

City of Willoughby Hills

Regular Council Meeting Minutes of June 27, 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, June 27, 2019 at 7:00pm in Council Chambers. President Fellows presided.

Pledge of Allegiance

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

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: Before we start this evening, Councilwoman Pizmoht is going to share a positive thought, a positive message.

Councilwoman Pizmoht: As you know, this year we have been doing an invocation before every Council meeting and it was my turn and on next Thursday, is Independence Day, July 4th, so in honor of that I thought it would be a good time to read our Declaration of Independence. It is an amazing document. It is one, I think, I haven't read enough in my life. I think it is a great way to appreciate why we are all here. It is just fascinating that for a long time our people here were governed by one person who had all the powers that are now shared by our federal, State, our local governments, our residents, our mayors, our governors, our legislators and our judges. All of that was in one person. So, with that, I will read our Declaration of Independence which was signed on July 4, 1776. There is an introduction, a preamble, and then there is the indictment. Thomas Jefferson wrote it and he included all the grievances that the colonies have against the King and then at the end it talks about what they plan to do about it.

The unanimous Declaration of the thirteen United States of America

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness.

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly, all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose, obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

President Fellows: Thank you. Something that we often forget about, how we got to be what we are today.

DISPOSITION OF THE JOURNAL

Councilwoman Pizmoht: Madam President. Motion to adopt the Regular Council Meeting Minutes of May 23, 2019.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second by Councilwoman Majka to adopt the Regular Council Meeting Minutes of May 23, 2019. Any discussion on the motion?

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

Motion PASSED.

President Fellows: The Regular Council Meeting Minutes of May 23, 2019 have been adopted.

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR'S REPORT: Thank you. Our Service Department continues to patch River Road responding to residents concerns about the weather that we have had. With River Road being almost done, they are rounding the bend near Rodgers Road and once that is completed, they will have it striped also. It is the only street that is not striped right now.

Work continues on Dodd Road and they put the pilings in and it looks really good, like it's not going to fall down.

Phase II of our NOPEC grant for the window and door replacement in City Hall is continuing and we anticipate the completion before the end of summer.

Thanks to our Service Department and Administration members for the fine job they did on Shred Day. We plan to have a second Shred Day for our residents on October 19th from 9 to noon.

Civil Service Commission is working with the Police and Fire Departments to conduct an entrance exam for new hires in September. The sergeant exam given by the Commission will be on July 1st to fill the vacancy left by the retirement of Sergeant Jackson.

The Police Substation is moving along, we got a little setback with Spectrum, they didn't put the service in. We expect them to be done and open, July 15th. We've done some things there, they had to fix the air-conditioned and a couple of things, so we're working on that.

A letter has been submitted to the W-E School Board for Produce Packaging CRA and look forward to the passage of Ordinance No. 2019-45 after the required 3-Readings and we can move this development plan forward.

A ribbon cutting was held at the YMCA Dream House last week and tours will begin the 29th which is this Saturday. I just ask that people be reverent to where they park because it is very tight there.

The Willoughby Hills Lions Club donated a dozen teddy bears to the Fire Department for them to pass out to kids that they come in contact with under emergency conditions.

The Administration continues work on the employee handbook. We received a package from PEP our insurance company and they got a program that helps us write it. It is free assistance and it is a nice product to enhance what we already have. So, we're working on that.

A resignation letter was received from Michael Germano serving as our City Police Prosecutor for Willoughby Municipal Court, effective July 7th. I would request that an emergency ordinance be passed next Council meeting with the appointment of Todd Cipollo to fill the position immediately. Todd has experience as a Prosecutor and has done an outstanding job for the City of Willoughby Hills while serving in Mayor's Court for many years. In fact, Police Chief Collins when he received notification that Germano was retiring, or resigning, he recommended that we look for Todd to fill the position. This speaks highly of the job that he has done. I believe we can mirror Ordinance No. 2012-27 in the way of compensation but that is up for discussion. We would not need to vet him because he is currently an employee. There would be no lapse in Prosecutor coverage and I would anticipate him to get the contract until January 31st with the new Mayor coming in, gives a month for the vetting process if there is a change to be made.

Since the last Council meeting, my sympathies go out to the Building/Service Clerk Denise Edwards in the loss of her husband Tim and to the Finance Assistant Sharen Michney on the sudden passing of her brother-in-law.

