

City of Willoughby Hills

Regular Council Meeting Minutes of July 25, 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, July 25, 2019 at 7:00pm in Council Chambers. President Fellows presided.

Pledge of Allegiance

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

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

INVOCATION/POSITIVE MESSAGE

President Fellows: *Lord, as we gather today at this meeting, we ask that you be in our midst. We meet to serve our community, to use our resources wisely and well, being productive to represent all members of our community, to make decisions that promote the common good and are pleasing to you.*

We recognize our responsibility to the past and the future, and the rights and needs of both individuals and community. Help us to be able to discuss matters at hand in a reasonable way, and to be willing to give up what we do for ourselves, but do what is meaningful for others.

As trusted servants, we seek blessings on our deliberations, and on our efforts here this evening, as we do the work set before us. Amen.

MOTION TO AMEND THE AGENDA

President Fellows: Before we start our meeting this evening, we have additional ordinances that were brought after the agenda was issued so I would entertain an amendment to the agenda to include Ordinances 2019-61 and 2019-62.

Vice President Plecnik: Madam President. I would move to amend our agenda to include Ordinance No. 2019-61 and Ordinance No. 2019-62.

Councilman Fiebig: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to amend tonight's meeting agenda to include Ordinances 2019-61 and 2019-62. Is there any discussion on the motion?

Councilman Fiebig: Madam President. You bring this up because we had an email from the Mayor requesting this and they are both time sensitive. They are both urgent matters and amending the agenda makes sense at this time. We can discuss it in more detail as we get to legislation, I believe.

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

President Fellows: Tonight's agenda has been amended to include Ordinances 2019-61 and 2019-62.

The next is the Disposition of the Journal for the Regular Council Meeting of July 11, 2019.

DISPOSITION OF THE JOURNAL

Vice President Plecnik: Madam President. Motion to adopt the Regular Council Meeting Minutes of July 11, 2019.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second by Councilwoman Majka to adopt the Regular Council Meeting Minutes of July 11, 2019. Is there any discussion on the motion?

Councilman Fiebig: Madam President. There is one word that I had asked our Clerk to clarify on page 21. My comment was that's a personnel matter that I would rather not discuss publicly rather than a personal matter and it's a very important distinction between the two. I did ask her to amend that. It's simple, I don't think that it substantially changes the minutes, but I did want to clarify that it's personnel not personal. Thank you.

President Fellows: Thank you. Sometimes it's difficult to do the translation especially if people aren't speaking into the mics and or are speaking fast. So, Vicki does do an excellent job in transcription.

Councilman Fiebig: Yes, she does. I agree.

President Fellows: Thank you.

Vice President Plecnik: And Madam President, along those lines, I can tell you that I had spoke with a resident earlier today who said, when I listen to the Council meetings sometimes you are the only Councilperson I can hear because you go right into the mic and our sound system is a bit antiquated, so if we could remember to speak as closely into the mic as possible. Residents are listening in; they desire to hear our discussions. So, I know it is a bit of an imposition but he asked me if I could remind everyone and I promised I would.

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

President Fellows: The Regular Council Meeting Minutes of July 11, 2019 have been adopted.

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR'S REPORT: Thank you. Special thanks to our State Representative Jamie Callendar who presented the City of Willoughby Hills with a commendation of congratulations on 65 years as a City. I will get the commendation framed and make it available for viewing by our residents.

Updates: Paving in the Glens; Trailard, Mayfrairs and Glengate has been completed except they have to do the berms but it is still very nice to ride on finally, they did a very good job. They started with the recycling, I got some emails, they thought that it was done but it wasn't. They finished today with the final paving.

Dodd Road Stabilization Project & Road Resurfacing Project: The stabilization is nearly done. They painted the wall today and it looks really nice. Instead of a guardrail, there is a wall, may be 3-1/2 - 4 feet tall that spans the whole area. So, that will be open fairly soon, I hope. We're going to be paving later. It's on the agenda tonight to approve the contract for Karvo and by that portion of the road they are moving it eight feet over so, it's a little bit more security for people who are driving on the road.

We've completed the Sergeant interviews for the position and we've offered it to Patrol Officer Henry Boepple. He will be sworn in tomorrow at 3:30pm. So, if everybody wants to come, we'll do it right here in Council Chambers.

Work on the Substation is complete now and the Substation is now operating, I don't want to say normally, but it's operating and we're going to have a ribbon cutting probably the 8th of August but that's still not confirmed yet. So, they are using it and all the features in it are workable.

There is a good resolution to the recent event at Willoughby Hills Towers. We continue to pray for the victims who are recovering in the hospital and the perpetrator was in Court today and Jim could probably tell you about that.

Todd Cipollo was sworn in as the new City Prosecutor to replace Michael Germano who resigned last month. I know he'll do a good job for us as he did in Mayor's Court.

Once again, I would request Council to follow up on my ordinance request for Campbell Park and the Grange security. When the change over was made to the Dispatch Center, the EOC has necessitated these changes to the ordinance to reflect the new way that we're doing that.

The signed CRA has been provided to Produce Packaging and they are moving forward with the next step with the State of Ohio Department of Development.

Good news, the Shell Gas Station is open. It opened at 1:00 in the afternoon and it looks great, so I know that it will probably be real busy but it's very nice and should be able to get in and out of there real smoothly.

The BAT Team has not met recently but continues to work on the business listing so that we can get going with that.

The Administration continues to work on the Employee Handbook and most recently received information from PEP, our insurance carrier, on the free assistance on this project. We will follow their advice for a nice acceptable product and present to Council once it's complete. Again, I do not support Ordinance 2019-54 for an outside vendor to charge us over \$6,000 to oversee our writing of the handbook when our insurance carrier has a tool that they'll do at no cost to us.

WHISPER: Following the Ohio State's unfounded allegations with our WHISPER Program, I presented to Council, the Law Director, Safety Department Heads with a WHISPER Guidelines and Procedures Manual which serves to cover concerns identified by Council during the investigations. I presented it to Council so that they can read it and we can add their comments and we can reopen a senior program as soon as possible.

Congratulations to Chris Hallum for making the pitch over the plate. He didn't do like I did last year, bouncing it before the plate, but he made it across the plate and that was at Willoughby Hills' Day at Classic Park. I want to thank everybody that participated in that.

My sympathies to the family of Marjory Slater, a long-time Willoughby Hills resident who passed away this week.

I support the legislation this evening to include: Fixing the salary and compensation for the position of Full-time Assistant Finance Director; the Annual Uniform Allowance amendments for our Fire Department; accepting the bid of Karvo Companies, Inc. for the Dodd Road Resurfacing Project; authorizing the renewal with amendments to the ComDoc copiers and printers lease; the resolution to administratively document the contract rate amendment for the trash and recycle contract with BFI (Republic Services).

I also requested legislation that did not make tonight's written agenda, but I hope for tonight's consideration to include: allow a 2014 Dodge Charger for \$5,500 and a second vehicle, a 2010 Impala to be auctioned for \$4,900. Instead of using Public Surplus, we want to use GovDeals.com, so that's a change we need to have in the ordinance and the last one is allowing the City to opt-in to the 2019 ODOT Bridge Inspection Program which was requested by our Engineer so that the Pleasant Valley Road Bridge, the only bridge that we own, gets its annual inspections for free.

Upcoming Events: First Covenant Church Classic Car Show is Saturday, July 27, from 9am to 3pm; the Citywide Garage Sale is Saturday, August 3, 2019 and remember to vote, the Willoughby-Eastlake School levy is the only item on the ballot and it is your usual location for voting and that's on Tuesday, August 6th.

President Fellows: Thank you, Mr. Mayor. I may have misunderstood you. We amended the agenda to add Ordinances 61 and 62. Ordinance No. 2019-61 is for the Pleasant Valley Road Bridge and Ordinance No. 2019-62 is for the two surplus vehicles.

Mayor: Right, that's the three.

President Fellows: Okay.

Mayor: I said three because the car auction....

President Fellows: I thought I heard you say that they didn't make the agenda. They did make the agenda.

Mayor: Before it...

President Fellows: Okay. Any questions for the Mayor.

