

City of Milloughby Hills

Regular Council Meeting

Minutes of May 10, 2018

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, May 10, 2018 at 7:57pm in Council Chambers. President Fellows presided.

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

Others Present: Finance Director Frank J. Brichacek, Jr., City Engineer Pietro A. Di Franco, Clerk of Council Victoria Ann Savage

Absent: Mayor Robert M. Weger

DISPOSITION OF THE JOURNAL

President Fellows: The first order of business is the Disposition of the Journal for two Special Council Meeting minutes.

Vice President Plecnik: Motion to adopt the minutes of the Special Council Meeting of March 29, 2018.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Janet Majka to adopt the Special Council Meeting Minutes of March 29, 2018. Any discussion on the motion?

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

Abstain: Hallum

Motion PASSED.

President Fellows: The minutes of the Special Council Meeting of March 29th have been adopted.

Vice President Plecnik: Madam President. Motion to adopt the Special Council Meeting minutes of April 5, 2018.

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to adopt the Special Council Meeting Minutes of April 5, 2018. Is there any discussion on the motion?

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

President Fellows: The minutes of the Special Council Meeting of April 5th have been adopted.

The next order of business is the Finance Director's Report, Mr. Brichacek.

ADMINISTRATION REPORTS & COMMUNICATIONS

FINANCE DIRECTOR'S REPORT: No report tonight.

President Fellows: Are there any questions for the Finance Director this evening?

Councilman Fiebig: I have one, Council President Fellows. Mr. Brichacek, how are we doing financially? How are our collections going? How's our revenues? Are we on target?

Finance Director: Pretty...down in the Court, Income Tax is roughly on pace, Property Tax is roughly on pace.

Councilman Fiebig: Are you seeing any expenses that are outside our budgeted amount, for this year, so far? Or anticipating anything?

Finance Director: Nothing extraordinary.

Councilman Fiebig: Okay.

President Fellows: Anyone else? Thank you, Mr. Brichacek. The next is our City Engineer's Report, Pete.

CITY ENGINEER'S REPORT: Thank you, Mr. President. The construction at the Meadowbrook Pump Station will be starting shortly. It was a bit delayed, primarily because of CEI and the extreme storms that we had this Spring. It tied up a lot of their crews. And, unfortunately, the first step in our project was setting up a temporary electric power. So, we're at their mercy. But, that should be starting this week or next. We're working on a preapplication for the Dodd resurfacing, Dodd Road resurfacing which is due the first week in June. This is just a preapplication to the Lake County Engineer's Office. If they feel that it's viable then we would submit to the State. We are also looking into repair of the slope failure on Dodd Road. We've contacted a few engineering firms who specialize in that and are getting proposals from them. Next week there is a Planning Commission meeting scheduled for Thursday. There's just one item on the agenda, a proposed new office building on SOM Center across from Gale's Garden Center. And then also, on Stream Restoration Project at the School of Innovation, we received three, or not us, Cuyahoga Soil and Water received three proposals. So, I'm part of the Review Committee reviewing those proposals. We have a meeting scheduled next week to evaluate and choose a design build firm. And that concludes my report.

President Fellows: And we have Ordinance No. 2018-26 on which, I don't want to speak for you, but I'd think that you would encourage us to move forward with that.

City Engineer: Yes. I would recommend passing 2018-26.

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

Councilwoman Majka: Madam President. Mr. Di Franco, today at the State of the Cities Address, the Mayor stated that the Aspire Fitness was due to move in and open by July 1st. I wonder if you could speak to how construction is going on over there?

City Engineer: I wasn't aware of a start date or an opening date.

Councilwoman Majka: Okay.

City Engineer: We did give them approving to work on the interior renovations. We are still waiting for them to resubmit drawings for the exterior improvements which is the addition of a gymnasium in the rear.

Councilwoman Majka: Right, right. Okay. All right, thanks.

President Fellows: Thank you. Anybody else, this evening?

Councilwoman Pizmoht: Mr. Di Franco. Madam President. Mr. Di Franco, so for the Dodd Road slope failure, how critical is that situation? Do you think that will lead to a road closure in the foreseeable future? Is there a danger there? When you're walking by, it's a little intimidating, it looks like you're going to fall through into the river there. But, I just wanted for the residents who live around there so we can understand what the issue is.

City Engineer: No, I don't think that it's critical and there is a guardrail there. So, our intent is to address it this year. If it continues to get worse, then we'll evaluate it and if needed, put up some safety devices.