I support the following legislation: the adoption of the tax budget for 2020; the acceptance of the bid for the 2019 resurfacing in the glens; accepting the bid United Survey for the 2019 sewer rehabilitation; entering into an agreement for the purchase of an asphalt roller; fixing the compensation of the part-time Finance Director and the full time Assistant Finance Director; amending the BFI contract which entails an increase of \$1.05 for all households for trash and recycling. This will amend Ordinance No. 2015-11 which corrects the amounts in the exhibit that we had on the legislation; a motion declaring police firearms as surplus and a motion authorization to seek bids for the 2019 Dodd Road Resurfacing Project.

I received today the grant loan paperwork from ODOT for \$398,000 so that has to be reviewed and signed.

Finally, I would like to congratulate Eagle Scout Nathan Dolinar. I presented a Mayor's Proclamation to him in April. This is especially nice since I presented one to his brother Michael in 2014. This is a testament to the fine values instilled by parents, Scout leaders and teachers. I applaud all the Boy Scouts and Girl Scouts for the fine work they do.

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

Vice President Plecnik: Madam President. Not a question but I just want to follow on the Mayor's statement about Nathaniel Dolinar. His parents Greg and Lisa invited me to go to his Honor Core in Mentor and he was formally awarded his various pins and recognitions for making Eagle Scout. He had many, many badges, as we all know, beyond what was required and just such a wonderful family and they shared that he is going on to the University of Rochester to study engineering, so a bright young man with a very bright future and Willoughby Hills is very proud of him.

President Fellows: Thank you. Mayor, I did want to mention on Ordinance No. 2019-49 which is the tax budget that would be on 1st Reading as we are having our public hearing July 11th and then that would be 2nd Reading and 3rd Reading before July commences so that it would give it time to be submitted properly.

Council Clerk: It needs to be adopted after the 2nd Reading.

President Fellows: It has to be passed on the 2nd Reading. Frank, is that the time frame, what is the date, do you know? The 15th?

Finance Director: It has to be adopted by Council by July 15th.

President Fellows: So, we're having a public hearing in two weeks and then we will waive and adopt. Any other questions or comments for the Mayor. Thank you, Bob. The next is the Law Director's report, Mr. O'Leary.

LAW DIRECTOR'S REPORT: Thank you, Madam President. I just have a few items this evening. I did talk with the Mayor about Mr. Germano's resignation and had an opportunity to work with Todd Cipollo on Wednesday, in Willoughby Municipal Court because I work as a Prosecutor for Kirtland Hills on Wednesday, so I am there along with the Willoughby Hills Prosecutor. He is familiar with the Court, certainly familiar with the responsibilities. I have commented to him and to Council that I will help where ever I can. If there is any lapse, I am willing to cover until everything is resolved and either he is put on board or someone else to cover those Wednesdays. It is a very busy Court as it pertains to our cases. Unfortunately, some very serious crimes that need to be addressed, driving, etc. The Produce Packaging, again, I had recommended last time, and I will just reiterate what the Mayor had to say. As it pertains to the BFI contract, we initially had gone through and taken a look at it as it pertains to what they can and can not do. I did have a chance to go back and take a look at the 2015 ordinance related to that and it's my position that we do not have to take any action on this. We did that when we passed it in 2015. The contract is the contract and the provisions within the contract as to what they can do with rate increases were already approved by Council back in 2015. It is my understanding that the rates have already been communicated to the citizens and so they are aware of that, so I do not see the need for Council to take any action and I apologize for not bringing that up earlier to address that. And the last thing, and I am going to ask Councilwoman Pizmoht to help me with because I wasn't here for the Personnel Relations Committee meeting that we had a presentation from Clemans, Nelson regarding the employee manual. You may recall that I actually had made the recommendation that we consider them having previously dealt with them with another governmental body. It is my understanding that they have made a presentation, they have made an offer, and it would be my recommendation that Council go forward with that. I think it is time to get the handbook in order. You have that proposal from them?

Councilwoman Pizmoht: I don't have it with me, but I can forward it to you after the meeting.

Law Director: Okay. So, that concludes my report.

President Fellows: Thank you, Mr. O'Leary. Are there any questions for the Law Director this evening?

Mayor: I would just say the magnets for recycling that starts in July this year, they are in the mail. So, everyone will be getting those in the next week or so.