Vice President Plecnik: Madam President. One thing that I wanted to ask the Mayor, I certainly think GovDeals.com is an option that we should explore and use from time to time. I'd actually bought my car on GovDeals.com and I'm going to enter it in the First Covenant Church Car Show this Saturday from 9 to 3pm. Free for people to come, only \$10.00 to enter and you don't have to register in advance, so if you want to see a Ford Taurus Police Interceptor from GovDeals.com, I will be entered at the event. But I am aware from our Clerk's research is what a lot of cities do in these ordinances is to simply authorize the administration to use any number of different sites. So, I'm curious if you made the decision to exclusively GovDeals.com going forward or if you would appreciate may be adding in all the sites that we've used so that you have the discretion to choose to use any of them going forward. This time we just did GovDeals because that was what you had requested and there was only so much time to draft the legislation, it was last minute. But just something to look to possibly for the future. So, curious if that would be an option that the administration would want.

Mayor: I think Jim wants to answer that.

Law Director: That probably falls back on me when this discussion came up as a last minute item and the discussion was around the GovDeals.com and we talked about whether or not we should open it for any and all options and I said, you know what, that is a discussion that we probably want to have with Council. It's a little bit more involved than just these vehicles, as to what sites we would want to use. So, may be that's a discussion to have at one of the committee meetings that Council can have as to how far do you want to go. Do you want to use eBay? So, it was really my recommendation that they just use that. Because what happened, the vehicle, the high bid was like \$5,500 and we had it at \$8,000. He tried to give it to him at \$5,500 and they wouldn't return the call. So, that's why we went back and said we've got to do a new thing. So, that really falls on me.

Vice President Plecnik: Well, something to look to for the future because we certainly want you to have the discretion to get the highest possible bid price for the City. The second thing that I wanted to ask, I did not get the chance to review the preliminary auditor's report until significantly after you and others because I was neither the Complaint nor was I the subject of investigations, so I was probably the last person to read it, but I will say your email this morning as well as your Mayor's report at the previous meeting and this Mayor's report, you've said that the preliminary auditor's report said that the concerns, or the allegations were "unfounded" and you had actually used quotes and I have read through the page and a half of the report and that word is not used nor any synonym to that word. What it says in effect is that the results are being transferred over for the regular audit that's when it will be fully considered. The preliminary decision is that there is nothing to investigate to criminally charge further at this time, but the investigation was not closed. It was actually rolled into next year's audit. At no point did they say that the Lake County Prosecutor was wrong to recommend that it be referred for criminal investigation to the State Auditor's office. So, I'm curious if there is another memo that uses the word unfounded or has other statements because the preliminary auditor's report does not use that language.

Mayor: I recall that I read something that said something unfounded but I'll check.

Vice President Plecnik: I would appreciate seeing a copy of it and I know that our residents would too. Thank you.

President Fellows: Mr. Mayor, so when you brought this up to Council on the 11th, I had not seen this document and I emailed through Vicki to request that you send a copy to me on the 12th and I've never seen it. Councilman Hallum included in a social media blog that I had received this document from the auditor's office and that he didn't know if I had distributed it to other Council members because he himself had not gotten one. I had never gotten this document from the auditor's office. I called the auditor's office, they showed me how it was sent to me, it was an incorrect email address, so I never received it. So, Mr. Hallum, I would appreciate it if you would correct that on your social media blog.

Anything else for the Mayor?

Thank you. The next is our Law Director's report, Mr. O'Leary.

LAW DIRECTOR'S REPORT: Thank you, Madam President. I just have a couple of things. Most of my focus has been related to the Police Prosecutor position, working with Todd on acclimating to Willoughby Municipal Court. Two big things are going on there, one is we're having a little difficulty with the scheduling in and I've reached out to the Clerk of Courts as well as to the Judge, related to some short turn-around scheduling that has caused us to have to bring officers in on off shifts costing us more money than I think it needs to if they would do it in the normal course. This last Monday, we got called in for a motion hearing which is not a normal day that we would be there. I happened to be there on the bench in Juvenile Court as a Magistrate so I couldn't attend. Todd was able to attend and then they didn't hold the hearing. So, I had a brief

conversation with the Court on Wednesday, yesterday when I was there, and I have had the chance to talk to a couple of other prosecutors in other communities and there is a building frustration over the lack of consideration to the departments in scheduling cases. On Monday, the motion hearing that Todd went to, they decided as a result of the hearing that didn't get held, to schedule a bench trial yesterday, on Wednesday, less than 48 hours from the hearing, so had to call an officer in, we had to prepare for a bench trial that we had just gotten the file on, now we got that all worked out but there are concerns about that because I'm afraid that is going to cost us money in resources as far as staffing is concerned. The other thing is, we had a couple of pretty serious cases this last week. We did have the attempted murder case bound over to Painesville, but they weren't the only ones, we had, I think, five preliminary hearings on Wednesday, so Todd and I ran around taking care, it may not sound like much with six cases but they were six very complicated cases that we had to deal with. So, we got that taken care of and Todd is doing a nice job. But he is not use to the pace of Muni Court and so it's a little bit different. He will be on vacation next week and so I will be covering for him on Wednesday as well as Mayor's Court on Tuesday. The only other thing that I have was I received from our Engineer, an easement related to the new cellphone tower, they are requesting that we sign an easement related to the utility to bring power for the new cell tower and I went back and checked the ordinance that was contemplated in the agreement in the original ordinance, so I'm just going to review it to make sure that I am comfortable to what we are committing to and then we'll probably have the Mayor sign it but I want the Council to be aware of it and if you have any questions, I'll try to answer them.

Vice President Plecnik: Madam President. Just to clarify, this is the cell tower on the West Miller property.

Law Director: Yes.

Vice President Plecnik: And do we know when that cell tower is going to be fully operational. I've actually had a few residents who live nearby say that their phones don't work too well and they are looking forward to it.

Mayor: They haven't determined, they haven't put anything on the tower but it is up and usually it takes about a month or two, but the main concern is getting electrical power there and so without that there they can't do anything.

Vice President Plecnik: Well, we appreciate everybody pitching in to get it done.

Mayor: Okay.

Councilman Hallum: Madam President. I just want to mention, Mr. Plecnik, you had asked about where the unfounded, there was an email that came out from James Mendolera who is the Auditor State Investigator saying that please be advised that on 6/20/19, the investigation by the SIU, the Special Investigation Unit, was closed and the Complaint was unfounded. That's where it came from. Just so you know.

Vice President Plecnik: Well, no one had received it previously. But I appreciate that, thank you.

President Fellows: Are there any other questions for the Law Director this evening? Thank you, Jim. The next is the Finance Director's report, Mr. Brichacek.

FINANCE DIRECTOR'S REPORT: I have some good news to report, the income tax collections continue to run strong as reported last month. We continue to be running about 11% ahead of last year, so that is a very good sign, that's after seven months of remittances. Also, after a discussion with Councilman Fiebig, I contacted the Ohio Department of Transportation regarding the new gasoline, the revenue generated by the new gasoline tax and on an annual basis, ODOT is estimating that it will result in the City receiving about \$230,000 a year in addition to what it already receives. The higher tax went into effect July 1st, so we will see some of that revenue this year, basically about five months' worth because there is a one-month lag, so that is good news for our street program. Also, the financial reports through the month of June are posted to the website. The

Ohio Open Checkbook is current through May. The Treasurer's office has the information for June but unfortunately the employee who is responsible for posting the information to the website had the audacity to have a baby. So, she is due back in late August, so there will probably be some delay in getting the Treasurer's website updated. And finally, the auditors have completed their fieldwork. They are no longer on site. Their work has been submitted for review by their office and based upon past experience, I would anticipate that they will probably be issuing a report in mid-to late August.

President Fellows: Thank you, Mr. Brichacek. Are there any questions for the Finance Director this evening? Seeing none, the City Engineer's report, Mr. DiFranco.

CITY ENGINEER'S REPORT: Thank you, Madam President. We had the pre-construction meeting yesterday with United Survey for the sewer project, they have a backload of work so they won't get started right away but our goal is to finish it by the end of the year. We were notified by NOACA last week that they intend to slate a grant for the City of approximately 2.3 million dollars to resurface Chardon Road between Worrell and River. The City would be responsible for 20% of construction plus engineering, so it would be about a million dollars, still a considerable amount, that would be hopefully in 2022, so we would need to start planning for that now, I would think. But that is still preliminary, it is still not official yet. I support legislation, Ordinance No. 2019-59 to award the Dodd Resurfacing Project to Karvo in the amount of, just over \$567,000 which was about \$100,000 under our estimate, so, that's good news. And I also support Ordinance No. 2019-61 which is to opt-in to the ODOT Bridge Inspection Program. The reason this was added to the agenda is because ODOT just sent us the information on Tuesday. So, a very short notice but I would hope that both of those get passed with suspension with an emergency and that concludes my report.