Councilwoman Pizmoht: Thanks.

Councilman Fiebig: That was the question to add on to that, however, the funding for any improvements, I think we talked about the Lake County Stormwater Management being able to fund.

City Engineer: That's correct. We met with Tim Miller at the site and he verbally said that he is willing to cover all costs.

Councilman Fiebig: That's good. And next Thursday, you'd mentioned a building that's north of the vet animal hospital. So, that's been a vacant lot for many years, that's a welcomed improvement to that land, is that correct?

City Engineer: Actually, this is a lot where there's a building there, a house, I believe.

Councilman Fiebig: Oh, that's the one. Okay. Right. They own that land, then, next to it, is that right?

City Engineer: The animal hospital bought the vacant land next door to them.

Councilman Fiebig: That's what it is. Okay, so then that house would come down.

City Engineer: Yes.

Councilman Fiebig: And then they would put that up. So, that will be next Thursday. Thank you.

President Fellows: Any other questions for...

Councilman Fiebig: Oh, I'm sorry, one more. The legislation, 2018-26, do we need to waive 3-Readings on that so we can get those out to bid right away. I understand that we're already behind on when most municipalities put out bids.

City Engineer: Yeah, that would be a good idea.

Councilman Fiebig: Thank you.

President Fellows: Thank you. Thanks, Pete. Very informative tonight. Thank you.

The next order of business is Council Committee Reports. Councilman Fiebig, do you want to touch base, briefly on your committees?

COUNCIL COMMITTEE REPORTS

Safety Committee Meeting of May 10, 2018

Councilman Fiebig: Yes, Madam President, I will. For those who haven't been turning in, we started at 5:30pm today, it's now 8:00pm, for a 7:00(pm) meeting. So, the Safety meeting went approximately a half-hour where we had an introduction and an overview of our Dispatch Center. Chief Collins was here as well as our Committee which was Councilmember Majka as well as, Laura Lenz was here and Councilmembers Plecnik, Fellows, Hallum were also present. We had our Acting Fire Chief here as well, and two members of the Lake County hierarchy in the Dispatch Center there. The Emergency Operation Center does dispatching for multiple municipalities and other entities throughout Lake County. There's been some discussions, there was a proposal presented to the Mayor that we learned of and think that we should look into it. So, this was a let's scratch the surface, let's look into that. This afternoon, I had a tour about two hours and sat down with them and toured the facility, asked a lot of questions, and I think that we need to have some more dialogue, that was the end result of this, to review the contract, again having a legal representative to review a contract such as this before we were to make a move. I think that was the recommendation out of this Committee. A lot of good discussion, a lot of good detail in that which I'll share in a full written report for the next meeting and I'm open to any questions on the Safety Committee Meeting if there are any.

President Fellows: Thank you Councilman Fiebig. Are there any questions for him on the Safety Committee on the Dispatch Center? Thank you.

Planning & Zoning Committee Meeting of May 10, 2018

Councilman Fiebig: Seeing none, then the Planning and Zoning Committee of Council also met right after that. That meeting went just a little bit long because there was quite a bit of discussion about the referral from the Planning Commission which met to look at the CSL Blood Plasma Donation Center that's proposed. They gave the City an application to put that in the building where Marc's and the furniture store, La Salle Furniture is. There was quite a bit of discussion because this is a little bit outside of the typical retail B-3 zoning that we have and they're asking for a conditional use permit. So, there was much discussion at the Planning Commission two weeks ago, that was referred to this Committee of Council to review this zoning code and to see, where does that fit. I don't know if we came up with a firm consensus, but I believe that it is very important that we would have legal review of where we are with this because they brought a lawyer. And that lawyer says, well, we were basing this on Administration giving us two letters saying that it would fit into our zoning. So, you know, the process is that it needs to go to the Planning Commission and Architectural Review Board before anything gets approved. I think that we've been down this road before with the cell tower. There were some, you know, assurances made by the Administration before the process was complete and that's troubling as Mr. Plecnik brought up. It's troubling that we would be in this situation and they've expended a \$100,000, he claimed, prior to getting any sort of approval for a conditional use. The idea that you're paying customers to, you know, for their time, and they donation plasma, it's more of a work center than it is a place where people go for professional services. And their claiming that this is an office, professional or administrative and, in my mind, those are like lawyers, CPAs, and that types of service that we, our residents pay for. This is the opposite of that. That's why I told him, you know, I shared my personal opinion that it doesn't seem to fit. Anyway, we did say that it should go back to the Planning Commission but it also needs to have a thorough legal review and make

