig: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilman Fiebig to waive the 3-Reading Rule on Ordinance No. 2019-6. Is there any discussion on the motion?

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

President Fellows: The 3-Reading Rule has been waived for Ordinance No. 2019-6.

Councilman Fiebig: Madam President. Motion to adopt Ordinance No. 2019-6.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to adopt Ordinance No. 2019-6. Is there any discussion on the motion?

I just have a question. Mr. Mayor, so this may eventually go away because of our services being helped by the County, right?

Mayor: Yes. Once they finalize their choice of CAD/RMS system and once it gets implemented, this will go away.

President Fellows: Okay. Thank you.

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

President Fellows: Ordinance No. 2019-6 has been adopted.

ORDINANCE NO. 2019-7

AN ORDINANCE TO DECLARE CITY VEHICLE(S) AND/OR EQUIPMENT AS SURPLUS PROPERTY AND GRANTING AUTHORIZATION TO SELL SAID VEHICLE(S) AND EQUIPMENT ON THE OPEN MARKET UPON SUCH TERMS AND AT SUCH PRICES AS ARE DEEMED MOST ADVANTAGEOUS TO THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

President Fellows: And I would imagine that the sooner we do this the sooner we can...okay Councilman Fiebig.

Councilman Fiebig: Madam President. I move to waive the 3-Readings. Whenever we have surplus equipment, keeping them on our insurance, aging them, you know, in our lots, doesn't make sense, so I would move that we do this pretty standard and ordinary procedure.

Councilman Hallum: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilman Hallum to waive the 3-Reading Rule on Ordinance No. 2019-7. Is there any discussion on the motion?

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

President Fellows: The 3-Reading Rule on Ordinance No. 2019-7 has been waived.

Councilman Fiebig: Madam President. Motion to adopt Ordinance No. 2019-7.

Councilman Hallum: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilman Hallum to adopt Ordinance No. 2019-7. Is there any discussion on the motion?

Vice President Plecnik: I want to state for the public who might be interested, that we're declaring surplus and for sale a 2010 Chevy Tahoe and a 2014 Dodge Charger. I believe that our police station does admiral job of maintaining its vehicles and if your interested, the vehicles shall be held on the Public Surplus Website publicsurplus.com. Hopefully you'll consider bidding on these vehicles which is estimated as being \$7,000 or \$8,000 as value respectively. I think that residents know that I like used police cars and you should consider buying one too. Help the City.

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

President Fellows: Ordinance No. 2019-7 has been adopted.

ORDINANCE NO. 2019-8

AN ORDINANCE FORMALLY ACCEPTING THE PROPOSAL SUBMITTED BY BUCKEYE PUMPS, INC. TO SUPPLY THE EQUIPMENT REQUIRED FOR THE STRATFORD PUMP STATION PROJECT AND DECLARING AN EMERGENCY.

President Fellows: This one and the next one were in order to buy...the City Engineer supported the passing tonight.

Vice President Plecnik: Madam President. Motion to waive the 3-Reading Rule on Ordinance No. 2018-8.

Councilman Hallum: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Hallum to waive the 3-Reading Rule on Ordinance No. 2019-8. Is there any discussion on the motion?

Vice President Plecnik: Madam President. We're grateful to our City Engineer for expediting this project. We certainly want to get the pump station in place to reduce flooding at the Stratford Condos as soon as possible and we're grateful that we already have contractors lined up to do the work. So, it would be, as the Engineer said, prudent for us to pass this tonight.

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

President Fellows: The 3-Reading Rule has been waived on Ordinance No. 2019-8.

Vice President Plecnik: Madam President. Motion to adopt Ordinance No. 2019-8.

Councilman Hallum: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Hallum to adopt Ordinance No. 2019-8. Is there any discussion on the motion?

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

President Fellows: Ordinance No. 2019-8 has been adopted.

ORDINANCE NO. 2019-9

AN ORDINANCE ACCEPTING THE PROPOSAL SUBMITTED BY JOE DICKEY ELECTRIC TO COMPLETE THE ELECTRICAL WORK REQUIRED FOR THE STRATFORD PUMP STATION PROJECT AND DECLARING AN EMERGENCY.

