

# City of Milloughby Hills

## Regular Council Meeting Minutes of March 28, 2019

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

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The Regular Council Meeting was called to order on Thursday, March 28, 2019 at 7:07pm in Council Chambers. President Nancy E. 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

**President Fellows:** Before we begin our business this evening, Vice President Plecnik is going to share a prayer with us.

### INVOCATION/POSITIVE MESSAGE

**Vice President Plecnik:** Thank you so much, Madam President. I want to start by sharing that St. John the Baptist has always been a very special inspiration to my family. The oldest son is always named John, so I'm John, son of John, son of John but ultimately it goes back to St. John and I personally look at him as the original whistle blower, the lone voice crying in the desert. The man who speaks truth to power regardless of the consequence and he inspires a lot of what my father and what I have done in our lives. But I actually learned a few years ago, that my father is not actually John Plecnik. His legal name is John the Baptist Plecnik because his father wanted him to have the protection of the Saint and it was also the name of the church in our little village in Slovenia. So, with that affection noted, I'd like to share the pray, sometimes called the Novena of St. John the Baptist because I think it would be an inspiration to all of us as we look at the three main stages of the Saint's life.

*"O Glorious St. John the Baptist, greatest prophet among those born of woman, although you were sanctified in they mother's womb and did lead a most innocent life, nevertheless it was your will to retire into the wilderness, there to devote yourself to the practice of austerity and penance, obtain for me from our Lord the grace to be wholly detached, at least in my heart, from earthly goods, and to practice Christian mortification with interior recollection and with the spirit of holy prayer.*

*O Most Zealous Apostle, who, without working any miracle on others, but solely by the example of your life of penance and the power of your word, did draw after you the multitudes, in order to dispose them to receive the Messiah worthily and to listen to his heavenly doctrine, grant that it may be given unto me, by means of your example of a holy life and the exercise of every good work, to bring many souls to God, but above all to those souls that are enveloped in the darkness of error and ignorance and are led astray by vice.*

*O Martyr Invincible, who, for the honor of God and the salvation of souls, did with firmness and constancy withstand the impiety of Herod even at the cost of your own life, and did rebuke him openly for his wicked and dissolute life, by your prayers obtain for me a heart, brave and generous, in order that I may overcome all human respect and openly profess my faith in loyal obedience to the teachings of Jesus Christ.*

*O God, by the commemoration of blessed John the Baptist, grant unto your people the grace of spiritual joy, and direct the minds of all your faithful into the way of everlasting salvation. Amen."*

## **DISPOSITION OF THE JOURNAL**

**President Fellows:** The first order of business is the Disposition of the Journal for the Regular Council Meeting of March 14, 2019.

**Councilwoman Pizmoht:** Madam President. Motion to adopt the Regular Council Meeting Minutes of March 14, 2019.

**Councilman Fiebig:** Second.

**President Fellows:** I have a motion from Councilwoman Pizmoht and a second from Councilman Fiebig to adopt the Regular Council Meeting Minutes of March 14, 2019. Is there any discussion on the motion?

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

**President Fellows:** The Regular Council Meeting Minutes of March 14, 2019 have been adopted.

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

## **ADMINISTRATION REPORTS & COMMUNICATIONS**

**MAYOR' REPORT:** Thank you. The budget and budget message have been presented to Council. I support this balanced budget and encourage Council's passage tonight.

I support the passage of the ordinance that will allow the surplus vehicles and equipment for sale on the internet auction. All vehicles and equipment being auctioned will appear in the News Herald and on two separate occasions and will be posted in City Hall for any interested parties.

I support the passage of the ordinance to approve Rob Gandee as our new Fire Chief. I'm anxious to have him confirmed so that we can move forward with our fulltime hiring and upcoming equipment purchases.

I received notification today from Willoughby stating that River Road will be closed from Route 84 to the bottom of the hill by Gully Brook Park from April 1<sup>st</sup>, that's Monday to April 30<sup>th</sup>. Maple Grove Road is the detour during this construction period.

I recently delivered my State of the City to our seniors and appreciated their attendance. Their main concerns seemed to be about yard waste and the dump that has been recently closed. I look forward to my final State of the Cities that will be delivered at the Rotary Club on April 15<sup>th</sup>.

I'm currently working with the Road Superintendent Grubiss to attempt to reopen the dump on a limited basis for residents only. Once this is available, an announcement will be made and residents will be notified. It will be only for brush. No leaves, plastic bags, paper bags, flower pots or branches over 8 inches thick. It will be

manned and all those who plan to dump there will be completing a form and must show their driver's license. No commercial dumping will be permitted. We are doing this for service for our residents. Basically, what we have to do, the leaves when they decompose, they go into the creek that is right below there, that's why we can't allow leaves to be dumped there anymore. So, once Mark cleans up the rest of the dump, we will open it.

Work on the Stratford Pump Station has begun. The force main underneath Stratford Drive is done. The electricians are next to complete their work, followed by Buckeye Pumps. I anticipate that to be totally done by the end of April.

Our first meeting of the Business Advocacy Team (BAT) has been set for Monday, April 1<sup>st</sup> at 8:00. All interested parties who previously notified me have been notified.

Finally, my condolences to the family of David Stewart who past away earlier this week.

That's all I have.

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

**Vice President Plecnik:** Madam President. Mr. Mayor, I'd definitely like you to share your sense of when you think the brush pile could be reopened. It's definitely a very high priority for our residents and I know that they would appreciate having even a rough timeline of when they could anticipate it. We've certainly all have asked and I know you've asked the Service Department to move heaven and earth to make that happen and it would be nice to be able to go back to our residents and tell them when we can expect it.

**Mayor:** As soon as they cleanup the dump, they're planning on doing that tomorrow and they hauled the brush and leaves that's there tomorrow, as long as that doesn't breakdown, maybe by the middle of the month, the end of the month.

**Vice President Plecnik:** Middle to the end of the month?

**Mayor:** Yes.

**Vice President Plecnik:** And speaking of the end of the month, the last update we got on the Police Substation was that we were hoping to open it in the Shoppes of Willoughby Hills by the end of the month. Are we on track for that or do we have a new date?

**Mayor:** May 1<sup>st</sup> is the new date.

**Vice President Plecnik:** May 1<sup>st</sup> is the new date.

**Mayor:** Yes.

**Vice President Plecnik:** Is that solid?

**Mayor:** It's as solid as I can be.

**Vice President Plecnik:** Do we know why it's been taking longer?

**Mayor:** Just getting the vendors in there to make all the changes that they need to make. The security and all the implementation of the things to make it happen.

**Vice President Plecnik:** We appreciate your and the Police Chief's hard work on that and we're excited to participate and formally opening the station. I think with the smash and grab at the CVS and the other issues that we've had it will be a real reassurance to my neighborhood in particular to see that open.