sure that we're on solid footing before any Commission, whether it's Council or it's the Planning Commission that has to make that determination. I think that it's important that the Planning Commission has some legal review of this. So, that's where we are with the Planning and Zoning Commission. That met until 6:45pm or 6:54pm. I apologize for running a little over, but there were four people there, there were numerous questions and then in Public Portion people spoke. Once again, oh, just to finish that 60-day window, the first meeting in June of the Planning Commission, I believe is when that would come back up. So, we have between now and that first Thursday of June, perhaps, you know, if that's when that agenda, which I don't set, that's when that potentially would be on the agenda again. I'm open to any questions. I hope that was, it was off the top of my head, I hope that was thorough enough, but I'll have a written report for the next meeting.

President Fellows: Thank you Councilman Fiebig. Are there any questions for him on that, this evening? Thank you. Councilwoman Pizmoht, just want to do a little highlight or do you want to...

Personnel Relations Committee Meeting of May 10, 2018

Councilwoman Pizmoht: Yeah, I will do formal minutes for next time, but the Personnel Relations Committee of Council met right before this meeting earlier tonight and all members were present. And it was a meeting, it was our first meeting of the year and the first meeting of this particular Committee with all these Committee members. So, it was a general meeting to introduce the members, as well as to set an agenda for the year which is to try to come up with legislation and to further our personnel matters in a direction that is in the best interest of our residents in providing the services and the government products that are our residents need. So, that was one of our points. And the other one was that the Mayor recommended that the Chief of Police as well as the Road Superintendent receive a 2% raise, retroactive to the beginning of the year. So, we also started discussing that issue and as it relates to an Unfair Labor Practice filed against the City by the AFSCME Secretaries Union in relation to the passage of the City budget and the implementation of it. But, I will have more detailed minutes for next time. That's it for now.

President Fellows: Thank you. Thank you, Councilwoman Pizmoht. Are there any quick questions for her on any of that?

Councilwoman Majka: Madam President. So, I'd just like to ask Chair Pizmoht, do you know if the previous raises that were discussed in September, October were 2% raises also?

Councilwoman Pizmoht: Off the top of my head, I think so. I'm not sure. I think that they were all 2%.

Councilwoman Majka: I forgot to ask that earlier.

Councilwoman Pizmoht: I think I have, I have that, I think...

President Fellows: Councilwoman Pizmoht, there were 2% with an additional 1% to Chief Collins in purchasing PERS.

Councilwoman Pizmoht: Yeah, 2%. Yeah, that's correct. It looks like we passed that September 18th. So...

President Fellows: Whatever the next pay period, it would have been implemented.

Councilwoman Majka: Okay. Thank you.

President Fellows: Okay, thank you, Laura. Any other questions, or anything about any of the other committees this evening?

Councilman Hallum, let's touch base about the Memorandum of Understanding between the Boys League and the City.

Councilman Hallum: Yes. Madam President, you were unable, I know that you were ill at the last meeting, so just to catch you up, I did check around, as I had said during my last committee meeting to see if any other cities were covering the, first of all, how they were running their sport programs and two, concerning insurance coverage. And while all of the cities, on some level, most or all of their sports programs were being handled by non-profits, just like we are, none of them, that I could find covered the nonprofit insurance wise. So, I went back to the Boys League and informed them of that. They had a meeting this week, actually, and they're find with taking on their own insurance, as well as, still taking care of all the money, as they already said that they would. So, the question that we now have to find out is if the Administration was handling the writing of the MOU and now that they're removing the insurance, someone is going to have to make that change within the MOU on the City side. My understanding is then that it basically will say, we going to allow them to use our fields and we will maintain our fields, but their responsible for collection of monies, as well as, their own insurance. And then I think there is also, we need to have a clean break with them because we have been holding on to the monies for them and we need to make sure that we clear our accounts. If they owe us some money in some accounts and we owe them some money in another account, we kind of figure all that out and then if we owe them money, we divest ourselves from the financial mixing and mingling of that also needs to be accomplished. So, that's where that is until we get a new MOU written by, I assume, the Administration, we can't really do anything with this.

President Fellows: So, that might be something that, since that is a substantial change to the exhibit that's attached to this ordinance, that's something that we might want to consider when we get to legislation and about how we want to manage this ordinance at this point.

Councilman Hallum: I would agree with that.

President Fellows: Thank you, thank you. Any other Committee tidbits or anything? Any other Council Representative Reports tonight? All right, moving forward...