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

Councilwoman Pizmoht: Madam President. Mr. Di Franco, so what do you think that the day will be for the completion of Dodd Road Bank Restabilization, do you think we are still looking at August 15th or may be a little earlier.

City Engineer: Probably a little earlier but you never know. The Mayor mentioned that they started painting the wall today but we found some defects, so they are going to have to sandblast what they painted, fill in some holes and repaint it. So, it will take a little longer, but they are still, there is not much left to do. They just need to paint it, attach some guardrail and basically cleanup. So, it's near the end.

Councilwoman Pizmoht: And the other thing was for the Chardon Road Project, we went back and forth via email about that and I believe it was 2021.

City Engineer: No, 2022 would be the project.

Councilwoman Pizmoht: What was the range of dates, was it 2021 through 2024?

City Engineer: Correct.

Councilwoman Pizmoht: Okay. That's right, in the shorter part of the range, 2022 then for the Chardon Road Project. Okay, thank you.

President Fellows: Anyone else for the Engineer? The next is Council Committee Reports. Are there any Chairs of the Committees that want to share information this evening?

COUNCIL COMMITTEE REPORTS/ OTHER COUNCIL REPRESENTATIVE REPORTS

Vice President Plecnik: Madam President. We have a proposal before us with respect to our copying contract and I had asked for some alternative scenarios to see depending on how many copiers, what services we asked for, what the high/low prices could be. I think given how many years it goes out, it is important to have some options so we're not just picking what the company offered us, we can actually say, well this is what we paid for x number of copiers versus why. I know that at Cleveland State we reduced our copying budget by sharing copiers. I'm not sure how realistic that is because I haven't seen different scenarios, I've only seen one proposal, so I've asked the administration to give us some scenarios so that we can see that this is A, B, C, D from the leanest to the most generous. I think that we might be able to save a little money there. Whenever we get something back, we'll have a Finance Committee meeting to discuss it.

President Fellows: Any other Chairs?

Mayor: The coping machine agreement, it was rolled over last year because we didn't have the help here and we rolled it over for a year. Well, now if it doesn't pass tonight, it rolls over for another year and it's going to cost you more money than what we would pay for the contract if we take it now and it would be less than what we would pay for the year installment. It's getting two copying machines and we really don't have a lot of copiers in here. There's one at the Community Center, one in the Building Office, two up here, and then the others it's a contract that has printers on there too, so the printers that people have like in the Clerk of Courts, it provides them with toner so we don't have to buy toner every month. It's still included if we roll over but the price is about \$100 cheaper on the five-year contract. So, then we also have a company called ACE products which the Police use and they have a new copier at the Substation, one downstairs and one upstairs for the administration.

Vice President Plecnik: So, there is a separate company that does the copiers for the Police.

Mayor: Yes, it's ACE, they came in with a competitive price for the extra machines for the Police.

Vice President Plecnik: So, I'm just trying to understand why we wouldn't have looked to see what one company whether it's ACE or the other would be able to do for the entire city.

Mayor: Because they're two different time periods that the contract covers. The Police one, they just got the one down at the Substation and a year ago they got one and the office here. So, they have a separate term of the contract. But Sharen was trying to get that together for you today, she just didn't have time to get that all together.

Vice President Plecnik: I also know that Councilwoman Pizmoht had some questions. Did you ever get answers to those?

Councilwoman Pizmoht: No and if you don't mind, Madam President, yes, so I had several questions. It is a little frustrating if this had to be done tonight and that I didn't get answers to the questions. I really wanted to understand when we had a contract that was \$350.00 a month and then a new contract that is \$485.00 a month, it didn't make sense that there would be a savings, that we would be saving \$72.00 a month. It didn't make sense with the information that we had. Now that you've explained, I see what you are saying that the contract went up substantially. This is a \$30,000 copier contract. I see eleven machines on this contract. I asked where the machines are, what's the purpose, I want to know what it is that we are doing. We are trustees for our taxpayer's money and we need to make sure that we are spending it properly. So, \$30,000 for copiers, that's a lot and we're bound to that for a long time. So, I just wanted to make sure that we had enough information so that we could make a decision. So, it is frustrating, I asked that a few days ago and I know if this really needs to happen, it's hard for us and for me personally, I can't speak for everyone, I guess, I have a hard time signing on to something like that when I don't have the information I need to really understand if that is the right thing to do or not.

Mayor: The \$350.00 price was the first contract but there are amendments to it that added the printers to it so it was \$72.00 more than \$480.00.

Councilwoman Pizmoht: I asked for any other contracts that we had, so I, we don't have all that other information; how are we suppose to know if this is a good idea or not. So, again, it might be, without the information I can't sign on to it, not knowing, all I need is the information. If I had the information, I can understand what is going on, then we can make these decisions. That's all, I just really, I still want the information, I think that would be really helpful. Thank you.

Mayor: Okay.

President Fellows: I would inquire why we get this at the 12th hour? Why didn't we get this a month ago, or two months ago? You knowing that the contract is coming to an end and if we don't act on it, it's an automatic rollover. It makes it very difficult for us to help in the process if we're not given an opportunity ask the questions, have the questions answered and have a discussion on it which this should be, we are actually having a committee meeting on it tonight, so I echo Councilwoman Pizmoht, I can't sign on to something that I don't have the answers for.

Councilwoman Pizmoht: And Madam President. We had this for a year and we knew this was going to happen, it is really frustrating to get this at the end of last week and not have our questions answered about it. So, it's just hard to do our job when we don't have all of the information that we've asked for.

Councilman Fiebig: Madam President. If I could weigh in too, I spoke with the agent because I had those questions, as well. I had a conversation for 15 minutes or so, so I got a better handle on what we've asking for. But I said, can you get back to us, get back to me or all of us and let us know what the difference was if we were just to extend this into next year versus the five-year contract and I didn't hear back. Now, I did hear, Mayor, you just say that it would be a \$100 more per month, \$100 more than what?

Mayor: No, that was the \$72, that's what we would save.

Councilman Fiebig: So, when you said if we don't pass this tonight, is there, and I glanced through it, is there some deadline in here?

Mayor: Tomorrow would be like the deadline.

Councilman Fiebig: All right. Tomorrow is the deadline for the one-year extension that we have?

Mayor: No, it's automatic for one year. But the five-year contract, it expires tomorrow.

Councilman Fiebig: Didn't you just say we had a five-year contract, it rolled over last year for one more year...

Mayor: Last year and it would rollover one more year if we don't do anything tonight.

Councilman Fiebig: Tomorrow, at what price?

Mayor: The current price.

Councilman Fiebig: Which is what? \$485?

Mayor: \$485, I think.

Councilman Fiebig: But that's with the 63-months lease program. It's stating here, it's \$485.

Mayor: Right.

Councilman Fiebig: So, if it rolled over for a year at \$485 why would we sign a 63-month lease at \$485?

Mayor: No.

Councilwoman Pizmoht: I think it's \$555.00.

Councilman Fiebig: \$557, is this the number?

Councilwoman Pizmoht: I think, Madam President...

Councilman Fiebig: The second to the last page.

Councilwoman Pizmoht: Councilman Fiebig, I do think that's the number that the Mayor is referring to but it's not clear and again, this is a \$30,000, five-year contract that we are bound to for a long time, I just think, I have a hard time signing on to that without the information. And even now...

Mayor: Don't pass it, roll it over for a year and let the next Mayor make the deal.

Councilman Fiebig: And the other thought that I wanted to finish with was how much bidding did we do on this? Did you go to a couple of other vendors in the last year and look at other options?

Mayor: We looked at ACE for the entire thing and this was the best deal.

Councilman Fiebig: All right, just those two.

Councilwoman Pizmoht: Again, this is a \$30,000, five-year contract that we're bound to for a long time. I have a hard time signing on to that.

Mayor: What I suggested is don't pass it, roll it over for a year and let the next Mayor make the deal.

Councilwoman Majka: So, yeah, a couple of my questions were answered, but say we did roll this over for one year, what would be the monthly, what would we be paying extra each month by doing the rollover instead of renewing the contract?

Mayor: \$550 roughly.

Councilwoman Majka: It would be an extra \$550?

Mayor: No, no, \$550 total.

Councilwoman Majka: As compared to \$480?

Mayor: Yes.

Councilwoman Majka: Roughly, \$480. So, we're looking at...

Mayor: And you're looking at dealing with old machines. New machines all have wireless printing and faxing so we can do away with a lot of the other items that we purchase.

Councilwoman Majka: And we would or would not get the new machines with a one-year rollover?

Mayor: No, you wouldn't get those.

Councilwoman Majka: You would not. Okay.