**Mayor:** Yeah.

**Vice President Plecnik:** Thank you.

**Councilman Fiebig:** Mayor, I met with Mr. Grubiss this week as well, and we discussed for a bit of time about the brush pile and the challenges that are there. I've talked with Republic Services as well to try to get a pinpoint as to what their policy would be and it's a reminder to the residents that they can put, if there's some twigs, branches, they can up them into their bin, if they do have that service, they do allow that if you do have room. So, you can dispose of some of that yard waste that way. I know one of the challenges we talked about was picking up all of the dirt and soil that's there and how many loads that it is going to take to haul. But I understand that there are a few places in our City that we can use some clean fill dirt, so that's a benefit and if we could get on to that right away then we're going to have a good opportunity to move that. But the challenge would be to staff that, to have somebody, you know, checking because in the past we've had so many problems with people just dumping stuff, that it really becomes a problem for our service workers. So, if you want us to have a Service meeting to talk about it in more detail or if you need anything from us on Council, we'd be glad to do it.

**Mayor:** Yes. If you could plan a Service meeting that would be appreciated.

**Councilman Fiebig:** We can do that. All right. Great.

**President Fellows:** Any other questions for the Mayor this evening?

**Councilman Fiebig:** Just one more, to highlight Willoughby closing River. The Gully Brook Park will remain open. So, people can still use the park. They'll need to come from, not from Ridge Road but south from our City. So, Gully Brook Park will remain open.

**President Fellows:** Thank you, Mayor. 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. I had the pleasure of attending the senior luncheon to hear the Mayor speak at the State of the City. In fact, there were a lot of you there and it was nice to get to meet some folks that I hadn't had the chance to meet yet. I thought that the questions were quite informative and you didn't duck any questions. You did a nice job and so, anyway, I attended that. At the last Council meeting, I did forget to mention that I had attended the Board of Zoning Appeals meeting and Frank Cihula taught me the ropes on how we do BZA here in Willoughby Hills and I appreciate that. Last night, or yesterday afternoon, I attended the Lake County Ohio Port Authority in Economic Development Authority Board meeting and I was amazed at some of the opportunities that we have through the Port Authority for funding grants, etc. There were a couple of programs that they brought up that I actually talked to Mark Grubiss about today. We didn't get a chance to chat about it because I had to leave before I had a chance to chat with the Mayor about it. But I've already talked to Mark Grantella who is the Executive Director there about how Willoughby Hills might benefit from some of the dollars that they can offer for things that we need here in the City. So, that's all I have. Thank you.

**President Fellows:** Thank you. Any questions for the Law Director this evening? Thank you. Next is the Finance Director's report. Mr. Brichacek.

**FINANCE DIRECTOR'S REPORT:** We currently have two sets of auditors, who started out with the local government services a few weeks ago and the general audit started this last week, so we are working with them

and I would request passage of the budget tonight in order to meet our March 31<sup>st</sup> statutory obligation; the budget as amended.

**President Fellows:** Thank you. Any questions for the Finance Director? Thank you. The next is the City Engineer's report, Mr. Di Franco.

**CITY ENGINEER'S REPORT:** Thank you, Madam. President. I would support the passage of Ordinance No. 2019-23 and 2019-24, these are to award the construction contracts to Nerone and Solar Testing for the Dodd Bank Stabilization Project. Although these are on 1<sup>st</sup> Reading, I would request that they get passed today under suspension of the rules. The bank is continuing to erode, so the sooner we can start, the better. And also, we're planning to resurface Dodd Road in the summer so this project needs to be done before we can do that as well. We did receive the approvals from the Army Corp of Engineers and the Ohio Department of Natural Resources for the Bank Stabilization Project and that allowed us to submit to the EPA for the final permit that we need, so that's moving along. Today we also received bids on the Street Striping Program and the low bid appears to be JD Striping at about \$51,000 which was under the Engineer's estimate of just over \$60,000, so that looks good and we should have an ordinance ready for the next meeting. And that concludes my report.

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

**Councilwoman Pizmoht:** Madam President. Yes, so I know that the trees had to be removed at the Dodd Road Stabilization site. I talked with the Mayor about that and he said it was because of the Indiana Bat. The trees needed to be removed by March 31<sup>st</sup>. It's quite nice now because you can really get a nice view of the river there, but does that, I know that the trees probably were helping the situation and by removing the trees has it made it a little bit less stable than what it was before?

**City Engineer:** Probably, yes.

**Councilwoman Pizmoht:** Yes, so has our target date been, do we have a better idea of a target date to start might be?

**City Engineer:** I didn't bring the schedule with me but we're still on schedule.

**Councilwoman Pizmoht:** Okay. The end of May, the beginning of June, I think that's where we last left off.

**City Engineer:** Yes.

**Councilwoman Pizmoht:** Okay, great.

**Councilman Fiebig:** Just a reminder to residents, you'd mentioned that trees were being trimmed. The Road Superintendent does need to cut branches that are in the right-of-way. As plow trucks and other trucks drive by they hit those. So, if there is some trimming going on in the City, it's only in the right-of-way that, that's being done. But I wanted to ask the City Engineer, did you have any updates on Produce Packaging and the sewerage and things like that, that were still left undone

**City Engineer:** I haven't heard much. I did hear from them yesterday. They requested a letter confirming the zoning approval that was granted, so I prepared that. They said that they were working on closing the transaction, so it's moving along.

**Councilman Fiebig:** Great. Thank you.

## COUNCIL COMMITTEE REPORTS/ OTHER COUNCIL REPRESENTATIVE REPORTS

**Vice President Plecnik:** Madam President. Although the Finance Committee has not met between these Council meetings, I have been in several meetings with the Mayor and the Finance Director working on this budget and I want to reiterate both the Mayor and Mr. Brichacek's statement that its critically important that we pass the budget tonight given that we are statutorily obligated to do so by March 31<sup>st</sup>. It is true that we had less time than normal to review it but I think that we've come together, worked very hard to thoroughly go over the budget and as the Mayor has stated, it is a balanced budget now for the fourth year running and I think that we can be proud of that collectively as a City. We earlier today sworn in the second Council appointed member of the Board of Income Tax Review, Keith Martinet who has just stepped down as the Finance Director of Kirtland, so he is not only one of our neighbors and resident, who is eminently qualified person in the area of city finance and when we remarked to him that we were balancing the budget and reducing the debt and had a carryover of over a million dollars, he essentially commented on what an extraordinary achievement that was. And he was like, you know, I wish my City would do that and the Mayor and I looked at him and said well actually you live in Willoughby Hills, not Kirtland. He said, wait, you're right, my City did do that! It was nice to hear Mr. Martinet comment on what an achievement this budget was given that he really knows and I think that we can all be collectively proud as residents and neighbors and I would encourage passage of it tonight as well.

**Councilman Fiebig:** Madam President. As we just heard, a Service Committee Meeting would need to be called so that we could discuss the brush pile or any other business. I'll ask my committee members when the best time would be, but for example, if you are going to hold a Rules and Legislation the Monday prior to the next Council meeting, then that would be an opportunity or perhaps prior to the next Council meeting. So, we'll just, I'll let people know via email when the best time would be to get everybody together. Thanks.

**President Fellows:** Any other Chairs of Committees? Okay. Moving forward, are there any other Council Representative Reports this evening?