COUNCIL REPRESENTATIVE REPORTS

Councilman Hallum: Oh, Madam President. I want to mention, the Recreation Committee, as you may remember, had ordered all the benches, they got approval for the PO to order the benches for the ballfields and I believe I heard that when we went to order them, they are on backorder. So, we don't know when they are going to come in. But, they are on backorder and they have been ordered.

President Fellows: Thanks for sharing. Make sure people bring their folding seats when they come...

Councilman Hallum: Until then...

President Fellows: Thank you, Chris. Okay, I'm going to move to Public Portion.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies

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

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

President Fellows: This is an opportunity for the public to come forward and share thoughts and concerns. We ask that you keep your comments to three minutes and please state your name and your address when you come forward and I will **open Public Portion now at 8:17pm.**

Rick Thompson – Madam President, on behalf of the Veterans of Foreign Wars Post 4358, here in Willoughby Hills, at 29412 White Road, I am here to talk to the people on Council as well as the residents informing them of the beginning of our fundraising drive, known as the Buddy Poppy Drive. This Buddy Poppy Drive provides for virtually all of our operating funds for the upcoming year. Some of the things that we do with this money is, we provide assistance for needy and disable veterans, I'm not going to go down the entire list. I have given it to Members of Council and Vicki as well, if you would happen to put that into the meeting minutes, I would appreciate that. But, we also support Purple Heart Homes, Wages 4 Warriors, we also donate money to our own local Police and Fire Departments, as well as partnering with the City Administration and Council for doing events like Memorial Day, Unity Days as well as Veterans Day. We do plan on conducting a Memorial Day Service this coming Monday, the 28th, it will be at 11:00am. Weather permitting, it will be outside and should weather turn south, we intend on moving inside to the Community Center with your permission to go ahead and conduct that. We also, to touch on the Buddy Poppy Drive, we'll be collecting, VFW Members will be out at Gale's and Sun Plum starting on the 13th all the way up on to the 27th and also the last week of Memorial weekend we'll have our members at the Shoppes of Willoughby Hills on both Saturday and Sunday. I will make myself available for any questions from Council immediately at the end of Public Portion and then for any residents, who so desire, I'll be outside if they have any questions in relation to our local Post, what we do with the money and how we spend it. Thank you very much. I appreciate your time.

VFW POST 4358 **What the Poppy Does**

1. Aid and assistance for needy or disabled veterans and their families.
2. Provide free Thanksgiving and Christmas dinners to needy veterans and their families.
3. Sponsor Clam Bake for homeless veterans that are in Stella Maris and Ed Keating Treatment Centers. [stellamariscleveland.com; edkeatingcenter.org]
4. Provide monetary assistance to Stella Maris and Ed Keating Treatment Centers.
5. Volunteer rehabilitation and consultation to drug and alcohol addicted veterans.
6. Visitation to veterans at Louis Stokes Veterans Hospital. At Christmas, Post 4358 visited 250 veterans with presents, cards, and sugar free candy. [Cleveland.va.gov]
7. visitation to schools and donations to educational programs.
8. Perform burial rites for deceased veterans including "Taps", pallbearers, and eulogies.
9. Perpetuate the memory of deceased veterans and comfort their families.
10. Sponsor Little League Baseball teams.
11. Sponsor/donations to Wags 4 Warriors (companion dogs). [wags4warriors.org]
12. Sponsor/donations to Purple Hart Homes (homes or help with renovations to their homes for disabled veterans). [purplehearthomesusa.org]
13. Sponsor/donations to Honor Flights for WWII and Korean War Veterans. [honorflight.org]
14. Sponsor AA and GA picnics at our facility. [aa.org gamblersanonymous.org]
15. Assist the community of Willoughby Hills with Memorial Day ceremony and free luncheon for attendees.
16. Perform pinning ceremony to dying veterans at the following: Hospice of the Western Reserve, Malachi House, Lake County Crossroads, Kemper House. [hospicewr.org malachihouse.org crossroadshospice.com kemperous.com]
17. Support deployed units in Afghanistan and Iraq.
18. Donation to Willoughby Hills Police and Fire Departments.

Jeana Bing – 36951 Beech Hills Drive. I just want you to please pass on to the people that do the road patching, Beech Hills is, for a lot of reasons, has kind of a strange, kind of a bad asphaltting problem. But, unbeknownst to me and I think anybody in our neighborhood, all of a sudden, they showed up, they marked giant patches, they dug them out, they filled them and it looks beautiful again. So, please pass that on to them, that they did a wonderful job in a very expedient way. We've got a bunch of construction going on, on our street and they managed to make sure that we could all get through while they were doing it along with major trucks. So, great job and I just wanted to pass that on.