President Fellows: Thanks, those are very helpful. The next is the Finance Director's report, Mr. Brichacek.

FINANCE DIRECTOR'S REPORT: Just a short report tonight. Some good news, I just received the June Income Tax remittance from RITA and after six months, we're running about 11% ahead of last year. That's good news, that is about \$300,000. Typically, the first six months of the year, we collect about 50-55% of our final total. A little bit of the downside is none of the departments have advised me of any problems with the exception of the Fire Department, you may have to come back with some adjustments there relative to their staffing. And finally, the Tax Budget will be on 1st Reading tonight. It is the first step in the 2020 budgetary process. It is on the City's website as well as available for public inspection in the Finance Department. Other than that, I have nothing else to report.

President Fellows: Thank you, Mr. Brichacek. Any questions for the Finance Director. Frank, I have two items that I will pass down to you. These are statements for Court costs. One is for Robert Weger et al vs. Willoughby Hills City Council et al, 2018-L-051 for \$24.31 and the other is for Thomas Lobe vs. the City of Willoughby Hills et al 2018-L-052 for \$236.73. So, I am asking that these be paid.

Next is our City Engineer's report, Mr. Di Franco.

CITY ENGINEER'S REPORT: Thank you, Madam President. We received bids for the 2019 Street Resurfacing and 2019 Sewer Rehab Project and would like to award those contracts. So, I echo the Mayor's recommendation to suspend the rules and pass with an emergency clause, Ordinance No. 2019- 50 awarding the

Street Resurfacing Project to Specialize Construction and Ordinance No. 2019-51 awarding the Sewer Rehab Project to United Survey. I would also recommend or request a motion authorizing the Mayor to bid for the 2019 Dodd Road Resurfacing Project. Our intent is to go out to bid while we get the agreement approved for the loan from Ohio Public Works (OPWC). That completes my report.

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

The next is Council Committee Reports. I went back to see what was done since the last Council meeting and I believe Councilwoman Pizmoht had a Personnel Relations Committee, do you want to do a synopsis?

COUNCIL COMMITTEE REPORTS/ OTHER COUNCIL REPRESENTATIVE REPORTS

Councilwoman Pizmoht: Sure. I can't remember the exact date that we had met, was it May 30th or 31st. It was the Wednesday or Thursday, it was the Thursday because there was no Planning and Zoning Commission meeting, so if it's the 27th, I think that it would have been the 31st, it was the 30th. We had two topics on the agenda. The first had to do with our Fire Department. Chief Gandee had recommended that we change Ordinance No. 2019-36 which pertains to part-time firefighter compensation and he had asked that we change it to provide uniform allowances based on the amount of hours worked by our part-time firefighters rather than their pay classification considering that when we need to replace uniforms it is not necessarily as to what class you are hired into or what class your raise bumps you into but it is more on how long you have been wearing the uniform. So, that is a really commonsense suggestion and then he also recommended that we remove acting shift officer language from the ordinance because it is not applicable to the department practices. The committee agreed with Chief Gandee that these recommendations were appropriate and unanimously recommended that we ask our Council Clerk to prepare an ordinance for a future meeting.

The second issue had to do with our employee handbook. We had Andrew Esposito who is a partner with Clemens, Nelson address the committee. Clemens, Nelson is a firm that assists local governments with human resource issues. Our Law Director Mr. O'Leary, had worked with him and the Lake County Port Authority and he highly recommended that we speak with him about drafting an employee handbook for Willoughby Hills. Since we have several different unions as well as nonunion employees and have not had an employee handbook for a very long time, perhaps never, the committee unanimously recommended that the City engage Clemens, Nelson to assist us in drafting an employee handbook that protects the interests of our employees and our taxpayers equally. So, according to Mr. Esposito, for approximately \$8,000, Clemens, Nelson would work with the input of our employees, the Mayor, the Law Director and Council and provide on-call assistance for a year to deal with interruption, disputes, or anything related to the employee handbook and the implementation of it. Because the cost of it is less than what it would cost for a Willoughby Hills employee's time to write one from scratch, and no one on our staff has the labor or law expertise to do a good one, the committee unanimously agreed with our Law Director that we should engage Clemens, Nelson to help us to finally put employee policies and procedures in place for our city. I think that would be good for all of us. I stand open to questions, please.