## PUBLIC PORTION

### Section 107.08 – Public Meetings of Municipal Bodies

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

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

**President Fellows:** This is an opportunity for individuals to come forth. We ask when you do, to state your name and your address for the record and try to keep your comments to 3 minutes and I will open **Public Portion at 7:20pm.**

**Jenna Bing – 36951 Beech Hills Drive.** I do understand that the budget needs to get passed. I've looked at the budget from having things that Mr. Brichacek had given me a few months ago. I mean, it generally looks pretty good and then, here's my problem. It's looks pretty good, everything looks fine, but anytime I'm looking at accounting things, you look for those things that are just like, what and there's like \$20,000 appropriated to the WHISPER Program which based on an ordinance, no money is every expected to be, you're not allowed to spend any money on WHISPER, it's not an active thing right now because of an ordinance that was passed in 2018, so I don't quite understand why anyone would ever propose \$20,000 which is like way more than what had been put in other years when I look back at other budgets. So, it's just annoying and it makes me personally question what are we doing with our money and what little games are going on in our money? I mean like why are we doing that kind of thing and proposal something like putting money into a fund that we can't use then for other things. Like, if we had \$20,000 more, why didn't you just dump it in roads? You know, why dump it into an account that we can not by ordinance spend. So, that just, I don't have a problem with passing the budget, I'm sure that the general budget is fine, but that is annoying. The second part of

annoyance is, I didn't have anything to look at in a recent way because even though I know we recently passed an audit in 2017, and our audits are usually done and put in by July of that year, so July 2018, our 2017 stuff had been audited and it's not online. So, you have a staff, Mr. Brichacek now, so can you please get somebody to post the things and get us caught up because this is really ridiculous for us to have to look back to 2016 reports to be able to see what was even in a budget or been spent in a prior year when I should be able to look at something a little bit more current which brings me to the third point that annoys me is, I don't understand why when it says, I think in the Charter someplace, that you are suppose to report monthly. It's simple things, just give us a summary report of "we spent this amount of money in the top major funds and this is what we brought in". And then the residents would actually know, "oh, this is where my money is going" because it is our money and that has to be kept aware. Now, the fourth thing is a very minor one, but I also tried to look because you had told me, Willoughby Hills owns a couple of houses that were purchased because there was a need to purchase them and take them off from being used some other way. That's great, so I go on to the Lake County GIS and I can no see, we own a little sliver of land some place, but I can not see that Willoughby Hills owns a piece of property in the tax records and it should be on the tax rolls if we own a house that we're getting income from, I would think and I looked at all the lost around here that I could because I thought it was near industrial areas or mill stuff, so could somebody please tell me where is the housing that we own and how many do we own? Are they rented and where is the address because I would like to see how much we spent for them and I can do that, not by looking at our records which are really hard to look through but through the Lake County tax records? So, if you could, if somebody could get me the addresses, I would really appreciate it because when I see strange things like \$20,000 put into an account that we're not going to ever use, I start questioning a whole slew of things. It would probably keep me shut up if you would help kind of move some of these things along and get me information. Thank you.

**Chris Welsh – 38801 Chardon Road.** So, I echo what Pete said, hire Nerone, they're a great company. The City of Lyndhurst uses them for emergency repairs. They show up when they are supposed to be there, they do a good job. So, if you hire them for the Dodd Road Project, it will be solid work. The brush drop-off, whatever you want to call it, saying that it's a dump is a bad idea because when people see "dump" that's what it will turn into a dump, it's a dump and I had first hand knowledge, somebody who looked at that, the reason that it's...over there is because of all the garbage that's in there is construction debris. Nobody is going to take that. If the City has a chipper, they would be better served picking it up at the houses. Willoughby Hills only has about 2800 houses. A couple of guys with a chipper and a dump truck can handle that because you're not dealing with rubbish, you're not dealing with recycling. You really don't have a tree program, so that way you know what's coming out of Willoughby Hills. If it's something that you don't accept because it's a brush, it's a root ball, etc., you leave it and people will get the hint that you don't accept this. If it's a contractor rubbish or a contractor job and you have knowledge of that, you refuse to pick it up because the contractor has to remove it themselves. And the other thing, if you have to fill out a form or show an ID, Joe Blow that lives three cities away is going to get their grandmother or aunt to come in here with their driver's license to dump their stuff. Just a suggestion, thank you.

**Mike Tyler – 2770 Worrell Road.** Madam President, Council Members, Director, City Engineer, Mr. Mayor. My daughter just became a part of the workforce this past year and filing her taxes, I noticed the Federal Government as well as the State Government seems to be giving her money back and unfortunately, I can't say that about our City. I think it's time that that re review our 1.5% tax credit seeing that every other City seems to manage 2% tax credit. I think that needs to be reviewed now. I'm saying this as a protective father and secondly, there is still 74 bumps that way and 68 bumps this way on Route 6 between 174 and Worrell Road and if I could have a timeline, I don't care if it's 2030, please just give me a timeline when this thing is not going to drive me crazy anymore. If we could have it just taken out individually, each, but they're four inches high during the winter and thank you very much.

**Cheryl Ota – 2960 Marcum Boulevard.** Since there was no Rules and Legislation meeting this week, I was wondering if someone could explain to me Ordinance No. 2019-25. Thank you.

**Frank Stanoca** – I’m not a resident of Willoughby Hills. I live in Willoughby at the Skyline Inn. I’ve lived there at least for the last five years. Before that I was a long-time resident of Chesterland and this gentleman covered a bit of what I wanted to talk about, the portion of Route 6 between Worrell Road and actually a little bit further west, the curve west of River Road. He’s counted them, he’s pretty close, they’re like speed bumps. It’s a disgrace and when you get outside that it’s smooth again and we should give some consideration to Route 6 is the longest highway in the United States, it’s said to be an avenue of nostalgic pretty except for this one-and-a-half-mile stretch. I hate for Willoughby Hills to take that...I’ve complained about this before. There was some small improvement, but it was almost acceptable and I don’t think it’s that big of a job to knockoff these speed bumps. Thank you for hearing me.

**Mike Tyler – 2770 Worrell Road.** By the way, the snow removal this year was fantastic. I just wanted to say that. Thank you.

**Nancy Palinkas – 35475 Chardon Road.** I was stuck in the elevator across the street and the Fire Department they did a wonderful job opening up the door...they did a good job, thank you.

**President Fellows:** Anyone else this evening? **I will close Public Portion at 7:31pm.**

### **UNFINISHED BUSINESS**

**President Fellows:** Houses owned by the City, Mayor, I know we have a list.

**Mayor:** We have one house.

**President Fellows:** Don’t we have two? We have one on SOM and we have one here on Chardon.

**Mayor:** No. There’s no house there.

**President Fellows:** It’s just property. Okay.

**Mayor:** SOM Center, I don’t know the address, but...

**President Fellows:** Okay. So, the home owned by the City is on SOM Center, it’s on the western side.

**Mayor:** It’s four up from Cleveland Clinic.

**President Fellows:** And then it’s one that you can’t see because there’s so much beautiful hedges that are overgrown in the front of it. The other one is a piece of property that’s a couple doors down from City Hall that’s just property, there’s no house on it now. I think that Fire Department practiced on it, didn’t they?