Tony Miller – 2857 Hayes Drive. I would like to reiterate what the last person just said because the Road crew was also on Hayes Drive this week. They also dug out giant patches of the road and they made it a lot nicer than it had been until such time as that road might be able to be paved in full. And I just want to say thank you to the Road crew cuz they were out there, they were sweating, they were working really hard and they are doing that by hand. They are shoveling out that tar into the holes by hand. Now, they use the machines to dig out some of the holes, but they're out there busting their hump. So, thanks to Mark, to the guys on the Road crew, thank you very much.

Doris Dodge – 37881 Milann Drive. I would like to thank the Council for putting us on the path to financial responsibility. Thank you for the availability of funds to hire more police and firefighters that Willoughby Hills desperately needs. Thank you for putting funds into our roads that have been neglected for so long. I would appreciate it though, if someone could clarify an issue regarding the Community Center. It was a concern for me when the Mayor said that other than voting, the Center would be locked and barricades would set. No admittance, no community use, no activities, no activities like wedding receptions and the City is now going to be open to lawsuits. It gave me the mental image of rottweilers and razor wire. Please advise us on the status of the Community Center.

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

Linda Fulton – 2990 Marcum Boulevard. I don't know if this is something that the City can do, and possible, Mr. Di Franco, but Marc's parking lot is very treacherous. You can't even dodge the holes anymore because every time you go to dodge one, you get another. So, is there something that we can do to get them to fix that parking lot? Thank you.

President Fellows: Thank you, Linda. Anyone else for Public Portion this evening? **I will close Public Portion at 8:23pm.**

UNFINISHED BUSINESS

Vice President Plecnik: Madam President. If I could respond to Mrs. Dodge's question about the Community Center. Last week, I got a call from a very distraught resident who had the same question because they had received an email, and forwarded a copy of it to me, from the Mayor, less than a week before their daughter's wedding reception was planned at the Community Center, and the father and mother just expressed to me that they didn't know how they could possibly find an alternative location and warn the guests in time and they weren't sure what was going on because there were conflicting sources as to if the Community Center's closed, it's not closed, but here they have this email. And it was a very political email, it attacked the balanced budget that was passed by Council. It had mentioned elected officials by name, much like the very unfortunate automatic email generated by the Mayor's Executive Assistant's account does today. It was very disturbing. And he asked me to help him. So, the very first thing that I did, I called our Acting Fire Chief Tim Serazin and our Police Chief Chris Collins and I said we're going to make sure that this family has their wedding reception, no matter what. And Chief Serazin said that he would personally open the door. Chief Collins said, in his view, if the Mayor or any other City employee tried to interfere with a resident's right to exercise a contract that the Mayor, himself, had signed with them and that the resident had paid for, that he viewed that person should be arrested. And I sent an email thereafter to the Mayor and to Council expressing that we had to keep the

Community Center open, that the money was budgeted and we have to keep up our legal obligation. When the City of Willoughby Hills says to a resident, we've signed a rental contract with you, you've paid for it, we need to honor that. You can't just make a political statement, well, I want to have a bigger secretarial staff, or I want to give raises to this employee or that employee and if I can't have things my way, I'll make residents suffer. That was not right. And the initial position of the Mayor was even the Community Center would be closed for voting purposes which would compromise everyone's right to vote. My own Aunt Linda, and I think that we all know Aunt Linda by now, actually called me and said I'm going to be able to vote this past Tuesday because the Mayor and other members of Council are saying that there won't be voting at the Community Center. And of course, I told her, you absolutely have the right to vote. Fortunately, the Board of Elections contacted the Mayor and told him that he absolutely could not close. And the Mayor was contacted by other public officials who told him that he had to comply with the law and keep the Community Center open in line with the ordinances and Charter of Willoughby Hills. So, it's unfortunate that there was a lot of misinformation put out. There was a lot of smoke and no fire. It was entirely political, there was never any truth to it. Our Community Center is open for business and we budgeted well over a million dollars for Administrative Staff, so there is plenty of money for one employee to open the door and make sure that our rentals are taken care of. So, let there be no mistake, I think that this is something that really needs to be corrected firmly and absolutely any public official or employee of Willoughby Hills who tells you otherwise was either misinformed or was deliberately lying to you. The Community Center is open for business. It was open for voting and it would be illegal for any employee to interfere with your right to use our Community Center. And I regret that anyone would misinform the public. I hope that answers your question.