Mayor: You'd have the same old machines.

Councilwoman Majka: Okay.

Councilman Hallum: Madam President. Mr. O'Leary. Have you looked at the contract that we currently have, is there anything that currently allows us to replace it at any point during the rollover period, do you know?

Law Director: I would have to go back and look at it more closely. Obviously, when you negotiate a long-term contract, most vendors are willing to negotiate during the midst of the year in order to extend the contract. Now, obviously if you would decide to go with a new vendor, why would they allow you to do that. So, I would want to look at it. My guess is if it automatically rolls over, you're not going to be able to walk away with this unless there is some kind of malfeasances or issue with their performance related to maintenance and defaulting on the agreement.

Councilman Hallum: So, are you saying if we intend to stay with the current company but just go through answering a few more questions that haven't been asked directly to them, right, Councilwoman Pizmoht?

Councilwoman Pizmoht: I asked for the old, I can't, I asked for monthly usage reports from the vendor and he didn't have those. He gave me more of a monthly average usage report which was not nearly as helpful, semi-useful, I would say. So, that is what I got from him but the other questions, I though would be better answered from the administration and more appropriately answered by the administration. I not sure if the vendor would know the specific practices of our city and what other contracts we have and things like that, so that's all. And while I'm talking, if you don't mind, did we get a quote from ACE, Mayor?

Mayor: We got different quotes, yes.

Councilwoman Pizmoht: Can we get those, that would be really helpful.

Mayor. Yeah.

Councilwoman Pizmoht: Thank you.

Councilman Hallum: So, getting back to my question, Mr. O'Leary, is it your position that potentially, if we are staying with the current, but we get a few more answers and decide to move forward with the new contract, do you think, is it your opinion, that they would allow us to switch to the new contract even after the rollover.

Law Director: Well, I think it's very possible that they would allow us to start the five years at a different point other than tomorrow if they have the opportunity to retain the contract long term. I think they are just looking to tie you up long term. It might be worthwhile to extend an offer based upon the questions tonight, to extend the current agreement for three months and ask them if they would give us three months to go back and get this resolved before it automatically rolls over. That's one way you could resolve it, is to delay the rollover opportunity and so may be that's one of the ways we can resolve that.

Councilman Hallum: Thank you.

President Fellows: So, Mr. Fiebig, I'm glad you had an opportunity to speak with him because I left a message for Mr. Russell and he never called me back with questions.

Councilman Fiebig: Madam President. Mayor or Mr. O'Leary, do you think it would be possible for either one of you two, could, as I'm getting a sense of Council's hesitancy to pass this tonight, can you send a message to them and ask if they would give a three or four month extension of this and then we can...

Law Director: I would agree with you, I think that's all together possible and I think Mayor, your office has been handling the negotiation, maybe they could do that. I certainly would be willing to step in if you would like me to. To me, that makes the most sense, the worst that could happen is that they say, no we're going to renew it for a year and we then take that into consideration and as we look forward for a new vendor.

Councilman Fiebig: That's a good point, and you could bring up and say, if we were given this today, we typically have 3-Readings, we haven't had a chance to go into committee, and we would like to research this a little bit more and make sure we know what we are voting on.

Law Director: So, my concern in addition to everything that has been brought on the table is, if you sign up for five years, it's already been stated we're not getting any new equipment that everything we have is old...

Mayor: Yes, we are, we are getting two new copiers.

Law Director: Everything else is old and anything else that we have to change is going to be an additional cost, I'd rather see us look at some kind of a replacement plan that is included in the five year agreement so that we may benefit from this department gets a new one this year, this department gets a new one next year, so that we're actually updating the equipment because I think there was some discussion that we don't have anything that's wireless and that would be nice to have that capability because that's how you can get economy to scale and only have one printer amongst a couple of departments is, if it's wireless, you don't have to hardcode it, so...

Councilwoman Majka: Madam President. Another point would be, I mean I understand that we are late in getting this information, I agree with what my colleagues said, but in addition we have a network administrator on this contract as Sharen and she is unavailable right now. That's another point that could be talked about with the company.

President Fellows: I think, Councilwoman Majka, she has just returned but she had been out for several weeks.

Councilwoman Majka: Right. We could argue that slowed down the process as well.

Councilman Hallum: Well, Madam President. One last point, this might also and may be Mayor, depending on when these two printers that the Police Station have are renewing perhaps there may be some opportunity for us to add those two in at their expiration.

Mayor: We just did.

Councilman Hallum: Okay. Thank you.

President Fellows: Well, I think a lot of this would have been eliminated Mr. Mayor, if we would have been given more time to review the information and would have been able to have questions answered.

Mayor: So noted.

Any other Chairs for any other Committees this evening? Any other Council Representative Reports?

I will move on to Public Portion this is an opportunity for the public to come forward. We ask that you state your name and address for the record. Please keep your comments to three minutes. I will open Public Portion at 7:48pm.

PUBLIC PORTION

Doris Dodge – 37881 Milann Drive. Councilman Hallum, you posted all over social media that all of the allegations against you and Council's WHISPER Report were unfounded. But I read the auditor's preliminary report and the word unfounded did not appear in that report nor did I see your name mentioned at all. I felt that this was misleading to me and an attempt to mislead the public. I did not appreciate that and that is why I am bringing this up. The report did not deny that you personally profited off of the vulnerable WHISPER recipients or the former City Prosecutor's law firm helped you earn commission for selling the home of a Willoughby Hills murder victim. I question this whole thing, why would the auditor investigate this type of thing anyway. It just doesn't seem to me that this would be in the appropriate venue. Shouldn't that be investigated by the Ohio Ethics Commission? It would be horrific if it would be legal for a City Councilman or any other elected official to personally profit particularly from the most vulnerable residents. Councilman Hallum, is it legal to personally profit from your position as an elected public servant? I'm not a lawyer, so I don't know if it's legal for an elected official to profit off their city as a real estate agent. But I do know right from wrong and I feel that this is wrong. So, don't sit there and tell me what's best for my city, I am a resident and I know what's best for my city. Ethics, good ethics and that is what is best for my city. I feel that there are other real estate agents around that could handle these matters that would be involved with contentious properties in Willoughby Hills that are involved with the City any other property is fair game, listing a house, that's up to you, that's your business but something involved with the City where you would get a commission that to me is bothersome.

Jenna Bing – 36951 Beech Hills Drive. I want to thank Council for asking all the right questions and not trying to do things that come at the last minute to kind of rubber stamp them. But really to ask all the right questions. And I like when I see Council doing, what I think, is their job. I mean, they had a Personnel Relations meeting, they discussed fire raises and uniforms and they discussed the Assistant Finance Director's thing and when they wrote the ordinance it laid out very clearly why, so when someone just reads the ordinance, they have the rationale beyond it. It was very clear that our process of working in committee really does put forward a really good product that people can understand and then say this is what we should be doing and not doing. So, I applaud Council when you all step forward and do, what I consider, your job and do it well. So, I appreciate that. I heard a couple of things tonight that concern me. Mayor, you had said there is an ordinance tonight reflecting how we are doing Grange key access now. I thought there was an ordinance in place and if you changed how you are doing Grange key access without an ordinance isn't that a violation of something? So, I don't quite understand, I understand that there might be a need to change how the keys and access to the Grange works but I hope that change hasn't been made already and you're asking for an ordinance in the back door to reflect that because that is what you said. Maybe I heard it wrong or you said it wrong. And then I had a question for you Mayor about WHISPER because you had said you evidently had spoken with our insurance company and they are helping your team or somebody on your team work on the employee handbook which I think should be done kind of externally or at least Council should be aware of how the insurance company is now handling it. And again, this lack of communication and administration just kind of going off and doing it is bothersome. But did you ask the insurance company about WHISPER and the liabilities to the City for the volunteers that would be going out and how to handle that and the liabilities of the people that we would be helping and all of that because I just think that's a really, really touchy thing if somebody says, hey, can you get the leaves out of my gutter on the first floor and somebody falls off the ladder and we were helping and then do they sue them; I think there is a whole can of worms that can be opened up that our insurance company really needs to understand what might be coming forward to Council for some input. And I think that it would be a very valuable step to have them weigh-in sooner than later. Thank you.

Anthony Camino – 2972 Lynn Drive. Two things, I was meeting with our food pantry today and on the agenda was the Willoughby Hills Run and I didn't know if we had been approached by Classic Lexus or the Clinic to do that run again and it usually happens in October and the planning is usually happening by now. So, I didn't know if that was happening. I did have a couple calls in the last two weeks from people in Willoughby Hills approaching the church for some assistance and those typically would have been referred to the WHISPER Program for assistance, so I don't everything that is going on, if it is possible for something to be in place again, in the future, I still think there is a need for assistance done in a good way and we would certainly partner with you in that if that is possible.