President Fellows: Thank you. Are there any questions for Councilwoman Pizmoht on the Personnel Relations Committee meeting? Any other Council Chairs that want to share information about their committees?

Councilwoman Majka: Madam President. Just a quick reiteration that the Chagrin River Watershed Partners is offering a Master Rain Gardener Program. Registration is open right now. Seats are limited. The cost varies according to what certification you want, if you want a professional one or if you just want a backyard gardener. There is information on their website about this or if anybody wants further information you can see me and I can email you a copy if you need that. Classes will be starting in August and they are held on Wednesdays. I believe there are six times that they are meeting. Classes are three hours each, held locally at the Lakefront Lodge in Willowick.

Vice President Plecnik: Madam President. As the City's Representative on the Noise Abatement Council for the Cuyahoga County Airport, I received a call from the Airport Manager Rob Hartigan. He had informed me that a 1941 Boeing Stearman biplane is operating out of the Cuyahoga Airport. Essentially the pilot and one stunt expert are performing wing walking stunts. They are practicing for flight show season. They are primarily practicing over Kirtland although to some extent I have heard that some people at Squire Castle have seen it as well, but they are landing and taking off exclusively from the Cuyahoga County Airport. The plane has been operating for about a week and a half and will probably continue for about another week. Once it leaves, it is going on to the flight shows and is not coming back, at least not this year, who knows for next. But it is a very, very loud plane. In 1941, people were not concerned about noise abatement and I have talked to many Willoughby Hills and Kirtland residents who have told me they have heard a roaring engine. Some people were thrilled to see the plane, some people un-thrilled to hear it, but I do want to assure that the plane is only going to be here for about another week, so if you enjoy it, this is your last chance to see it. And if you are not a fan, it will be gone soon but the plane is following noise abatement procedures. It is just that it is very loud in even doing so. That said, the Air Manger has sat down with the pilot and has created the least noise intensive flight plan possible, so they have done what they can to reduce the noise, but it is still very visible, very noisy and hopefully we can appreciate the antique plane a little bit before it flews off into the sunset. But I have talked with many residents who were curious, what is this extremely loud plane, that's the story.

Councilman Fiebig: Madame President. Thank you, I've heard that today too and had fielded a few questions about that. Yeah, it is very loud, but not as loud as motorcycles that tend to roar down our streets as well. Madam President, the Safety Committee had made a recommendation to Council to adopt Ordinance No. 2019-40 and at our last meeting which unfortunately I could not attend, I see that it was tabled and there was no discussion on the motion. Just curious as to why that was tabled and what transpired there.

President Fellows: I would have to get back to you, I have, that was a month ago now.

Councilman Fiebig: That was the issue on the Grange, trying to follow the procedures that the Administration had asked Council to amend the Grange use of public property so that they could allow somebody to use a lockbox. So, just wanted to see what had happened with that. There was not discussion, there was just...

President Fellows: Well, when there is a motion to table, there is no discussion on the motion.

Councilwoman Pizmoht: Madame President. I believe that we would have to un-table the topic to re-discuss it.

President Fellows: I will go back and look at the minutes and notes that I may have, Dave. I have to be honest with you, I don't remember at this point.

Councilman Hallum: Madam President. Recreation. So, the Recreation Commission put out their minutes from actually the May 1st meeting, so just real quick, the youth softball and baseball teams have started playing, finally now that the rain has subsided and the fields are playable again. So, there are going to be a lot of rainouts and I would encourage anyone who wants to watch the kids play and it is a lot of fun and support the concession stand because all the proceeds go to help pay for youth sports here in the City. And we also finally got the results from the pancake breakfasts. There were a little over 400 people. The income was actually up a little bit from the prior year. We took in, after expenses, a little over \$1500 for the Recreation Commission. That was for the March 10th pancake breakfast. Then the eggstravaganza also, that ended up taking, they didn't have the final numbers as of this particular one but at the time it looks like it was around \$800 profit on that event as well. And then they have some events coming up, oh, if you are thinking of having your child sign up for flag football, signups have started. And then also be aware that the Night at Classic Park is set for July 20th, so go and get your tickets for Willoughby Hills Day at Classic Park. That's all I have for now.

President Fellows: Any questions for Councilman Hallum?

Councilwoman Pizmoht: Madam President. Councilman Hallum, when is the deadline to register for the Garage Sale Day? Do you know what that is?