President Fellows: Pete, so Marc's obviously has an owner of that property?

City Engineer: When Ms. Fulton first said Marc's parking lot, I thought she was referring to Mark Grubiss' Service Garage.

President Fellows: Is there...

City Engineer: Yeah, I'll look into it. I can send them a violation letter.

President Fellows: Okay, thank you, so much.

Vice President Plecnik: Madam President. If I could just add, for the prices that they charge for bacon and Munster cheese, I'll brave that parking lot.

President Fellows: Any other Unfinished Business before Council?

Councilman Fiebig: Yeah, Madam President. The person responsible in the Administration for posting to our City's website, was the Finance Assistant. And I know that we had to reduce that or we eliminated that position, so the responsibility for posting to the City's website, Mr. Brichacek, who's handling that currently?

Finance Director: The Finance Assistant was the primary person for posting to the website. Each department is responsible for their own page. The backup was the Mayor's Administrative Assistant. So, there is nobody posting, nobody filling the function right now because there is nobody on staff that knows it.

Councilman Fiebig: Well there's some current information on there that's very inappropriate, so I just wondered who is responsible for posting that today?

Finance Director: I have no idea. Speak with the Mayor.

Councilman Fiebig: Ah, that would be the point of this meeting. Yes, it's unfortunate that he chose not to be here. Maybe he doesn't want to answer that question. Maybe he doesn't want to be held accountable for posting political stuff on our City's website. Maybe that's why he isn't here.

Finance Director: Which page are you referring to, I'll pass it along to him tomorrow.

President Fellows: I believe it is a posting by the former Executive Assistant who should no longer have access to that website.

Finance Director: What I'm asking, which page are you referring to?

Councilwoman Majka: There was some, there may be more, but there was some information on Community and Events

Finance Director: Community and Events page?

Councilwoman Majka: That talked about the WHISPER Program and then it said Adopt a Solider is temporarily on hold and I believe in other places it said something to the effect that do to recent actions of Council or things like that, lots of exclamation points...

Finance Director: I'll pass it along to the Mayor.

Councilman Fiebig: It's totally inappropriate and it's unprofessional and it has no place in our government page.

President Fellows: And my concern would be that if the individual that is posting these is no longer, at this point, is not employed in the City, then there should not be access to being on the City website. So...

Finance Director: To the best of my knowledge [microphone not on, undecipherable]

President Fellows: They most certainly do, they most certainly do. So, we need to, we'll get to the bottom of it then.

Councilman Fiebig: Madam President. Also, regarding that email that was unfortunate from gloriamajeski@willoughbyhills-oh.gov, I understand that there's an auto responder on it, we've never had a situation that former employees are allowed to keep an email address for the City, so it's again inappropriate to use that for pushing a political message or claiming that they'll be back, you know, exclamation points. So, I think that's another issue that needs to be resolved and that email address needs to be deleted.

President Fellows: In all fairness to Frank, I agree, I think that we probably all agree, also I had called a week or so ago, around noon and got the message that the City was closed at 4:30, so please call back the next day. So, that was a little unusual as well. So, we may need to have a conversation with the Mayor. But, thank you, Frank.

Councilman Fiebig: That would be the point of this meeting.

President Fellows: Exactly.

Vice President Plecnik: And Madam President. If I could just say, looking at the City website, it's under City News and Events, I think what we're referring to for Mr. Brichacek's reference when he next sees our Mayor. And it does refer to various things, blaming Council and I'm certainly not going to repeat them because it's obviously the intent of whoever, you know, essentially vandalized our website to spread this nonsense, but it's

very concerning that our website would be used for political purposes. It's meant to be a resource for residents so that we have valid and useful information and no politician should be able to use it to promote their personal, political agendas and certainly not disgruntled employees. And in this day and age, I'm really worried when employees, like, well, "I'll be back", in my message. Ask the Post Office, it's never good when a disgruntled employee says "I'll be back later". Oh, my.

President Fellows: All right. The next order of business is Legislation.

LEGISLATION

ORDINANCE NO. 2018-5 – 3rd Reading

1st Reading: January 25, 2018

2nd Reading: February 8, 2018

3rd Reading: February 22, 2018

AN ORDINANCE TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE WILLOUGHBY HILLS BOYS LEAGUE IN ORDER TO PROVIDE SPORTS PROGRAMS FOR THE YOUTH RESIDENTS OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

President Fellows: What are the wishes of Council?