**Mayor:** No. They couldn’t.

**President Fellows:** Okay.

**Councilman Fiebig:** The Fire Department did practice on the Shell Station though. Last week.

**President Fellows:** So, Mike Tyler and Frank, we’ve had many discussions and Pete could probably speak to it, Chardon Road is a State Road, so there are schedules that we have to follow. We can share information with the State but the, I don’t know, Pete or Mayor could probably answer better.

**City Engineer:** Mr. Tyler knows we’ve been communicating with ODOT. They rate the road every year or two, and it is an expensive project, I forget off the top of my head but we’re talking close to a million dollars.



So, we're waiting for ODOT to rate it, you know, where they will provide funding and I don't remember what the year was that they had planned. But I haven't heard anything since we've communicated with them last year.

**Councilwoman Pizmoht:** Madam President. Mr. Tyler and I had spoke with ODOT about it and I believe it was rated about a 5, on a scale of 1 to 10; 5 to 7, something like that. So, it was pretty far away from becoming a priority project for the State. I think that the target amount was like \$880,000 was how much it was going to cost for us to do it ourselves. I believe that was just resurfacing, I don't know if that would necessarily take care of the bump issue. It would be much more expensive to really redo the road base to get rid of the bumps which is really the main problem. We could just resurface it, but we'll still have those bumps. So, I think that was a lot of the problem too. I know that we had talked to ODOT about the possibility of reevaluating the road based on may be different criteria, maybe they're not picking up on how really severe the bumps are based on their normal way of rating the road, but we didn't really get any where with that. So, unfortunately, I mean the City isn't in a position to finance that project in a way that would solve the problem. So, I think we are a little bit beholden to ODOT to get it together and may be with the State's budget and allocating more funds to roads, maybe we can move it up with the State there.

I wanted to touch on the brush pile discussion and what Mr. Welsh discussed. I noticed that all our surrounding communities are doing brush pickup. I got the Kirtland newsletter. Kirtland is doing brush pickup in the middle of April. Highland Heights is doing brush pickup in April. Willoughby is doing brush pickup in April. I think that it's pretty clear that the best practices are to go picking up. I think that it's true, I can see it as being a problem, like just having people use it without it being residents using a drop-off. It would take a lot to police it. I know that we would probably need to get equipment. I don't know if we're in a position to do it this year, or probably not. So, we might need a stop-gap measure like reopening it for a short time, but I think that over time we really need to look at going back to picking it up from the residents. I think that's probably the most efficient, best way to provide that service for our residents just because it does also seem to be the best practice in other communities, especially that have many more, much higher density of homes, so we really wouldn't have as many as a lot of these other communities. But again, it's probably not something that we can get done like that.

**Mayor:** We can talk about that at the Service Committee meeting.

**Councilwoman Pizmoht:** That would be great.

**Mayor:** I got prices on the chipper and the manpower to do that and we can talk about that. And if it's something that you want to do, we can talk about it.

**Councilwoman Pizmoht:** Awesome. Perfect. Great. Thank you.

**Councilman Fiebig:** Madam President. Yes, that's what we talked about in detail and I thought that we would talk about it in committee because it gets into detail but we don't currently own a chipper. So, that machine that we had broke some years ago. So, we don't currently own one. We'd have to get a chipper and we talked about all about the trucks and we talked about union wages, going door-to-door and yes, it's a long discussion.

**Mayor:** Yes.

**Councilman Hallum:** Madam President. The house that we own on SOM Center is at 2608 SOM Center Road and the lot is at 35245 Chardon Road.

**Resident Bing:** Thank you.

**President Fellows:** Chery Ota, you had a question about Ordinance No. 2019-25. So, this is yearly housekeeping from the City of Willoughby. It has to do with sewerage that goes to that direct so last year the

cost to our City was dropped a little bit based on the studies and this year it's up a few, it bounces back and forth, really only cents, you know, so this is something that we get every year. Willoughby does their study, they do an analysis because we sent things to that city then we have an adjustment in the cost. So that's what that is about.

**Vice President Plecnik:** Madam President. To the second half of Mr. Tyler's question about our tax credit for the local income tax, this has been an issue I've been concerned with for years. Some cities offer a full credit, some cities offer a partial credit and as Mr. Tyler correctly stated, Willoughby Hills has a 2% income tax, but we only offer 1-1/2 percent credit. That affectively means that if you live in Willoughby Hills, work in another city that also has a 2% or higher income tax, you're going to end up paying a double tax of a 1/2%. So, you're paying an extra 1/2 percent of your income and that can be a pretty considerable burden and it definitely makes our City less attractive to residents. What I would certainly ask as an initial matter, is to ask our Finance Director to cost-out what the revenue impact would be if the City did not have a 1/2 percent credit because we would want to see what impact our budget and how expense it would be and what changes we would need to make in order to implement it. But I do agree that it's not fair to our residents that they get double taxed. It's something that's bothered me for a longtime, and I pay the double tax too. I work in Cleveland, live in Willoughby Hills, so I'm impacted by it as well. And I think it's something that we really need on our radar to address because when we're charging effectively a 1/2% more than other cities it puts us in a disadvantage. Now, we're not the only city that has a partial credit. Eastlake only provides a partial credit as well, so we're not the sore thumb as the only city doing it, but just because other cities do it, doesn't make it right and I agree with Mr. Tyler that if it becomes possible that's something that we should address because it's not fair to double-tax someone on their income.

**Councilman Hallum:** Madam President. Also want to respond to Jenna Bing's question, her concern, annoyance, with the WHISPER fund. I can understand she might be annoyed if you didn't understand that those funds are all donated funds. It's not money coming from the General Fund, taxpayer money, it's money that was donated for the WHISPER Program and we can't touch it.

**Councilwoman Pizmoht:** Madam President. Yeah, that's true and I think that line-item has always been, there's been a carryover over the years and that's always been budgeted for whatever the amount is in the fund, projected to be in the fund and not necessarily what's going to be spent out of the fund. It's basically more to protect the fund and make it available, but I don't think that it's ever been spent down to zero. There has always been a considerable carryover from year to year. So, that's accumulated since it began.

**Finance Director:** It hasn't been spent down to zero and it's accounted for as a Special Revenue fund which means that it's mainly restricted to the purpose for which it was donated. I'm certainly well aware that the fund is currently under suspension and I mentioned to the Mayor with the appropriation, that he would not be signing any purchase orders authorizing spending expenditures from the fund until that situation is resolved. In the event that the program would be cancelled, Mr. O'Leary could probably speak to this better, but off the top of my head, the assets of the fund then would have to be returned to the donors. It could not be diverted to roads or any other purpose.

**Law Director:** That's correct. It would have to be returned if it's at all possible.

**President Fellows:** Any other Unfinished Business?

**Finance Director:** I'd like to add a couple of other things. All of our last, all of our financial reports through January of this year are online, including all of last year's reports. Our last audited financial report is 2016. The auditors who are here now are currently working on the audits of 2017 and 2018. We run on a bi-annual cycle with the State Auditor's office. The rental property is accounted for in account 110-350-55351 and that can be seen in the financial reports that are online. Just in terms of perspective, we budgeted \$1700 property operating expenses for the rental property this year, not including the property taxes that we pay on that property because we do pay property taxes on that house because it's not used for governmental purposes and our board doesn't quality to be tax exempted.