Vice President Plecnik: Madam President. Motion to waive the 3-Reading Rule on Ordinance No. 2019-9.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to waive the 3-Reading Rule on Ordinance No. 2019-9. Is there any discussion on the motion?

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

President Fellows: The 3-Reading Rule has been waived on Ordinance No. 2019-9.

Vice President Plecnik: Madam President. Motion to adopt Ordinance No. 2019-9.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to adopt Ordinance No. 2019-9. Is there any discussion on the motion?

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

President Fellows: Ordinance No. 2019-9 has been adopted.

ORDINANCE NO. 2019-10

AN ORDINANCE IN FURTHERANCE OF THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, LOCAL 3058-2 AND OHIO COUNCIL 8, AFL-CIO ON BEHALF OF THE EMPLOYEES WHO WORK IN THE CLASSIFICATION SET FORTH IN SERB CERTIFICATION NO. 2016-REP-06-0060; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

President Fellows: And this will stay on 1st Reading this evening.

RESOLUTION NO. 2019-1

AN ORDINANCE COMMENDING K-9 OFFICER SHANNON VACHET FOR HIS OUTSTANDING DUTY PERFORMANCE WHILE RESPONDING WITH K-9 PARTNER “RAZOR” TO A MUTUAL-AID CALL.

Councilwoman Pizmoht: Madam President. Motion to waive the 3-Reading Rule on Resolution No. 2019-1.

Councilman Fiebig: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilman Fiebig to waive the 3-Reading Rule on Resolution No. 2019-1. Is there any discussion on the motion?

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

President Fellows: The 3-Reading Rule on Resolution No. 2019-1 has been waived.

Councilwoman Pizmoht: Madam President. Motion to adopt Resolution No. 2019-1.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Lenz to adopt Resolution No. 2019-1. Is there any discussion on the motion?

Councilwoman Pizmoht: Madam President. This resolution is to honor Officer Shannon Vachet of our Police Department and also K-9 Officer Razor who not only had a heroic stop of a suspect here as described in the whereas clauses a while back, but unfortunately, he passed away on New Year’s Day of 2019. So, this is also in remembrance of K-9 Officer Razor.

President Fellows: Thank you.

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

President Fellows: Resolution No. 2019-1 has been adopted.

NEW BUSINESS

President Fellows: The next is New Business. The first would be a motion of Council to adopt, to appoint the 2019 Watershed Advisory Committee designees. The last designees were Councilwoman Majka and the alternate was Councilman Dave Fiebig for 2019.

Councilman Fiebig: Madam President. I'll make a motion to reappoint the Watershed Advisory Committee designees as Councilwoman Jan Majka and myself, David Fiebig for 2019.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to appoint the 2019 Watershed Advisory Committee designees as stated. Any discussion on the motion? I will say that last week the Mayor had sent out an email indicating that he would approve these two individuals staying on the Committee and it was asked if I was okay with that and I said that I need to bring that to Council because I couldn't make that decision by myself.

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

President Fellows: The motion to reappoint Councilwoman Majka and Councilman Dave Fiebig to the 2019 Watershed Advisory Committee has passed.

Councilman Hallum: Madam President. Do you want me to holdoff until you have had a chance to look before I make a motion to...

President Fellows: That would be appreciated, thank you.

Councilman Hallum: Of course. Thank you.

Councilwoman Pizmoht: Madam President. Can I make a motion to authorize the City to go out to bid for the Dodd Road Slope Failure Project?

President Fellows: Yes.

Councilman Hallum: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilman Hallum to authorize the Mayor to go out to bid for the Dodd Road Stabilization Project. Any discussion on the motion?

Council Clerk: Who second?

President Fellows: Hallum. Any discussion? It was advised by the City Engineer.

Councilwoman Lenz: Is that a grant, Madam President?

City Engineer: Yes.

Councilwoman Lenz: Thank you.

City Engineer: The Lake County Stormwater Department will fully pay for it.

Councilwoman Lenz: Got yeah. Thank you.