Councilman Fiebig: Madam President. This is Councilman Hallum's legislation, what are his wishes?

Councilman Hallum: It's actually not my legislation, but...

Councilman Fiebig: Well, it's in the Recreation Committee.

Councilman Hallum: But, I didn't make this; however, my suggest is, let's wait and get the MOU and then decided, I mean, I don't know, I'm not a Law Director. I think we need somebody to tell us if it's substantive enough that we need to, you know, redo it or whether we can do it as amended, I don't know. So, I would say, if it's not hurting anything, leave it on the agenda, leave it on until we know what to do with it.

Councilman Fiebig: Madam President. My recommendation would be to either table this or to put it up for vote and vote no on it since the information that we were just given was that there was a substantive change that would not allow this amendment or this attachment to be effective anymore. So...

President Fellows: Either one is appropriate if someone would make a motion for one or the other.

Councilwoman Pizmoht: I'll move to table this, Ordinance No. 2018-5.

Councilman Fiebig: I'll second that.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilman Fiebig to table Ordinance 2018-5 and there is no discussion on a table.

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

President Fellows: The motion to table Ordinance 2018-5 has been adopted.

Councilman Hallum: Could you for the public let them know what table means.

President Fellows: So, because there have been so many questions about this Ordinance and research that has been done between the Boys League, Acting Law Director Steve Byron had started to work on this as well, there's some substantive changes in it, tabling doesn't mean that it doesn't go away forever, it will come back in a different form with an ordinance that is more appropriate to the actions being taken between the Boys League and the City.

Councilman Hallum: Thank you.

ORDINANCE NO. 2018-24 – 2nd Reading

1st Reading: April 26, 2018

AN ORDINANCE ACCEPTING THE FINAL QUOTE SUBMITTED BY ALSIDE OF 3773 STATE ROAD, CUYAHOGA FALLS, OHIO FOR THE TOTAL AMOUNT OF \$36,700 FOR PHASE 1 OF THE NOPEC NEC GRANT WINDOW AND DOOR PROJECT AND DECLARING AN EMERGENCY.

President Fellows: So, my understanding at the last Council meeting when the agenda was sent out we did not have the exhibit for this ordinance and the exhibit was provided the day of Council. So, in my absence, Vice President Plecnik facilitated the Council meeting and it was on 1st Reading. So, this evening it's on 2nd Reading unless Council has something else they'd like to do with it.

Councilwoman Majka: Madam President. I'd like to make a motion to waive the 3-Reading Rule on this ordinance. As was stated in the past, when we get grant money, we get the opportunity to get something like this, we should act on it. So, while the weather is good, I'd like to see this project get going.

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Councilwoman Majka and a second from Councilwoman Pizmoht to waive the 3-Reading Rule on Ordinance 2018-24. Is there any discussion on the motion?

Vice President Plecnik: I'm supportive of waiving this for the reasons that Councilwoman Majka states. While it's only responsible to read legislation before you vote on it that's why we held off on it for the 1st Reading to make sure that we could review the exhibit and the terms of the grant. Now, we have that before us and Council has all had a chance to review it there's no reason not to accept the money and begin to use it for our residents.

President Fellows: Any other comments?

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

President Fellows: Motion to waive the 3-Reading Rule on Ordinance 2018-24 has passed.

Councilwoman Pizmoht: Madam President. Move to adopt Ordinance No. 2018-24.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Majka to adopt Ordinance 2018-24. Is there any discussion on the motion?

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

President Fellows: The motion to adopt Ordinance 2018-24 has passed.

ORDINANCE NO. 2018-25

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION'S (ODOT) ANNUAL WINTER ROAD SALT BID (018-19) IN ACCORDANCE WITH OHIO REVISED CODE 5513.01(B) AND DECLARING AN EMERGENCY.

President Fellows: So, Councilman Fiebig and myself, have reached out to the Mayor and also to the Road Superintendent because the exhibit, the memo from the Mayor and the exhibit for this ordinance does not identify the quantity of tons of salt that needs to be purchased. So, that is not on this ordinance. I called on the cellphone that the Road Superintendent has used not only the current one, but also one prior to this and it was non-deliverable. And I don't believe, Councilman Fiebig, that you had a response, or did you, from the Mayor?

Councilman Fiebig: Madam President. I could read what I had received because it did only go to me at 3:51pm on Wednesday and the last in the chain was from Bob Weger, the Mayor: Dave, Mark will be back on Thursday and we will give you the number of tons. Right now, the number of ton is blank on the ordinance and the exhibit. I will let you know. Bob.