**President Fellows:** Thank you, Frank.

**Finance Director:** Also, the Ohio Checkbook is also current through the end of January.

**President Fellows:** Thank you. Okay, we will move on to legislation.

## **LEGISLATION**

### **ORDINANCE NO. 2019-18 – (Amended: March 15, 2019) – SECOND READING**

**1<sup>st</sup> Reading:** March 14, 2018

**AN ORDINANCE CONFIRMING THE APPOINTMENT OF AND FIXING THE COMPENSATION FOR THE POSITION OF CHIEF OF THE FIRE DEPARTMENT; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

**President Fellows:** And this will stay on 2<sup>nd</sup> Reading.

### **ORDINANCE NO. 2019-19 – (Amended: March 22, 2019) – SECOND READING**

**1<sup>st</sup> Reading:** March 14, 2019

**AN ORDINANCE ADOPTING PERMANENT APPROPRIATIONS NECESSARY TO MAINTAIN CITY SERVICES FOR THE FISCAL PERIOD BEGINNING JANUARY 1<sup>ST</sup> THROUGH DECEMBER 31<sup>ST</sup> OF 2019; REPEALING ALL LEGISLATION INCONSISTENT HEREWITH.**

**Vice President Plecnik:** Madam President. Motion to waive the 3-Reading Rule for Ordinance No. 2019-19-Amended.

**Councilman Fiebig:** Second.

**President Fellows:** I have a motion from Vice President Plecnik and a second from Councilman Fiebig to waive the 3-Reading Rule for Ordinance No. 2019-19-Amended. Is there any discussion on the motion?

**Vice President Plecnik:** Madam President. As the Finance Director shared the City of Willoughby Hills is obligated under state law to pass a permanent appropriation before March 31<sup>st</sup>. So, it is indeed urgent to pass it at this meeting.

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

**Motion PASSED.**

**President Fellows:** The 3-Reading Rule on Ordinance No. 2019-19-Amended has been waived.

**Vice President Plecnik:** Madam President. Motion to adopt Ordinance No. 2019-19-Amended.

**Councilman Hallum:** Second.

**President Fellows:** I have a motion from Vice President Plecnik and a second from Councilman Hallum to adopt Ordinance No. 2019-19-Amended. Is there any discussion on the motion?

**Vice President Plecnik:** Madam President. I would just repeat that this budget is an accomplishment for the City of Willoughby Hills. I'm grateful to every member of Council, to the Administration. As Chair of Finance, in each year that I've served, we've passed a balanced budget that's reflected in this ordinance, that Council has

passed a balanced budget for the fiscal years of 2016, 2017, and 2018. And today we passing a balanced budget for 2019 and our City will be greatly benefited by the fiscal responsibility that we've come together to provide. It hasn't been easy and we've had a lot of meetings. I know that our Finance Director is tried but it's for the greater good of Willoughby Hills and while no budget is perfect, this budget is a step forward.

**Councilwoman Majka:** Madam President. This is not a million-dollar question but it's something that just came to my attention recently. I received a letter from the City of Willoughby concerning their pool subsidy. Our City is not subsidizing to the extent that they have been in the past, so residents that are looking to go to the pool for this summer are going to be paying more and my question is, in last year's budget we had and in last year's budget discussions too, I remember this came up about the idea of the pool and I believe was proposed by you Mayor, that we cut it out completely and Council didn't want to reduce the residents benefits at that time. And I forget how many people you had said at the time, I believe you said it was a low number of people that were actually taking advantage of the subsidy. But last year's item was \$7,600 and this year with us cutting the subsidy it's \$14,000 that we have set aside for that and I don't really understand what's really going on here.

**Finance Director:** It was based on the, the \$14,000 is based upon the amount that we actually spent last year. We spent more than \$7600.

**Councilwoman Majka:** Okay.

**Mayor:** Basically, what has happened Willoughby changed the way in which they bill people. Instead of billing for a whole family, they bill each and every individual person for the pool pass. So, we capped that at a certain amount.

**Councilwoman Majka:** Well, my experience as an individual and we're talking about probably a \$40.00 increase for an individual. So, of course, that caught my attention, you know, that we were reducing...

**Vice President Plecnik:** Madam President.

**Councilwoman Pizmoht:** Madam President.

**President Fellows:** Let Councilwoman Majka finish.

**Councilwoman Majka:** That's basically what I was looking at and this page from last year's budget with the 7600 was, it's the same page for 14,000. So, I guess I don't see how it works that last year we had a number of 7600, this year \$14,000, it just seems like that appropriation has gone up, not based on last year's but changed on its own for this year's projected...

**Finance Director:** It did go up. I mean, last year in the budget we anticipated \$7600 for the Willoughby pool subsidy. We actually, I don't have it in front of me, we actually spent more than the \$7600. The \$14,000 I based on what we actually spent. I did not go through and do a...plus it's an open-ended program. The amount subsidized fluctuates over the years based upon the number of our residents who take advantage of it.

**Councilwoman Majka:** So, next year we may not see that this \$14,000 was spent or we might have spent more.

**Finance Director:** That's right.

**Councilwoman Pizmoht:** Madam President. So, what I think will really help you understand this Councilwoman, is Willoughby drastically increased their rates they charge nonresidents to access the pool. So, I think that it went from may be a \$100 per person, for nonresidents, up to a \$150 person and so when the City pays the subsidy, we pay the difference from a resident which is \$40 to \$35 all the way up to the \$150. So, for every resident who wants to buy a pool pass, we have to pay \$90 to fully subsidize that pass and so I think we're

still subsidizing, we're spending more per person. I think we spending like \$70 per person and that still leaves \$75 for each individual to buy a pool pass. So, it's really based on Willoughby's nonresident rates and it's gone up astronomically over last couple of years and that's really the difference and that's why it's so expensive for the City to do it.

**Mayor:** We did check into other cities, Mayfield Heights or Mayfield Village and Wickliffe and they refused to let us in.

**Vice President Plecnik:** Madam President. Just to follow on, as the Finance Director explained the number that we put into the budget is just an estimate of how much we're going to spend and what we learned was, we're actually spending on an annualized bases a lot more than \$7600 so, this is just more realistic. We did actually spend about \$14,000 last year and to sum-up what Councilwoman Pizmoht said, essentially Willoughby raised the rates and unfortunately that's being passed on to residents. So, we're still subsidizing as much, in fact, in many cases, we're subsidizing more. We're not cutting that back, we're actually budgeting more money. Unfortunately, because Willoughby has chosen to raise their rates, it's passed on to residents and I'm always disappointed that Wickliffe won't let us use their pool because it's even nicer than Willoughby's. So, Bob Anzlovar, I know you're from Wickliffe. If you could go to that council meeting and tell them that your friends in Willoughby Hills would really appreciate using the pool, we would be grateful. So, that's your public portion statement for the Wickliffe Council meeting. Tell them Councilman Plecnik wants their pool.