Councilman Hallum: So, the Garage Sale Day is August 3rd. I'm actually looking to see if they actually put that in here, Councilwoman Pizmoht. I don't see it in here at the moment.

Councilwoman Pizmoht: Could probably look at the Recreation Facebook page.

Councilman Hallum: That's where I am...

Councilwoman Pizmoht: I mean, anyone interested could look at the Recreation Facebook page.

Councilman Hallum: Yes, certainly apply as soon as possible. I think that they will let anybody in at any time; however, if you want yours to be advertised with the rest of the garage sale so that people know what you are going to have, the earlier the better.

Councilman Fiebig: Madam President. And if I might add, last year I compiled that list and it took literally two full days to compile all the addresses into an excel spreadsheet and finally three to four days prior to, it was just impossible to add anymore and then reprint or redistribute. So, definitely three to four days would have to be the deadline.

Councilman Hallum: Yeah, I would plan a week out.

Councilwoman Pizmoht: I would say it is the 27th, I think I saw.

Councilman Fiebig: Madam President. I did notice, I think it was the City of Willowick who just announced today or yesterday that they were planning to do their own day, so I think our idea has spread.

President Fellows: It is a good idea.

Councilman Fiebig: Indeed.

PUBLIC PORTION

President Fellows: Moving forward, we will go to Public Portion. This is an opportunity for the public to come forward. Please state your name and address for the record. Please keep your comments to three minutes. I will open Public Portion at 7:38pm.

Ed McKenna – 2963 Lamplight Lane. Actually, have two items and one was already mentioned, at the last meeting, the ordinance to change the security at the Grange was tabled. The motion to table did not have any indication when it would come back, or conditions or time when it would come back, so I have an interest of when that will come back to the table. The second issue I have is, I wonder when the WHISPER Program will be allowed to use its donated funds again.

President Fellows: Thank you. Anyone else this evening? I will close Public Portion at 7:39pm.

UNFINISHED BUSINESS

President Fellows: So, to address your two concerns, a motion to table is off of the daises. The only way it comes back is by a motion to bring it back or it comes back to committee as another topic and is reintroduced. So, it is gone. The Law Director can expound on it if I am not explaining it correctly.

Law Director: You are correct, Madam President. Once it is tabled, there would have to be a motion to un-table it would have to carry to bring it back up for discussion or it would have to be reintroduced in a different form in order to be addressed in the future.

President Fellows: As far as the WHISPER Program, it is my understanding that there are some issues aligned with the program that are still under investigation, so the program has not been terminated it is just on a hiatus.

Vice President Plecnik: Madam President. If I could just follow on, I know that you and Councilwoman Lenz are more included to work than you are to talk about the work that you do, but I think that it is worth sharing that our Council President and Councilwoman Lenz have been working with the Lake County Council on Aging; have been reviewing the best practices of other cities and municipalities and looking at how we can rebuild our Senior Program without the issues that we have had in the past. Obviously, we want to have the strongest possible Senior Program. We want to give as many benefits as possible to residents and we want to take advantage of countywide services that previous recipients of the WHISPER Program just ignored. So, what we want is to have a comprehensive approach where we have a board or we have oversight, we have responsibility to make sure that we never have the issues of the past. But we're also giving maximum service and benefit to our seniors. I know that will be a substantial amount of work, but I give all the credit in the world to our two nurses on Council, especially Councilwoman Lenz because she dedicates her life to dealing with her clients that are often in the last stages of life and I can only imagine how difficult that is, but I think it gives a very incredible perspective to this body because it is hard to imagine those problems when you don't live with them yourself. So, I think we really have to approach this, not just by bringing back a very troubled, problematic program but by having a better program that really gives residents what they desire and makes sure that unlike the former city employees and residents who came up and talked about how they were denied services from the previous integration of the program because they didn't support the right politician. We want to make absolutely sure that there is not even a whisper of that kind of behavior again. And I know that we would name the program something different so it wouldn't be so controversial going forward as well. So, that is going to take a lot of hard work but I am sure that we will get there as a team working together is what we need to do to get there. But I think that there is no short answer to Mr. McKenna's question, but we certainly do not want the abuses of the past and I know that everyone is in agreement on that.

President Fellows: Thank you. Moving forward, Legislation.