President Fellows: Thank you. Anyone else this evening? I will close Public Portion at 7:55pm.

UNFINISHED BUSINESS

Councilman Hallum: Madam President. To answer Mr. Camino, the Wellness Run is scheduled for October 6th.

Mayor: We'll make sure you get invited to the next meeting.

President Fellows: Would you explain the Grange and I think you had mentioned Campbell Park and Grange and Dispatch.

Mayor: We requested an ordinance to change the way, to make the keys available because we don't have a dispatcher at the window anymore, only Monday through Friday from 8 to 4pm. So, we put lockboxes up in the lobby and we have a camera on them so anybody that wants to use the Grange and there's only the Girl Scouts, they can come up and take the key and open up and then return the key. Campbell Park we took the lock off and we have it open all the time. So, people can drive up so there is no key required. That's the two changes we need. We want to put a lockbox on the Grange so they don't have to drive down and drive back. We can put a camera up there but we haven't done that. The only thing that we have now is the lockboxes by the Police Station.

President Fellows: But there is an ordinance that speaks to the process now directly. And there is only one group using it.

Mayor: Right.

Councilwoman Pizmoht: Madam President. Again, it is a little frustrating, if you don't get the legislation you want, you just can't just go and do it. I think that it is concerning when we have this public building that we have had since 2008, our residents have paid, thousands, and thousands of dollars for this building, never had access, they didn't pay for the building, but the taxpayers have had to pay thousands of dollars to up keep this building over the years, to maintain it, heat it, have water in it, pay the utilities, things like that and they have never, never been able to use it. And so, while my kids are Scouts, I appreciate the Scouts, these are not all Willoughby Hills groups using the building. I have a hard time thinking that we should spend more the taxpayers' money to accommodate non-Willoughby Hills groups to use a city building that the taxpayers have been paying for and have never been able to use. So, I think that the answer is not to just do it because it is convenient for the Girl Scouts, that's just not really the answer. So, again, it's frustrating and I want to work with you, I want to accommodate this but it's hard when it's just do it or I'm doing it anyway. It's frustrating.

Councilman Hallum: Madam President. Can I ask a question on the Grange, do we have Wi-Fi there by chance?

Mayor: No.

Vice President Plecnik: Madam President. To Mrs. Bing's question about insurance. We received an email this morning from the Mayor with mostly the WHISPER website put into a pdf, labeled WHISPER Manual Update. But there never was a WHISPER Manual. So, I would say it's really just the website but it's converted to a pdf along with a few emails at the end that went back and forth with the insurance company. There really wasn't any depth. There's just an email asking is WHISPER covered by insurance and there is a reply back saying that volunteers for any city program are covered by the City's insurance to the extent that they are acting for the City. So, there was some response there. The problem there is that you're not worried about a volunteer that is doing things the right way, you're worried about a volunteer who does something the wrong way. If somebody goes into a Senior's home and takes their checkbook or takes a ring or breaks the television set, they are not acting on behalf of the City, they are acting outside of their capacity. And I seriously doubt the insurance company would cover that. So, there was a little bit of an outreach to the insurance company but I don't think that it was in-depth enough to really answer your question. But I wanted you to know that there was an initial outreach to the insurance company to see if the volunteers were even covered at all. So, apparently there is some coverage but exactly how far it extends, I don't know and it's my experience, insurance companies do not cover when you have people acting outside the scope. Now, I feel confident when you have a city employee like a police officer that they will operate within the scope of their employment because they are trained and they are licensed and frankly a city employee has a lot to lose because they could lose their job if they don't act in the City's best interest. But to sign up a volunteer who just signs a waiver, this person could be anyone. And I think that's a concern even beyond the insurance. We want to make sure that we are only placing people with vulnerable seniors who we are absolutely confident that they are going to treat them with the utmost respect and care. So, those are bigger issues that certainly haven't been resolved yet, but I wanted to make sure that you knew that initial outreach happened. And I certainly agree with Mr. Camino that it is very important that we have a Senior Program in the City. I also agree with the Mayor that the program should also have a committee. There were some suggestions sent that were drafted, I believe, by the Mayor's secretary in terms of how to formulate that committee. I think that we really want to look to other cities and communities to see how they do it successfully. And I know that our Council President as well as Councilwoman Laura Lenz have been working on that for some time. So, it's good to see the administration following their lead but I really think that we need to continue that work and I think that we need to do it in an official way. So, I would propose at this meeting that we form an Ad-hoc Senior Center Committee of Council. I would propose Laura Lenz to be the Chair. I certainly think that our Council President should be on it. I would be happy to serve as well so that we can actively look at the legislation that would be necessary to establish a Senior Center that would be compliant with the county and state so that we are eligible for grant funding and we could fully take advantage of all the resources that are available for seniors. It's something that we want to provide and we want to partner with local churches and institutions whenever possible. You never turn down an offer of help when you can get it but we need to have a program that's absolutely solid. And I do want to repeat that my concerns and I was not a Complainant to the State Auditor, my concerns with WHISPER came from residents who called me and even came to a Council meeting and said pointblank, I received WHISPER services for years and I was told by the administrator, I didn't support the right person for Council, so I needed to go ask the people that I had supported for help instead. We've had these people come at the dais, one of them was a former employee and speak on the record, so I don't think that there is any dispute that this happened. So, I agree that a committee and more accountability is absolutely important. I think that we need to have a formal Council process so that we can get there. No one is looking to point at the past or blame each other, we just need to make sure that the new Senior Center Program is absolutely beyond reproach and that all of our seniors feel safe in accepting its help and services without putting the City at risk to Mrs. Bing's point.

Mayor: John, I just have to comment on the resident, the employee that came up here. What happened was we were going to rake leaves; she didn't want some group because they fooled around. So, we had to reschedule it with the Key Club. And then it rained and then it was winter and we couldn't do it. Now, previously, I was there with my blower and I personally did it. But no one else did. So, just to tell you we try to make every accommodation for people, but we couldn't. The weather, the denial of service from a particular group and the weather, then it turned to winter.

Vice President Plecnik: And Mayor, I appreciate that and that you go out in the community yourself and ultimately, I personally went and got the brush for her because like you, I'm not going to stand by and leave a senior unserved. So, I commend you for that and I think it's what we've called to do. But I will say that she specifically spoke of the conversation she had with the administrator and I'm not here to play "he said", "she said", I can only tell you she was my former clerk, I know this woman well, she is honest as the day is long and I personally believe her. Misunderstandings do happen though which is why having a set process and procedure in place to make sure that no one person ever has that authority, so that no one can even accuse you of making that decision, I think is really the solution. So, I agree with you on that.

Mayor: That's why we are trying to put a committee together. The people that go out to, that are in the community, the Service Director, the Police Chief, the Fire Chief, they see or their people see everything that's going on and it makes things fair. But, read the report and give me your feedback on it.

Councilwoman Pizmoht: Madam President. Mayor, I'd like to say that the report is a great start to the legal framework for the program. I think that one of the problems is that there was not legislation beyond the establishment of a fund. So, there needs to be a legal framework for a program and to establish a committee and who the members should be and all that kind of stuff, so I'm looking forward to assisting anyone else who wants to work on that and working with administration to come up with new program for our community. That will be a really good exercise for all of us.

Vice President Plecnik: Madam President. Given that sentiment, I would make a motion to form an Ad-hoc Committee of Council, the Ad-hoc Senior Center Committee, naming Councilwoman Laura Lenz as Chair. She would have the authority to choose her members. I think that pretty much anyone of us would be happy to serve with her but that would be her purgative as any Committee Chair has. Would anyone second my motion?

Councilwoman Pizmoht: Second.

President Fellows: (Responding to a comment made by a person in the audience). That wasn't very nice. I heard the comment and it wasn't very nice.

I have a motion by Vice President Plecnik and a second from Councilwoman Pizmoht to create an Ad-hoc Senior Center Committee of Council with Councilwoman Lenz being the Chair and she will reach out to members of the committee including Council, Administration and residents.

Councilman Fiebig: Is there a discussion on this? Can I clarify because we were talking about, we were in Unfinished Business and we were talking about the WHISPER Program and we were, just today, this morning or so, given an email that outlines some ideas for the WHISPER Program. What I'm hearing you say, Councilman Plecnik, you want to start an Ad-hoc Committee for the Senior Center? Can you clarify, this this the WHISPER Program?