**Councilwoman Lenz:** Madam President. I'm new on Council and I am just kind of appalled about the twelve days that we had to wait for our budget. I didn't get a chance to review it. I see debt proceeds going from \$104,000...from \$42,000 to a \$104,000. I see recreation increases from \$116,000 to \$130,000. I think a lot of numbers are the same as before and not investigated. I mean, like I said, I'm new on Council, but I really haven't had...I wanted to talk to Council about this because it just infuriates me that the Recreation Department is going from a \$52,000 and some odd cents to a \$102,000 budget. Where are all these numbers being shuffled from? I just don't understand why we're pouring money into things that could be our roads and could be established for our City. Instead of giving us 60 days that we wanted to overlook the budget, we needed that 60 days and you gave us less than 30 days and I think it's wrong and I think it's unfair to Council and to the people and I guess that's all I have to say and I'm very disappointed in Mr. Brichacek.

**President Fellows:** Actually, I'll just weigh in just a little bit on Councilwoman Lenz, and this is a fact, it's not an opinion, it's a violation of the Charter. We were to have the budget 30 days before it was due to the County. And if you read the Ohio Revised Code, anybody who violates the Charter, is suppose to relinquish their position. So, there's a responsibility both on the Finance Director and the Mayor. This is done every year, it's an excel spreadsheet. I think that Mr. Brichacek has been our Finance Director for how many years, Frank, twelve? I don't know a long time, not one. And to Vice President Plecnik's point, I think individuals on Council work very hard. Questions have been asked, and we have made every attempt to continue to work together so that we could pass the balanced budget that we are appreciative of.

One other question though, to Mr. Brichacek, if we budgeted, how much last year did we budget for the pool, I hate to beat a...

**Councilwoman Majka:** 7600.

**President Fellows:** \$7,600 for the pool last year and you said that you upped it to \$14,000 this year because we spent more, how did you give out more money for pool passes without an amendment to the budget?

**Finance Director:** Because it was within the total appropriation of the Recreation fund. There were underspending in other areas.

**President Fellows:** Okay, thank you.

**Vice President Plecnik:** Madam President. If I could follow on, I certainly agree with Councilwoman Lenz that this is a very large, long document and that 30 days, in my view, is not enough for a body of seven to give the type of review which should along with input from the public, that's all our Charter provides and we weren't even given that, so I certainly understand any Councilperson who feels as though they had insufficient time because the founding mothers and fathers of Willoughby Hills said that a bare minimum you should have 30 days and we weren't given it. But you have to make the best of a bad situation. State law requires us to pass a budget, if we don't the City shuts down and so, I have to say that I am grateful to everyone who put in the long hours, the late nights to make this happen. There is a fundamental question that Councilwoman Lenz had asked through, as to the substance of the budget and it's certainly true that Willoughby Hills like any city has the majority of its spending on salaries and wages. That's the case for virtually every municipality in the State of Ohio. So, when you asked why did the budget increase in the Recreation Department, the answer is pretty similar to what the budget went up in virtually every category. It's because wages and expenses went up and those increases are not something that Council voted on. Those increases are a function of the union contract that came into effect on its own. In most cases, there are some wages and salaries that we control which are nonunion salaries. We're still working on those increases or not this year, that's an issue in Personnel Relations and Finance. But the union contracts that were passed, those raises happen automatically, but also the union contract was adopted by fiat, those increases happen automatically. As a member of Personnel Relations and as past Chair, I've expressed some of these contracts, in particular, the administrative, the secretary contract was too expensive. I've said that many times...

**Councilwoman Lenz:** A \$30,000 increase in the Recreation. Who is it going to? What's it going for? There should be like a 5% increase for donuts and help. I'm sorry, it just aggravates me very much and I know that I'm new on this, I might be wrong, I might be telling you guys a wrong situation, but you can't pass \$30,000 to recreation. What are they going to do with it? Who are they going to pay? Who? Gloria has a salary. The people on recreation are all volunteers, the donuts cost may be a 3% increase. Why is this being put up? And it's not just recreation, it's other departments too. Are you just kicking it up like \$30,000 here, \$30,000 there and everything is hunky-dory? And I don't think that we should just sit here and be cheesy and say, oh let's pass the budget because we should all get along. My opinion.

**Vice President Plecnik:** Madam President. I don't disagree with Councilwoman Lenz. We shouldn't just pass anything or vote for anything to all get along, I do want to share your concern. The problem is when we budget, we have to budget for what the City is legally required to pay and we are legally required to pay the salaries and the raises and the bonuses and the stipends and the uniform allowances and the longevity pay, I could go on but I'm boring you at this point, that are required by the contracts that we've subject to and if...

**Councilwoman Lenz:** And if someone doesn't use those uniforms, do they get the kickback from the money that they're allotted?

**Vice President Plecnik:** Well, Councilwoman Lenz, the union contract provides for a cash uniform allowance, if you're talking about the secretary's union, in particular, they're given cash, they're not to my knowledge, audited. And I'm not going to disagree with you, when I looked at this contract, on Personnel Relations, I voted no, with the committee which voted unanimously no but it came into effect by operation of law. So, this budget isn't a re-litigation of that, we have to budget the money that the City is legally obligated to pay. But I absolutely agree, the contract was too much, too expensive, and residents are unfortunately paying the price for that. We've heard Mr. McKenna speak about how expensive these costs are, the salaries, and every time he gets up and says it, I agree with him, it's too much. The Personnel Relations Committee which is mostly volunteers, residents, have said the same thing, it's not just the opinion of Council. It's the opinion of Personnel Relations, it's the opinion of virtually everyone that the contract was remarkable and you're right, it plays into the whole budget because there are administrative employees in almost every department. So, somethings we can control in this budget, but somethings we can't and the City has to meet its legal obligations, but when these contracts come up again, I'm certainly not going to be in favor of spending this kind of money. In the real world, when

times are tuff and you're balancing the budget by a \$1000, may be \$2000 at a time, you do not give 9% raises, longevity pay.

**Councilwoman Lenz:** It's more than that. No, it's more than that. What happens when there is another hole in Chardon Road or something and we need to repave and we can't afford it because we allowed too much extra money in the budget. I'm sorry, I'm very upset. I'm very disappointed.

**President Fellows:** Councilwoman Lenz, we appreciate your concern and voicing those concerns. There were a lot of important points. So, I think as a former Law Director once said here at the dais, we can always amend the budget after it's been passed.

We do have a motion here on the table, and it is to pass, adopt Ordinance No. 2019-19 – Amended.

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

**Motion PASSED.**

**President Fellows: Ordinance No. 2019-19 – Amended has been adopted.**

**ORDINANCE NO. 2019-20**

**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.**

**President Fellows:** This one and the next one are both surplus vehicles from the City, from the Service Department and also the Police Department. The sooner that we adopt these, then the sooner they can be put on website so that they can bring back revenue to the City.

**Councilman Fiebig:** With that being said, I move to waive the 3-Reading Rule for Ordinance No. 2019-20.

**Councilman Hallum:** Second.

**President Fellows:** I have a motion from Councilman Fiebig and a second from Councilman Hallum to waive the 3-Reading Rule on Ordinance No. 2019-20. 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 on Ordinance No. 2019-20 has been waived.