President Fellows: Any other questions?

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

President Fellows: The motion to authorize the Mayor to go out for bids for the Dodd Road Stabilization Project has passed.

I have a question, Mayor. Looking back, and in the first meeting of 2018 we authorized for you to go out to bid for limestone and asphalt. Would you like that motion this evening?

Mayor: Okay.

President Fellows: I don't know if it was on your radar or not, but...

Mayor: Okay.

Vice President Plecnik: Madam President. I would make a motion to authorize the Mayor to go out to bid for limestone and asphalt for this year.

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to authorize the Mayor to out for bids for limestone and asphalt for 2019. Any discussion on the motion?

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

President Fellows: The motion to authorize the Mayor to go out to bid for limestone and asphalt has passed.

Any other New Business this evening?

Councilman Fiebig: Yes, Madam President. I have a piece of legislation for us to consider, if you would pass that down. This would be introduced here in New Business for us to consider for the Traffic Law Photo Monitoring Program. It's a tool that we've talked about in our Safety Committee meetings, in the last year. It's something that the Police Chief has asked us for. The technology is now available and Ohio Law has allowed municipalities to use speed lazier enforcement that manned and this would bring a tool to the community that will enforce the laws that are already on our books. Speed kills, I mean, it's well known that there's nearly 10,000 fatalities that can be directly related to speeding on our nation's highways and this is one of those tools that our officers have been asking for, so what I've distributed is a sample ordinance and a sample contract from

a company that we've been in discussions with that would provide this service to us at no cost to the City initially. They would take a share of the civil fines in exchange for the use of their equipment. I think one of the things that we had talked about over and over again was that speeding is not, is like more socially acceptable than say drunk driving and it is as hazardous, if not more. This is an opportunity for us to actually save lives in our community. There's another city in the State of Ohio that has adopted this nearly a year ago. They have seen a 48% reduction in crashes, just because of this. So, warning letters would go out first, there would be signs that would be placed. So, it wouldn't be something that would happen immediately. It would be a gradual phase-in and I'd ask all of my colleagues to look this over. The Mayor has indicated that he has reviewed this and he is on board with it, but there are some details that I'd like to talk about in committee. And so, we'll hold a Safety Committee meeting here in the coming weeks. I'll get with our members and find out in a convenient time, perhaps the Monday before the next Council meeting. We can meet with the representative again from the company and our Police Chief again. I'm open to any questions, but please read this over and know that there are a few blanks and there's a few negotiating points that we could talk about going forward. But I'd ask for your consideration on this.

Councilwoman Lenz: May I speak with Councilman Fiebig?

President Fellows: Yes.

Councilwoman Lenz: I'm just curious, Mr. Fiebig, it says here that school zones, streets or highways. Streets, there are a ton of streets. Is this going to be like specific streets or how are we going to go about doing this? Or can we do this in our committee?

Councilman Fiebig: Well, Madam President, that's a specific question probably for our Police Chief and the officers that will be enforcing it.

Councilwoman Lenz: Okay. I thought so, I just...

Councilman Fiebig: It would be available to us on all streets through that are in our municipality. Streets, freeways, highways...

Councilwoman Lenz: Oh, okay.

Councilman Fiebig: For example, Ms. Lenz, there's a street, Eddy Road in our City and it's very difficult for an officer to pull someone over. It's hazardous, not only to the driver of the car but to the officers themselves. So, they have trouble enforcing laws and yet our residents asking for people to slow down on that street. So, this is, that's one of the types of things that we've talking about. But obviously, I think the greater concern is the freeways, I think, where people are traveling at excessive, 80, 90, 100 miles an hour and crashing...

Councilwoman Lenz: Yeah, freeways, we always cover those but it's great to hear that hopefully someone will cover this Eddy Road because I've heard third-person, so many complaints about Eddy Road. The little side streets where they think they can zoom away, but thank you.

Councilwoman Majka: Madam President. Councilman Fiebig, we had this before us, I think, last year, was it? And there were some problems with it, so we put it on hold. Can you explain what has changed between then and now?