Vice President Plecnik: Well, Mr. Fiebig, I think that it is very clear that we're never going to call a program WHISPER in this City again. But the purpose of WHISPER, the purpose of any City Senior Center is to serve our seniors in those ways. So, I think it's fair to say that this committee would have jurisdiction over that issue but whether you call it WHISPER, or Senior Center, I think that's really irrelevant. The goal is to serve our seniors and we certainly really want to demark from the past there. I think most cities refer to their Senior Programs as Senior Center, Senior Program and it's certainly something that can be discussed in the committee. Just because the committee is called the Senior Center Committee doesn't mean that's the ultimate name that we have to adopt. But I think that is a more general name that reflects the jurisdiction of the committee because we do have a Senior Center and a Senior Room. Our program in the City always was bigger than just WHISPER and I think that we have to have that bigger view because we want to be eligible for grants. We want to have an operational Senior Center that's recognized by the county so that we're eligible for that money. So, I don't think

we're really looking at just WHISPER although I think replacing that program's services is part of what we're looking at.

Councilman Fiebig: I don't know if we should have a long discussion about this but since there will obviously be a vote on this, I want to understand what I'm voting for. You said that there will never be a program called WHISPER but I'd have to disagree with you on that because we've legally established a fund and a program called WHISPER. So, we would have to rescind that for that to be accurate. So, I don't know if you are proposing that or not, but the Senior Center certainly has its own issues and it seems like an administrative thing rather than a legislative thing. Understanding where the administration wants to go with that, I think is part of our purview rather than telling them as Council, would like them to do. So, I'm still a little unclear as to what the goal would be. Whether we're working with the administration or are you trying to take that program and the administrative functions of the Senior Center and the WHISPER Program out of their hands or is this to form something other than to say, I don't know, personnel relations, safety or service or some other committee or are you isolating, usually with an Ad-hoc you are looking at isolating one specific thing. So, you are talking about a board range rather than one specific thing that you would put an Ad-hoc Committee together for. So, that's where I'm a little unclear on.

Councilwoman Pizmoht: Madam President. I would recommend that...

Councilman Fiebig: If I could just get a response before we go there, so I can understand what we are voting on, that's all. Councilman Plecnik proposed...

President Fellows: Vice President Plecnik has already stated some of things, so let Councilwoman Pizmoht share her thoughts as well.

Councilwoman Pizmoht: Thank you. I was just going to suggest that perhaps we change, amend the motion to make it the Senior Services Committee perhaps. I think that would be a little bit of a better descriptor. I would also just like to say that the law about funds, it doesn't have to be called WHISPER to use the fund, it just has to be for a similar purpose for the specialized fund. So, it doesn't have to be only for a program named WHISPER, it's for a program that does X,Y and Z, so, that's what the fund is for. So, that's how that works. I think these are all things that can worked out. Personally, the name is insignificant. I think that is something that can be worked out through this process. I think that it's a good idea that we get started on it and I think that there is a need for it. I think that there is the will among all of us to chip in and help out with this and I'm looking forward to seeing the fruits of the labor.

President Fellows: Councilman Fiebig, so for some of your questions, both Councilwoman Lenz and I are healthcare providers and this topic is very near and dear to us especially with Councilwoman Lenz's work currently and the population that she serves. So, I think that this is an opportunity and this committee for her and I and others to work with the administration to expand what we have currently today. As Vice President Plecnik had indicated, so that we can work with the county and be able to have the pieces and parts in place to be able to apply for grants that may provide for extended opportunities in the Community Center. These are just baby steps and a lot of this is just thoughts and brainstorming that provide an opportunity for people to get together with Council, Administration and residents to have a vision of where we could make the current program even better.

Councilman Hallum: Mr. O'Leary, I think my concern, and I would like your opinion on this, is because the WHISPER Program, Senior Program, whatever you what to call it, is number, it is a donation based project program, so there are no city funds being expended and it is in my opinion, an administrative function. I'm concern we as legislators, would be potentially overstepping our bounds by giving this committee as a legislative committee, as opposed to having the Administration form a committee and invite us to be involved in it especially since there are no city funds being expended in this program for us to be legislating on the funds or how they are spent but more so that we approve of whatever the final product is for the City.

Law Director: Okay, as I understand it because I was included in a email that came from the Mayor's office with details about the proposed changes to WHISPER and asking for input. What has been proposed is to establish a committee that can really look into that because you obviously don't have the time, you haven't had the chance to review it and you can't really take the rest of the Council meeting this evening to talk about that, so the idea of sending it to a committee to for input to report back with recommendations working with administration makes sense. As it pertains to how that affects the funding, that's something that they are going to have to take into consideration because any significant changes could affect the funding. But I think that's what the committee could spend the time on if that makes sense to you.

Councilwoman Pizmoht: Madam President. Just one last thing, the donations that have come in for the WHISPER Program are city funds; that money came in for the City to use for that purpose. So those are city funds no matter where they came from, they are city funds. So, they need to be used for that purpose.

President Fellows: Okay, so we've had a great discussion. I think we had a lot of input and thoughts and really to the Law Director's point, this is a Council meeting the primary propose of the Council meeting is to deal with legislation and we haven't gotten there yet this evening, so I would like to stop this discussion. We can have a committee meeting. I can call a Council Committee Meeting of the Whole since we're not sure where to put the issue and then we can continue with this. I would like to move onto legislation, please.

Councilman Fiebig: Madam President. Point of Order here, Point of Order....

President Fellows: I would like to move on to legislation please.

Councilman Fiebig: Point of Order. Madam President.

President Fellows: Councilman Fiebig, I'm saying that we're moving on to legislation please.

Councilman Hallum: Madam President. What are we going to do with the motion that is currently on the floor with a second?

Councilman Fiebig: Now, you just answered his question, but you won't recognize my question here as a Point of Order.

President Fellows: I think at this time; I would like to ask the people who made the motions to rescind them at this time.

Vice President Plecnik: Madam President, in respect to your wishes, I will withdraw my motion at this time although I am still in support of forming an Ad-hoc Committee. I do just think the two things need to be noted: (1) It is very important that we respect the authority of the Chair whether it's a Committee or the Council President and I have noticed that Councilman Fiebig has on more than one occasion spoken without being acknowledged by the Chair. I don't say this in criticism but it makes it harder to facilitate the meeting. Sometimes you're the Chair, sometimes the Council President is the Chair, we need to be respectful of one another and (2) it's very important for the record to state and I'm not sure if our Law Director is aware of this, while Councilwoman Pizmoht is correct, that any money that the city accepts whether it is from property taxes, donations are city funds. There were actually transfers from the Service Department into the WHISPER FUND. So, there were city tax dollars that went into the WHISPER FUND with some regularity. I've reviewed those records and I can state that with confidence. So, I personally think the source of the funds is irrelevant. It is as Councilwoman Pizmoht says, all city dollars. But for the record, tax payers did pay directly into the WHISPER Program.

President Fellows: Councilman Fiebig, you may have the floor.

Councilman Fiebig: Madam President. I was first going to state that we had a motion and a second on the floor but I did want to say that the proper procedure could be considered to the Working Committee of Council to refer any specific issue. We already have a committee set up for specific issues like this and that would be more appropriate in my opinion. An thank you for letting me speak.

President Fellows: Do I need to have the second removed?

Councilwoman Pizmoht: Sure, it's removed.

President Fellows: Moving on to legislation.

LEGISLATION

ORDINANCE NO. 2019-54 – SECOND READING

1st Reading: July 11, 2019

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS, OHIO AND CLEMANS, NELSON & ASSOCIATES, INC. TO ASSIST IN THE DEVELOPMENT OF AN EMPLOYEE HANDBOOK AND DECLARING AN EMERGENCY.

President Fellows: This Ordinance will stay on Second Reading.

ORDINANCE NO. 2019-57

AN ORDINANCE FIXING THE COMPENSATION FOR THE FULLTIME FINANCE DIRECTOR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Councilwoman Pizmoht: Madam President. Motion to waive the 3-Readings of Ordinance No. 2019-57.

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. 2019-57. Is there any discussion on the motion?

Vice President Plecnik: Madam President. This ordinance reflects the recommendations of the Finance and the Personnel Relations Committee. It has been discussed in many more than three meetings although this ordinance itself has not received 3-Readings formally, so while it may not be absolutely urgent, I think it's important to note that we're not really waiving the 3-Reading Rule to rush it. This ordinance has been fully discussed and vetted.

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

Motion PASSED.