LEGISLATION

ORDINANCE NO. 2019-45 – SECOND READING

1st Reading: May 23, 2019

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT ACT AGREEMENT BY AND BETWEEN THE CITY OF WILLOUGHBY HILLS AND 27853 CHARDON ROAD LLC (PROPERTY OWNER), PRODUCE PACKAGING, INC. (OPERATOR) AND DECLARING AN EMERGENCY.

President Fellows: As the Mayor had indicated this Ordinance will remain on 2nd Reading as recommended by the Mayor as he is still collecting information for it.

ORDINANCE NO. 2019-49

AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR 2020 FOR THE CITY OF WILLOUGHBY HILLS.

President Fellows: This will also stay on 1st Reading. We will have a Public Hearing at the next Council meeting, July 11th and as our Finance Director had indicated, this information is also on the website, and

then we will look to waiving the 3-Reading Rule and pass it at the next meeting so it can be submitted by the appropriate time.

ORDINANCE NO. 2019-50

AN ORDINANCE ACCEPTING THE BID OF SPECIALIZED CONSTRUCTION, INC. OF CUYAHOGA HEIGHTS, OHIO FOR THE 2019 STREET RESURFACING PROJECT AND DECLARING AN EMERGENCY.

Councilwoman Pizmoht: Motion to waive the 3-Reading Rule on Ordinance No. 2019-50.

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. 2019-50. Is there any discussion on the motion?

Councilman Fiebig: Madam President. As we heard from our City Engineer, this was important to waive the 3-Readings so that we can move forward with the road project.

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

President Fellows: The 3-Reading Rule on Ordinance No. 2019-50 has been waived.

Councilwoman Pizmoht: Madam President. Motion to adopt Ordinance No. 2019-50.

Councilman Fiebig: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilman Fiebig to adopt Ordinance 2019-50. Is there any discussion on the motion?

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

President Fellows: Ordinance No. 2019-50 has been adopted.

ORDINANCE NO. 2019-51

AN ORDINANCE ACCEPTING THE BID OF UNITED SURVEY, INC. OF 25145 BROADWAY AVENUE, OAKWOOD VILLAGE, OHIO FOR THE 2019 SEWER REHABILITATION PROGRAM AND DECLARING AN EMERGENCY.

Councilman Fiebig: Madam President. Move to waive the 3 Readings of Ordinance No. 2019-51.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to waive the 3 Reading Rule on Ordinance No. 2019-51. Is there any discussion on the motion?

Councilman Fiebig: Madam President. Once again, the City Engineer has recommended this and it is good news that it is 3.6% below his opinion of what the probable construction cost would be. So, that is a positive for us as well.

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

Motion PASSED.

President Fellows: The 3-Reading Rule on Ordinance No. 2019-51 has been waived.

Councilman Fiebig: Madam President. Move that Council adopt Ordinance No. 2019-51.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to adopt Ordinance No. 2019-51. Is there any discussion on the motion?

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

President Fellows: Ordinance No. 2019-51 has been adopted.

ORDINANCE NO. 2019-52

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A SALES AGREEMENT WITH OHIO CAT, 3993 EAST ROYALTON ROAD, BROADVIEW HEIGHTS, OHIO AND DECLARING AN EMERGENCY.

Councilman Fiebig: Madam President. Move to waive the 3-Readings of Ordinance No. 2019-52.

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. 2019-52. Is there any discussion on the motion?

Councilman Fiebig: Madam President. Since we did not have a meeting last time, I think this is urgent to get this piece of equipment in service, ASAP.

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

President Fellows: The 3-Reading Rule has been waived on Ordinance No. 2019-52.

Councilman Fiebig: Madam President. Motion to adopt Ordinance No. 2019-52.

Councilwoman Lenz: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Lenz to adopt Ordinance No. 2019-52. Is there any discussion on the motion?

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

President Fellows: Ordinance No. 2019-52 has been adopted.