Councilman Fiebig: Absolutely and thanks for asking that question because I forgot to mention one of the holdups was that we need a Mayor's Court in session and we need a Law Director to review the contract.

Councilwoman Majka: And wasn't there a more specific problem with the company that they themselves needed to address? I specifically remember something, some legality with or something with the way their business was constructed.

Councilman Fiebig: There was, Madam President. There was some concern about Ohio Law but that has been rectified.

Councilwoman Majka: Okay, thanks.

Councilman Fiebig: You're probably going way back to the beginning when this was way first introduced. Probably more than a year ago, we began talking about it.

Councilwoman Majka: And there was a certain point when we couldn't go any further with it.

Councilman Fiebig: Yeah, but the main holdup was the Law Director and the Mayor's Court.

Councilwoman Majka: All right. Thanks.

President Fellows: So, Councilman Fiebig, when was Senate Bill 342 adopted as revise, in the Ohio Revised Code? That's on the first page, one of the first whereas. Ah, 1,2,3,4,5 down. Ohio legislation passed Senate Bill 342 adopting the Ohio Revised Code authorizing use of traffic law photo-monitoring devices, when was that adopted, do you know when that was adopted?

Councilman Fiebig: Madam President, no I don't know the exact date.

President Fellows: Okay.

Councilman Fiebig: But we can find that information out.

President Fellows: And I think that was alluding to Councilwoman Majka's inquiry. Okay, thank you very much, we all have homework.

Any other New Business this evening? For the Good of the Order?

FOR THE GOOD OF THE ORDER/FOR THE COMMUNITY

Vice President Plecnik: Madam President. We know that the terms of our Board of Income Tax Review have expired as we've previously discussed. Under new state laws, we no longer have Council representatives or employees sitting on the Board. There are, actually one member selected by the Mayor, two selected by Council. I think that it would be appropriate to have in our Finance Committee a discussion about who would continue in those roles for Council and I certainly would want to hear from the Mayor who he intends to appoint as well. Maybe he intends to reappoint Jerry Wolanin to the post but we want to make sure those seats are filled even through appeals are few and far between. We want to make sure those people are selected in advance so that nobody feels that the adjudicates were selected for them specially, we want them to know that we're choosing them before the controversy. So, hopefully we can get that out of the way and my plan would be to discuss the possibility of our appointments at the next Finance Committee meeting when we get the Finance Director back in town, make sure that we have good, qualified people in those roles.

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

Councilman Fiebig: Madam President. I have one, a congratulatory to Gino Covelli of Dixon Road who earned his Eagle Scout this year. Gino is a fine young man who worked hard on his project. I actually saw the

benches that he built that will be used by the Lake Metroparks and they really turnout our well. So, Gino Covelli, congratulations on earning the Eagle Scout and if there is a desire by his family to do a resolution, I will pass that along to our Clerk for consideration by our Council.

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

Councilman Hallum: Madam President. I would just remind the community again that the Recreation Commission have asked that if you have any candy to donate or any plastic eggs that you want to donate, we could use those for the Eggstravaganza scheduled for April 13th and that would be much appreciated.

President Fellows: Thank you. And I would like to do a callout to the Service Department, Mr. Grubiss and his staff, the weather is not so good, we're in the middle of our throws of winter here in Cleveland and I know that they're working hard out there to keep us all safe. So, I thank them.

Councilman Fiebig: Madam President. There was, I thought that Councilman Hallum was going to bring it up, the signups for baseball...

Councilman Hallum: Thank you. So, the signups for Willoughby Hills Baseball League including girls' softball, are in full bloom, if you will, for spring. So, if you have a child that would like to signup for either of those, please make, you can go on to the...is it on the City's website for registration? On to the City's website or you can stop in at the Recreation Department. Thank you for reminding me.

President Fellows: Okay, thank you. Can I have a motion to adjourn?

ADJOURNMENT

President Fellows: I have a motion from Councilman Hallum and a second from Councilman Fiebig to adjourn. There is no discussion on an adjournment.

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

The Regular Council Meeting of January 24, 2019 was adjourned at 7:49pm.

APPROVED: February 14, 2019
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

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