President Fellows: The 3-Reading Rule has been waived on Ordinance No. 2019-57.

Councilman Fiebig: Madam President. Motion to adopt Ordinance No. 2019-57.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to adopt Ordinance No. 2019-57. Is there any discussion on the motion?

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

Motion PASSED.

President Fellows: Ordinance No. 2019-57 has been adopted.

ORDINANCE NO. 2019-58

AN ORDINANCE AMENDING ORDINANCE NO. 2019-36 TO PROVIDE CRITERIA FOR ANNUAL UNIFORM ALLOWANCE AND TO ELIMINATE THE PROVISION OF AN ACTING SHIFT OFFICER AND REPEALING CONFLICTING LEGISLATION.

Councilman Fiebig: Madam President. Move to waive the 3-Readings for Ordinance No. 2019-58.

Councilwoman Lenz: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Lenz to waive the 3-Reading Rule for Ordinance No. 2019-58. Is there any discussion on the motion?

Councilman Fiebig: Madam President. I believe that we also had this talked about in Personnel Relations and I think that there is a good commonsense move to change the application of a clothing allowance based on hours worked rather than some other criteria. It does seem to make sense and it was discussed extensively in the Personnel Relations and other places. So, I move that we waive the 3-Readinigs.

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

President Fellows: The 3-Reading Rule has been waived on Ordinance No. 2019-58.

Councilman Fiebig: Madam President. Move to adopt Ordinance No. 2019-58.

Councilwoman Lenz: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Lenz to adopt Ordinance No. 2019-58. Is there any discussion on the motion?

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

President Fellows: Ordinance No. 2019-58 has been adopted.

ORDINANCE NO. 2019-59

AN ORDINANCE ACCEPTING THE BID OF KARVO COMPANIES, INC. OF 4524 HUDSON DRIVE, STOW, OHIO FOR THE DODD ROAD RESURFACING PROJECT AND DECLARING AN EMERGENCY.

Councilwoman Pizmoht: Madam President. Motion to waive the 3-Reading Rule on Ordinance No. 2019-59.

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. 2019-59. Is there any discussion on the motion?

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

President Fellows: The 3-Reading Rule for Ordinance No. 2019-59 has been waived.

Councilwoman Pizmoht: Madam President. Motion to adopt Ordinance No. 2019-59.

Councilman Fiebig: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilman Fiebig to adopt Ordinance No. 2019-59. Is there any discussion on the motion?

Councilwoman Pizmoht: Madam President. This is a very exciting project for me, I have to say and I'm sure that all of my neighbors are looking forward to it and I'm very jealous of everyone living on Trailard, Mayfrairs and Glengate because I know their neighborhood is looking really, really, nice right now and I'm looking forward to having the same for us on Dodd Road.

Councilman Fiebig: Madam President. This was good news that this was \$100,000 under our budgeted amount, so that's fantastic. That's just great news to have this done with \$100,000 left to spare. So, I'm very happy about that.

Councilwoman Pizmoht: Madam President. It's actually not a \$100,000 that we are saving; unfortunately, because half the project is being covered by the county, so it's a little bit more than half that we are saving.

Councilman Fiebig: Under projected bid. Yeah.

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

President Fellows: Ordinance No. 2019-59 has been adopted.

ORDINANCE NO. 2019-60

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A DOCUMENT MANAGEMENT AGREEMENT WITH COM DOC FOR THE LEASING OF TWO NEW XEROX COPYING DEVICES AND THE MANAGEMENT OF PRINTING SERVICES.

President Fellows: This Ordinance will stay on First Reading and is going into the Finance Committee.

ORDINANCE NO. 2019-61

AN ORDINANCE DECLARING THE INTENTION OF THE CITY TO PARTICIPATE IN THE BRIDGE INSPECTION PROGRAM SERVICES BEING IMPLEMENTED BY THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) AND DECLARING AN EMERGENCY.

Vice President Plecnik: Madam President. Motion to waive the 3-Reading Rule on Ordinance No. 2019-61.

Councilman Fiebig: Point of Order, Madam President.

Vice President Plecnik: Motion to waive the 2-Day Notification on Ordinance No. 2019-62.

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to waive the 2-Day Notification for Ordinance No. 2019-61. Is there any discussion on the motion?

Councilman Fiebig: Madam President. This is just simply because we just received this, Wednesday, Tuesday and you need to give 2 full days notification but given this and the next one, their purpose is immediate and getting this into tonight's legislation was important. But that is why you would waive the 2-Day Notification for something like this.

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

President Fellows: The 2-Day Notification has been waived.

Councilwoman Pizmoht: Madam President. Motion to waive the 3-Reading Rule on Ordinance No. 2019-61.

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. 2019-61. Is there any discussion on the motion?

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

President Fellows: The 3-Reading Rule for Ordinance No. 2019-61 has been waived.

Councilwoman Pizmoht: Madam President. Motion to adopt Ordinance No. 2019-61.

Councilman Fiebig: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilman Fiebig to adopt Ordinance No. 2019-61. Is there any discussion on the motion?

Councilwoman Pizmoht: Madam President. This is also very important to us living on Dodd Road, Dodd's Hill, Dodd's Landing, Milann all the roads down there because we drive that bridge often and we want it to be safe. I think that's pretty fair to say.

Vice President Plecnik: Madam President. If I could add, safety is really the reason why the City chose to keep the Pleasant Valley Road Bridge open, not just as a foot bridge but as a traffic bridge because the other exit of Pleasant Valley on to Chardon Road that is more eastward is really very steep and in the winter, it can almost be impossible for some cars to pass out during bad winter from that more easterly exit from Pleasant Valley Road on to Chardon. So, it is really safer for the residents on Pleasant Valley and for everyone who uses that cut-through.

President Fellows: So, I would like to mention that while Councilman Fiebig had said that this was of the most urgent nature, I'm paraphrasing, actually the Ohio Department of Transportation Program doesn't end until December 31st of this year; however, our Engineer is always "Pete-on-the Spot" giving us things months before so we have an opportunity to review it versus some other types of projects that we often times have to deal with. So, thank you for that, I appreciate that.

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

President Fellows: The 3-Reading Rule for Ordinance No. 2019-61 has been adopted.

ORDINANCE NO. 2019-62

AN ORDINANCE TO DECLARE CITY VEHICLE(S) AND/OR EQUIPMENT AS SURPLUS PROPERTY AND GRANTING AUTHORIZATION TO SELL SAID SURPLUS 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.

Vice President Plecnik: Madam President. Motion to waive the 2-Day Notification on Ordinance No. 2019-62.

Councilman Fiebig: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to waive the 2-Day Notification on Ordinance No. 2019-62. Is there any discussion on the motion?

Vice President Plecnik: Madam President. This too was received on Tuesday so it wasn't...

President Fellows: Wednesday, both of them.

Council Clerk: Both of them were received on Wednesday.

Vice President Plecnik: This was received by the Clerk's Office on Wednesday, I stand corrected. I actually did stop in on Wednesday and helped the Clerk to draft this Ordinance, so this is why it is necessary for us to waive the 2-Day Notification and the 3-Reading Rule, but the Mayor's office is certainly correct, the sooner we approve this, the sooner we can put it out to bid and more likely than not the higher price will be received because the longer your cars and vehicles sit, the harder it is to sale them, and the more maintenance issuers there are, so this is urgent.

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

President Fellows: The 2-Day Notification for Ordinance No. 2019-62 has been waived.

Vice President Plecnik: Madam President. Motion to waive the 3-Reading Rule on Ordinance No. 2019-62.

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. 2019-62. Is there any discussion on the motion?

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

President Fellows: The 3-Reading Rule for Ordinance No. 2019-62 has been waived.

Councilwoman Pizmoht: Madam President. Motion to adopt Ordinance No. 2019-62.

Councilman Hallum: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilman Hallum to adopt Ordinance No. 2019-62. Is there any discussion on the motion?

Vice President Plecnik: This is your chance, GovDeals.com to own your very own 2014 Dodge Charger with only 94,346 miles. Estimated value \$5,500 but I think that it might be worth a little more than that. And a 2010 Police Impala and the City is looking to sell these vehicles. And I can tell you from someone who drives a used police car myself, they are great solid vehicles. So, we hope that a lot of people will bid and will put the money back into your city.

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

President Fellows: Ordinance No. 2019-62 has been adopted.