ORDINANCE NO. 2019-PAY INCREASE FOR FINANCE DIRECTOR

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

President Fellows: This will remain on 1st Reading and will go into the Finance and Personnel Relations Committees

ORDINANCE NO. 2019-PAY INCREASE FOR ASSISTANT FINANCE DIRECTOR

AN ORDINANCE FIXING THE COMPENSATION FOR THE FULL-TIME ASSISTANT FINANCE DIRECTOR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

President Fellows: This will remain on 1st Reading and will go into the Finance and Personnel Relations Committees

ORDINANCE NO. 2019-BFI CONTRACT AMENDMENT

AN ORDINANCE AMENDING THE CONTRACT BETWEEN BROWNING-FERRIS INDUSTRIES OF OHIO, INC. (BFI) AND THE CITY OF WILLOUGHBY HILLS FOR CITYWIDE TRASH AND RECYCLING PROGRAM AND REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

President Fellows: This will remain on 1st Reading and will go into the Finance and Personnel Relations Committees

RESOLUTION NO. 2019-8

A RESOLUTION CONGRATULATING NATHANIEL DOLINAR ON ATTAINING THE PRESTIGIOUS RANK OF EAGLE SCOUT AWARDED BY THE NATIONAL BOY SCOUTS OF AMERICA.

Vice President Plecnik: Madam President. Motion to waive the 3-Reading Rule on Resolution No. 2019-8.

Councilwoman Pizmoht: Second.

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

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

President Fellows: The 3 Reading Rule for Resolution No. 2019-8 has been waived.

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

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht. Is there any discussion on the motion?

Vice President Plecnik: Madam President. Once again, Nathaniel represents the best of Willoughby Hills. His family has been dedicated to Scouts for a very long time. I actually learned that his mother is the one who has organized the Honor Courts for his Scout Troop for many years and so, they have really dedicated themselves in a way that very few families have and it is the smallest thing that we can do, is to recognized them as we do all of our Eagle Scouts as the Mayor has with his proclamation and I am very much looking forward to, hopefully, Nathaniel joining us for this presentation.

Councilman Fiebig: Madam President. I also had the pleasure of coaching this young man and his brothers during the years here as a coach. He even helped out with my son's Eagle projects as well. He certainly is a very fine young man, well deserving, and it does take a lot of hard work and I also would congratulate his

parents on this. It is not easy to keep a kid focused especially in the modern era where there are so many distractions and other things that get children, young men and now young women too that can be involved with Scouting, something that really helps shape the fabric of character for many, many years to come. Again, congratulations. I urge a unanimous vote of yes on this.

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

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

NEW BUSINESS

Councilwoman Pizmoht: Madam President. Motion to authorize the Mayor to seek bids for the 2019 Dodd Road Resurfacing Project.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Majka for the Mayor to seek bids for the 2019 Dodd Road Resurfacing Project. Is there any discussion on the motion?

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

President Fellows: The motion to authorized the Mayor to seek bids for the 2019 Dodd Road Resurfacing Project has passed.

Councilman Fiebig: Madam President. Likewise, the motion to declare as surplus various firearms that were presented to us in a memo; I think that we should continue on with the tradition of making the motion and allowing them to be declared as surplus, so I would make the motion to declare those various firearms as surplus.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to declare various firearms as surplus. Any discussion on the motion?

Vice President Plecnik: Madam President. I'll be voting no on this motion because in my discussions with the Law Director, he confirmed my understanding that it is not legally necessary for these to be declared as surplus. They fall under the amount of money required. So, while it is certainly permissible for Council to make this motion, it is not required or necessary and I am not personally in favor of adding to the business of this Council in delaying declaring surplus and selling items for votes when as we have already learned selling things as quickly as possible does get the City the highest possible price. So, I do not believe in the practice of unnecessarily declaring items as surplus by Council vote and delaying those sells until Council votes. So, I'll be voting no for that reason.

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

President Fellows: The motion to declare various firearms as surplus has passed.

Councilman Fiebig, I heard possibly that you would like our Council to provide a resolution to Michael Stanley as he is a Willoughby Hills resident and he just received a Cleveland Arts Prize/Award on Saturday, May 4th for his lifetime work as a singer and a guitarist. There is not a whole lot of information on that, I am sure Vicki can look to gather more. Would you like to go forward with that?

Councilman Fiebig: Whatever the wishes of Council are. It was the unique experience of naming a street in downtown Cleveland after him in recognition of his significant accomplishments in the field of music for the greater Cleveland area and the fact that he is a resident of our City, I think it does rise to that level that we've discussed from time to time, you know, about when do you recognize someone for an outstanding achievement. And while there are many, many, people in our community who do outstanding things the very public recognition of this, of naming a street, I thought was something I think we should at least consider. So, that is why I brought it up through the channels of email.