**Councilman Fiebig:** Madam President. Move to adopt Ordinance No. 2019-20.

**Councilman Hallum:** Second.

**President Fellows:** I have a motion from Councilman Fiebig and a second from Councilman Hallum to adopt Ordinance No. 2019-20. Is there any discussion on the motion?

**Vice President Plecnik:** Madam President. Who wants to buy a 2008 Dodge Durango? Mileage only 73,332 and estimated value \$3,000.

**President Fellows:** Councilwoman Majka.

**Councilwoman Majka:** I will save it for the next ordinance, thank you.

**President Fellows:** Any other discussion on adopting Ordinance No. 2019-20?

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

**President Fellows:** Ordinance No. 2019-20 has been adopted.

**ORDINANCE NO. 2019-21**

**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.**

**Councilwoman Pizmoht:** Motion to waive the 3-Reading Rule for Ordinance No. 2019-21.

**Councilman Hallum:** Second.

**President Fellows:** I have a motion from Councilwoman Pizmoht and a second from Councilman Hallum to waive the 3-Reading Rule for Ordinance No. 2019-21. Is there any discussion on the motion?

**Councilwoman Pizmoht:** Madam President. Just as you had said, this is about getting these generators and tractor up for sale to get the revenue for the City as soon as we can.

**Councilman Fiebig:** Madam President. This was also part of a discussion that I had about cleaning up the yard and getting rid of some old surplus equipment that we have that's obsolete.

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

**President Fellows:** The 3-Reading Rule on Ordinance No. 2019-21 has been waived.

**Councilwoman Pizmoht:** Madam President. Motion to adopt Ordinance No. 2019-21.

**Councilman Hallum:** Second.

**President Fellows:** I have a motion from Councilwoman Pizmoht and a second from Councilman Hallum to adopt Ordinance No. 2019-21. Is there a discussion on the motion?

**Councilwoman Majka:** Madam President, thank you. Just a quick question about the 79 Ford Tractor. Just for the sake of clarity, I saw two different emails come through about it and said the value was \$2500 the other said the value was \$6000 and somewhere in there it said minimum bids were \$6000. So, I'm just wondering for the sake of clarity, how this works. We have estimated value on here, but then is the minimum bid something different?

**President Fellows:** That came from Mark.

**Councilman Fiebig:** Madam President.



**Mayor:** I'll check, but it's a forty-year-old tractor.

**Councilwoman Majka:** So, are we correct in assuming, for the sake of this ordinance that the estimated value would be the same as the minimum bid? Or is this a separate issue?

**Mayor:** It's a separate issue.

**Councilwoman Majka:** And that will be marked on line when someone goes on line and they'll see both the value and what the bid is? That's a different amount yet.

**Councilman Fiebig:** The minimum bid is listed under Section (f) as \$1100. That's the minimum bid. When we estimate the value that's a guess, it could be more. It might be a little less.

**President Fellows:** But for ordinance purposes, we have to have a minimum bid.

**Councilman Fiebig:** It's in here as \$1100.

**Councilwoman Majka:** Right and in the email, there was a minimum bid of \$6,000 on this tractor that's why I'm even asking the question.

**Councilman Fiebig:** I'd be surprised if that tractor was worth \$6000 but you never know.

**Mayor:** It's old.

**Councilwoman Majka:** They never die, those old tractors.

**Vice President Plecnik:** Who wants a tractor?

**President Fellows:** Any other discussion on that or do we...

**Councilwoman Majka:** There was discussion before the vote.

**President Fellows:** All right, this is to adopt.

**Councilman Fiebig:** I believe so.

**Councilwoman Majka:** It's to adopt.

**President Fellows:** Well, Vicki's thinking that maybe she wants to doublecheck; maybe in her putting the numbers in that...

**Clerk of Council:** I don't know, I didn't see 6.

**Councilwoman Majka:** I think they were emails from Mark Grubiss and that is what I was referring to, I'm pretty sure, when they were brought up to, attention, with the request to prepare the ordinance.

**Clerk of Council:** I'm okay.

**President Fellows:** Well, it will be what it will be. It will go out for bid and we'll accept it and the tractor will go away.

Clerk of Council: Yeah, I'm okay. Oh, I see. I see what she saw. There were in your Mayor's memo, from Grubiss' it said \$6000. And then again, this was from the Mayor, that was \$2500. I see, but I went with the Mayor's. This should say, Mayor, not Mark. This was a goof. This wasn't 6, I went with the correct one, (the Mayor's memo).

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

**President Fellows: Ordinance No. 2019-21 has been adopted.**

**ORDINANCE NO. 2019-22**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION'S (ODOT) ROAD SALT CONTRACTS AWARDED IN 2019 IN ACCORDANCE WITH OHIO REVISED CODE 5513.01(B) AND DECLARING AN EMERGENCY.**

**Councilwoman Pizmoht:** Madam President. Is there any, may be the City Engineer or the Mayor could advise if this is something that we need to waive the 3-Reading Rule for? Is there any good reason to hurry this up?

**Mayor:** Yes. We have to get this into to ODOT before the end of, I think the middle of the month.

**President Fellows:** April. I think it was April.

**Councilwoman Pizmoht:** Okay.

**Mayor:** So, it's mandatory that we pass it now.

**Councilwoman Pizmoht:** Okay. Madam President. Motion to waive the 3-Reading Rule on Ordinance No. 2019-22.

**Councilwoman Lenz:** Second.

**President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Lenz to waive the 3-Reading Rule on Ordinance No. 2019-22. 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 on Ordinance No. 2019-22 has been waived.**

**Councilwoman Pizmoht:** Madam President. Motion to adopt Ordinance No. 2019-22.

**Councilman Hallum:** Second.

**President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilman Hallum to adopt Ordinance No. 2019-22. Is there any discussion on the motion?**

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

**President Fellows: Ordinance No. 2019-22 has been adopted.**

The next two, the City Engineer spoke to in his report about moving forward with these ordinances because of the Dodd Road Project. So, the first one is 2019-23.

**ORDINANCE NO. 2019-23**

**AN ORDINANCE TO ACCEPT THE BID PROVIDED BY NERONE & SONS, INC. TO PROVIDE CONSTRUCTION SERVICES SPECIFICALLY REQUIRED FOR THE DODD ROAD BANK STABILIZATION PROJECT AND DECLARING AN EMERGENCY.**

**Councilman Fiebig:** Madam President. Move to waive the 3-Reading Rule for Ordinance No. 2019-23.

**Councilman Hallum.** Second.

**President Fellows:** I have a motion from Councilman Fiebig and a second from Councilman Hallum to waive the 3-Reading Rule for Ordinance No. 2019-23. Is there any discussion on the motion?

**Councilwoman Lenz:** Madam President. Is this the only bid that we got?

**City Engineer:** No. We received three bids.

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

**President Fellows:** The 3-Reading Rule on Ordinance No. 2019-23 has been waived.

**Councilman Fiebig:** Madam President. Motion to adopt Ordinance No. 2019-23.

**Councilwoman Pizmoht:** Second.

**President Fellows:** I have a motion from Councilman Fiebig and a second from Councilwoman Pizmoht to adopt Ordinance No. 2019-23. Is there any discussion on the motion?