RESOLUTION NO. 2019-9

A RESOLUTION ADMINISTRATIVELY DOCUMENTING THE CONTRACT RATE AMENDMENT FOR THE CONTRACT BETWEEN BROWNING-FERRIS INDUSTRIES OF OHIO, INC. AND THE CITY OF WILLOUGHBY HILLS FOR CITYWIDE TRASH AND RECYCLING PROGRAM AND REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Vice President Plecnik: Madam President. I would like to make a few notes about this Resolution replaces the ordinance that Council tabled which our Law Director ruled wasn't necessary because the amendments to the contract were permitted administratively and had already been made. We even discussed how the bills would be increased \$3.15 per quarter had been mailed out and many residents had paid them before it even came on Council's desk. So, the ordinance was tabled on the Law Director's advice and this Resolution came up in response with the thought that it would help inform residents about the new rates. Given that residents had received a new bill with the rates, I think that it is fairly widely known that there was a Senior Program that also discussed it. And I'm not sure that a resolution is the best way to spread information to residents. I do read every resolution that we post to our website but I would be very suspect that the average resident gets their news by scrolling through our resolutions. So, I'm not sure it's effective. But beyond that if you actually read the sections which are the effective portions of the Resolution, Section 1 which is really the meat of it says that "all ordinances or parts thereof in conflict of the provisions of this resolution be and are hereby repealed as the effective date of this ordinance." Number one, this is a resolution, not an ordinance; number two, resolutions of parliamentary matter are only statement of opinion by the legislative body that votes on them. You can not repeal, amend, change any of the laws of Willoughby Hills through resolution. We can make a statement through it but we cannot change the law. So, I really don't think this Resolution serves a purpose. It also purports to do something that it cannot do which is to amend conflicting legislation or laws, so I think it would be appropriate to table this Resolution but I wonder if our Law Director wanted to address the issue as well because it is a legal issue.

Law Director: Thank you, Councilman Plecnik. The issue of the language in here is well taken. A resolution cannot override an ordinance. As you say, it's an advisory notification and what have you. There may be other ways to get this information out more effectively. So, I would agree with you that this is, as I had said before, when this came up as an ordinance, that the contract was clear and that any changes would be done as a matter of course related to benchmarks in that. I think that if there had been concerns about if those benchmarks had been met that we could have had a different discussion. But as it pertains to the rate increase by the company, I don't think that takes an action of Council either by ordinance or by resolution.

Councilwoman Pizmoht: Madam President. With that, I am going to make a motion to table Resolution No. 2019-9.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Majka to table Resolution No. 2019-9. There is no discussion on a motion to table.

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

President Fellows: The 3-Reading Rule for Ordinance No. 2019-59 has been waived.

NEW BUSINESS

President Fellows: The next is New Business, is there any New Business to bring forth to Council this evening?

FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY

President Fellows: For the Good of the Order/For the Community?

Councilman Hallum: Madam President. First of all, I want to thank all the residents who came to Willoughby Hill's Day at the Captain's Stadium. I think that it was pretty well attended. The kids were running around and had a great day. It was actually pretty comfortable in the shade. I did want to mention that every child who was involved in a Willoughby Hills baseball league who came to the game was able to be out on the field with the athletes including the children whose coaches had not told the commission that these folks were going to be coming to the game. We were able to get them in as well. So, everybody was out on the field and I think everybody had a good time. Secondly, I just want to mention the signups for flag football started. So, if anyone is interested in signing up their children for flag football, please go out to the Recreation website, there are links out there for the applications and get those turned in as soon as possible. And we have the Art Gallery Reception on September 6th which is a Friday from 7 to 9pm. Touch-a-Truck is coming back on September 14th and the Fall Craft Show is scheduled for October 12th.

Councilwoman Pizmoht: Madam President. Councilman Hallum, you forgot to mention that tomorrow is the deadline to register for the Garage Sale Day. So, tomorrow is the deadline to register online for the Garage Sale Day. And on a more serious note, we had a horrific incident of domestic violence in Willoughby Hills recently and it made the news. It was just absolutely tragic and I just wanted to take a minute to say that 1 in 4 women are a victim of domestic partner violence in our Country. Every year around 800 sometimes more, reports of domestic violence are made to the police in Lake County alone and those are just what's reported. And so, if anyone is feeling threatened in their home, women feeling threatened and are worried about their children, they need to get help. We have a great resource in our county called Forbes House and they have a 24-hour helpline for anyone who is concerned about domestic violence, a victim of domestic violence or feeling threatened by their domestic partner, it's 440-357-1018. Again, that's Forbes House – 440-357-1018.

Councilman Hallum: Madam President. With the Garage Sale, as Councilwoman Pizmoht had said, the applications are due by tomorrow and that is to get your garage sale to show up on the list which be out on the website on July 29th. After that, if you decide you want to have a garage sale, you may have it, just know that you may not be on the list.

Vice President Plecnik: Madam President. Our neighbor from Lynn Drive can correct if I'm wrong, but I think that there is an upcoming Neighbor to Neighbor meal at St. Noel's Church on August 1st at 5:30pm. And for those of you who are not familiar with the Neighbor to Neighbor meal, it is a free meal provided by the Church, donations are certainly welcomed. The whole community is invited. I've seen everyone from Akron to Ashtabula residents come. It is a really wonderful event. The chief and the volunteers do an amazing job and food really brings the community together. As they always say at the start of the Neighbor to Neighbor meal, it's not about the food, it's about the community. Although some people laugh because they really love the food. The chief is extraordinary and the volunteers do an incredible job of bring out community together. So, if you've never been, 5:30pm, absolutely free at the banquet center in St. Noel's Church on Chardon Road. I go regularly myself, I know many people in the audience do as well, so a reminder this August 1st.

Councilman Fiebig: St. Noel's Church is also asking for used wheelchairs on August 10th from 9 to 1:00pm at the St. Noel's parking lot across the street from us. They are asking for the Wheels for the World Program which is a nonprofit that anybody who has used wheelchairs to please bring them to them. No walkers, cranes, crutches or electric wheelchairs. But these will be sent to those who are in need. If there are any questions, they can contact 440-946-1605. And a shout out to the Great Christmas Tree Farm, it's Christmas in July, over on Eddy Road we've had pretty much a Willoughby Hill's institution and at the Ohio State Fair they were awarded 1st Place for their Blue Spruce and their White Pine was in 3rd Place in the Pine Division. So, the next stop is the National Christmas Tree contest August 9th in Pennsylvania and the winner of that has the opportunity to take their tree to the President's house or the Vice-President's house. So, that's quite an honor here for our local tree farms. So, good for them. Kudos.

Councilwoman Lenz: Madam President. I have one last thing, I don't know if anybody mentioned it, on the 27th is our First Covenant Car Show, 9 to 3pm.

President Fellows: John did earlier, I think. But thank you.

Vice President Plecnik: No, no, the Mayor beat me to it. So, you're the third person...

Councilwoman Lenz: I am, I'm looking forward to it.

Councilwoman Pizmoht: Madam President. One more thing, just a reminder again, that Tuesday, August 6th is voting day. You can vote from 6:30am to 7:30pm in the Willoughby Hills Community Center or Calvary Church or wherever you normally vote. The only issue is the Willoughby-Eastlake School Levy. You can also early vote at the Board of Elections now until Election Day, the day before Election Day.

Councilman Fiebig: One more. Madam President, we have typically had a recess in August and I did see on our website that the two dates in August are listed. So, at times we have declared there is a recess in this last meeting of July. So, can I ask what the wishes are regarding to the meetings in August.

President Fellows: We have to wait and see if there is anything that we would need to address in August that would have to be addressed before the September meeting. I know that there are some of us at this Council table that will be on vacation for a couple weeks in August, so I don't have the numbers now whether we would have quorums or not. But I'll monitor that for Council. Right now, I would say that we would probably adjourn until the Regular Council Meeting of September 12th.

ADJOURNMENT

Councilman Fiebig: Okay, then I move to adjourn until the Regular Council Meeting of September 12th.

Councilwoman Majka: Second.

President Fellows: I have a motion by Councilman Fiebig and a second by Councilwoman Lenz to adjourn the meeting until the Regular Council Meeting of September 12th. There is no discussion on the motion.

Vice President Plecnik: Madam President. I do want to clarify that this is not making a motion to adjourn so that Council is somehow blocking itself from meeting if necessary.

Councilman Fiebig: Can always call a Special Meeting.

President Fellows: Correct.

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

Councilman Fiebig: Can always call a Special Meeting.

President Fellows: Correct.

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

The Regular Council Meeting of July 25, 2019 was adjourned at 8:42pm until the Regular Council Meeting of September 12, 2019.

APPROVED:

September 12, 2019
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council