President Fellows: I mean, I think it is a good idea but sometimes when you have famous individuals that live in your community, sometimes they like to leave that alone.

Councilman Fiebig: And this is true, he does strike me as a very humble man and does not necessarily draw attention to himself but that being said, that doesn't stop us from doing something nice which is to recognize a significant accomplishment of somebody. Whether or not they want to come here to make it a much to do about it, we could very quietly deliver something. There are other methods than to have a lot to do about it, but it is whatever the wishes of Council would be and thank you for considering it.

Law Director: Madam President. As a side, Michael Stanley will be performing this Saturday night at Lakeside Chautauqua, a place where my family vacations in the summer, at the Hoover Auditorium on the 29th of June, if anyone would like to go and see him.

President Fellows: So, the Law Director just move right into the Good of the Community.

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

Councilwoman Pizmoht: Nice segue.

Vice President Plecnik: If I could just jump in, while our Law Director may want to hear from Michael Stanley on June 29th, and I think that would be amazing. There is another musical event on June 29th, this Saturday, starting at noon but really kicking off at 2pm at our Willoughby Hills VFW, it is Sahara Music Fest. This is the second annual, so it was very big last year. It was a great time. There are free hot dogs, free beer and a lot of free music. I know Ted Riser is the main band but there are going to be many of bands that use to play at the old Sahara Club in Willoughby Hills. I know that anyone who has visited the local tavern has seen the little light up sign, the Sahara Club out in the backdoor patio but the big Sahara Club sign, the one that you might remember from the street is actually privately owned and the owner is bring that sign so you can take pictures with your friends and prove you're still cool if you come to the VFW. There will be a few raffles, what have you, but any proceeds go to benefit our veterans, benefit the VFW Post so it is a very good cause. But most is honestly free, I expect a big crowd, I am going to be there. I hope that everyone at this dais will come. I think that it is going to be a blast. You know, working together is important, but having a little fun together as a community is important too and we thank our VFW for putting it on.

Also, along the lines of Michael Stanley, I agree that when a resident in Willoughby Hills does something truly notable, that it is important for it to be recognized and I was really amazed when I found out that just days ago, the Ohio Secretary of State, himself, recognized a Willoughby Hills resident as the Election Official of the Year for the State of Ohio. Now this person has been on the Board of Elections for decades and is now the Chair of the Board of Elections. And while it is no surprise to me that his work is unimpeachable and the best in the State, it is a surprise that, that quiet, hard work is so highly recognized and I want to say congratulations to our

Council President on marrying well because her husband Dale Fellows, the Chairman of the Lake County Board of Elections was so recognized by the Ohio Secretary of State as the Election Official of the Year. And I think that it gives us the greatest confidence and the freedom and care in which our elections are conducted, not just for Willoughby Hills but all of Lake County that this is the #1 Election Official in the State and I don't think that there is a Council resolution big enough to encompass that, so I just want to say it myself, congratulations Dale Fellows.

Councilman Hallum: Madam President. I just want to say that talking about the youth softball, baseball leagues, last week our 12-U team from Willoughby Hills, they are along with other team, and I don't remember where they are from at the moment, they were both undefeated and you missed a great game because our team was down one run in the final inning and they tied it up, it went into extra innings and then ended up winning. So, they are now the only undefeated team in that league.

President Fellows: Amazing, great, great. Anyone else?

Councilman Fiebig: I'd like to wish everyone a happy 4th of July and Independence Day.

President Fellows: Safe and happy.

ADJOURNMENT

Councilman Fiebig: Move to adjourn.

Councilman Hallum: Second.

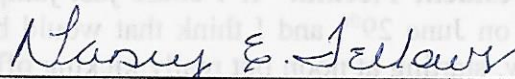
President Fellows: I have a motion by Councilman Fiebig and a second by Councilman Hallum to adjourn. There is no discussion on the motion.

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

The Regular Council Meeting of June 27, 2019 was adjourned at 8:00pm.

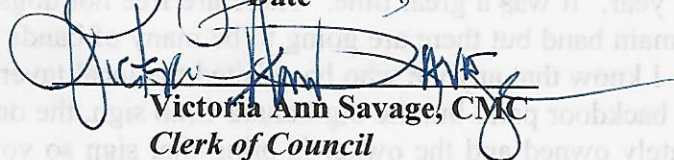
APPROVED:


Date



Nancy E. Fellows
President of Council

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council