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

**President Fellows:** Ordinance No. 2019-23 has been adopted.

**ORDINANCE NO. 2019-24**

**AN ORDINANCE TO ACCEPT THE BID PROVIDED BY SOLAR TESTING LABORATORIES, INC. TO PROVIDE TESTING AND INSPECTION SERVICES FOR THE DODD ROAD BANK STABILIZATION PROJECT AND DECLARING AN EMERGENCY.**

**Councilwoman Pizmoht:** Madam President. Motion to waive the 3-Reading Rule on Ordinance No. 2019-24.

**Vice President Plecnik:** Second.

**President Fellows:** I have a motion from Councilwoman Pizmoht and a second from Vice President Plecnik to waive the 3-Reading Rule for Ordinance No. 2019-24. 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 2019-24 has been waived.

**Councilwoman Pizmoht: Madam President. Motion to adopt Ordinance No. 2019-24.**

**Vice President Plecnik: Second.**

**President Fellows: I have a motion from Councilwoman Pizmoht and a second from Vice President Plecnik to adopt Ordinance No. 2019-24. Is there any discussion the motion?**

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

**President Fellows: Ordinance No. 2019-24 has been adopted.**

**ORDINANCE NO. 2019-25**

**AN ORDINANCE AMENDING PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE THREE – UTILITIES, CHAPTER 925 – SEWERAGE SYSTEM REGULATIONS, SECTION 925.06 – FEES, SUB-SECTION (c) OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, OHIO AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.**

**Vice President Plecnik:** Madam President. I believe that Ms. Ota actually asked us about the meaning of Ordinance No. 2019-25 and just by way of a simple explanation, so of our water discharges into the City of Willoughby and the Willoughby-Eastlake Water Pollution Control Center. And so, to utilize their services we have to essentially play by their rules and when they update their rules, we have to update ours. So, these changes essentially are mandated by the City of Willoughby and the Willoughby-Eastlake Water Pollution Control Center and we're just updating our laws to comply with theirs.

**Councilman Fiebig:** Madam President. If anyone knows the answer, I don't see anything in particular regarding the timeliness of this.

**President Fellows:** There is no time limit, but we've done it in the past, it's just a thing that we do every year, and Willoughby appreciates it when we adopt it and so it's on the books that we're in compliance.

**Councilwoman Pizmoht:** Madam President. Just by way of reference, this is just a tiny portion of the City that their sewers tie into the Willoughby, most of the sewers tie into Euclid, of the thousands that do have sewers, businesses or other properties.

**Councilwoman Majka:** Madam President. In the whereas of this ordinance it says that on March 19, 2019 the City of Willoughby has adopted their ordinance amending the surcharge for, they call it extra strength waste, therefore surrounding communities who discharge into the plant, must update their sewer use ordinances accordingly. So, if we want to be timely with what they just did a week ago, then it incumbent upon us to pass it also without delay.

**Councilwoman Pizmoht: Madam President. Motion to waive the 3-Reading Rule on Ordinance No. 2019-25.**

**Councilman Hallum: Second.**

**President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Jaka to waive the 3-Reading Rule for Ordinance No. 2019-25. 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 has been waived for Ordinance No. 2019-25.

**Councilwoman Pizmoht:** Madam President. Motion to adopt Ordinance No. 2019-25.

**Councilwoman Majka:** Second.

**President Fellows:** I have a motion from Councilwoman Pizmoht and a second from Councilwoman Majka to adopt Ordinance No. 2019-25. Is there any discussion on the motion?

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

**President Fellows:** Ordinance No. 2019-25 has been adopted.

### **NEW BUSINESS**

There was no New Business brought forth.

### **FOR THE GOOD OF THE ORDER/FOR THE COMMUNITY**

**Vice President Plecnik:** Madam President. Since Governor Mike Tyler is here, I do want to congratulate him on a success term. I was privilege to attend his convention in Canton and all Northeast Lions came out to honor him for his hard work in public service. We're also very grateful to have many other members in the Lions Club here tonight sitting at the dais and in the crowd. I want to thank everyone in the community who works through Lions, you are, as Helen Keller said, knights of the blind.

**Resident Mike Tyler:** Thank you.

**Councilman Fiebig:** At last night's Central Committee Meeting for the Republican Party, they selected a person to fill a vacancy left by the Republican County Auditor Ed Zupancic who had to vacate the position due to some health reasons, so our hearts and prayers go out to him and his family for a speedy recovery. And for best wishes, we welcome Christopher Galloway who is a Concord Township Trustee to be the new County Auditor to fill the remaining term; he will need to run in the 2020 election and then again in 2022 should he prevail. So, I just want to make mention of that. Some of us were there last night, the meeting went very long. There were five very qualified candidates and it was a very difficult choice but we welcome the new County Auditor Galloway.

Also, in our mailboxes we saw a letter of commendation to Officer Cory Planisek recommended by Anthony Mino for outstanding duty performed on January 22<sup>nd</sup> and his patrol practices so we do want to acknowledge the seizure of 10 grams of Heroin and Fentanyl, drug paraphernalia and \$36,000 and so, again commended by Officer Mino for his outstanding work and by Chief Collins. This was in our mailboxes today and I wanted to share that with everyone.

**Councilman Hallum:** Madam President. Once again, the Eggstravaganza is April 13<sup>th</sup>. So, if you haven't already marked your calendars, please do so. It should be a lot of fun, it is always well attended and I certainly suggest that you mark your calendars for that as well as remembering anyone who is planning on signing up their child for Willoughby sports, for baseball, softball, those registrations are taking place now. There are going to be wrapping up very soon because the season will be starting before you know it. So, if you were thinking about doing that, please contact the Recreation Department as soon as possible and also, I think that they may be even some team sponsorships potentially available. So, if you're looking to sponsor one of the teams, certainly let them know about that. And then of course, just in general, if anyone out there is thinking about having an

event this year, and they don't have a venue yet, please consider the Willoughby Hills Community Center. Thank you.

**Councilman Pizmoht:** Madam President. And just with the Eggstravaganza, you have to sign up in advance to go, isn't that correct? It's egg hills.com, is that right?

**Councilman Hallum:** It certainly would be helpful. I don't think that they are going turn anybody away. It would help for us to know how many are coming.

**Vice President Plecnik:** Madam President. So, Councilwoman Pizmoht is saying that eggstrapeople are welcome.

**Councilwoman Pizmoht:** I think that was Councilman Hallum who said that.

**Councilman Hallum:** It was Councilman Plecnik who said that.

**Vice President Plecnik:** I don't want to egg anyone on but...

### ADJOURNMENT

**Councilwoman Pizmoht:** Move to adjourn.

**Vice President Plecnik:** Second.

**President Fellows:** I have a motion from Councilwoman Pizmoht and a second from Vice President Plecnik to adjourn. There is no discussion on an adjournment.

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

The Regular Council Meeting of March 28, 2019 was adjourned at 8:20pm.

**APPROVED:**

March 29 2019  
Date

Nancy E. Fellows  
President of Council

**ATTEST:**

Victoria Ann Savage, CMC  
Clerk of Council