President Fellows: And, we don't have...

Councilman Fiebig: So, my question to him was how much rock salt you recommend the City purchase for the next year. We've had a lot of concerns from residents over not doing enough to keep our roads safer. I'm encouraging more, meaning salt, than prior years. We have legislation for Thursday. And then the first in that chain was from Victoria Savage: Councilman Fiebig, serving as Chair of the Service Committee, do you want to check with the Road Superintendent as to the number of tons being requested for the Winter Road Salt Project? So, that was from Tuesday to yesterday. But, you know, we didn't hear from the Mayor as to how many tons of rock salt to order. Haven't heard from Mark Grubiss. In fact, by the way, there's another issue, his phone apparently is not working or not responding. I think that he was on vacation, but still, people should be able to reach him or leave a message or something, but we got nothing.

President Fellows: Or pass the phone on to someone else while he's gone.

Councilman Fiebig: Exactly. There's got to be somebody else in the Road crew who answers the phone when he's not there.

President Fellows: So, based on the fact that we do not have a quantity, this will remain on 1st Reading.

ORDINANCE NO. 2018-26

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF THE ENGINEERING FEES ASSOCIATED WITH THE 2018 STREET REHABILITATION PROJECT; SPECIFICALLY, FOR KENNELLY DRIVE, RED FOX PASS, JENNIE LANE, SOMRACK DRIVE AND BATES LANE AND DECLARING AN EMERGENCY.

Councilwoman Pizmoht: Madam President. Move to waive the 3-Reading Rule on 2018-26.

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 on 2018-26. Is there any discussion on the motion?

Councilwoman Pizmoht: Our Engineer Pete Di Franco already discussed why this is important that we waive the 3-Reading Rule so that we can get these bids out and we can start working on our roads in our City.

Councilman Fiebig: Madam President. This legislation, for the benefit of those at home, is specifically for the engineering fees for five roads in our community that will begin the process to pave. Whereas in prior, we were only scheduled to have two. So, this was an appropriation of more funding and the reason for the waiving of 3-Readings, Pete, is that this will get this in the hopper a little bit sooner and our target time to get your engineering done is about when?

City Engineer: Ah, it will take us a few weeks to do the engineering and then we would go out to bid.

Councilman Fiebig: So, we're out to bid in mid-June, probably, right?

City Engineer: Well, it will take, it takes a couple of weeks to get into the newspaper, get that scheduled.

President Fellows: Behind the eight ball.

Councilman Fiebig: Wow, thank you. I'm in favor of waiving the 3-Readings. No doubt about it.

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

President Fellows: The 3-Reading Rule on Ordinance No. 2018-26 has been waived.

Vice President Plecnik: Madam President. Motion to adopt Ordinance No. 2018-26.

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to adopt Ordinance 2018-26. Is there additional discussion on this motion?

Vice President Plecnik: Madam President. If I could just say, this reflects another of the benefits of the balanced budget that the Council worked so hard to comprise with the Mayor and Administration and passed. Not only did the budget ultimately balanced and reduced the City debt, it put more money to our priorities including our Road Program. When the Mayor initially proposed the budget, it only allotted monies to pave two roads. As you can see, we've budgeting now and we're actually working to pave five roads for our residents. And I agree, it's not enough. You can tell I'm not bias because Evergreen Drive does not appear nor does Bishop Road appear on this list, but it's a start. We have to start pushing harder on our Road Program and investing more in repaving. And to all of you who live on roads like Evergreen, like mine, and think that you'll never see a visit from the Road crew, you can see that we're doing the best we can to patch roads like Hayes and Beech Hills and we're prioritizing repaving entire roads more so than we have in the past. We need to do better, I don't declare victory here, but I'm really harkened to see that we nearly doubled the number of roads that we're going to repave and we're seeing the real benefits of fiscal responsibility. Thank you.

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

President Fellows: Ordinance 2018-26 has been adopted.

The next is New Business.

NEW BUSINESS

Vice President Plecnik Madam President. I would make a motion to go into Executive Session after For the Good of the Community, but prior to Adjournment; inviting all members of Council, the Mayor as well as Mr.

Jim O'Leary for purposes of interviewing for and hiring for a public employee position. For our residents, we're looking at the Mayor's nomination of Mr. O'Leary as our Law Director. We've talked a little bit of needing legal representation tonight. No time limit on that Executive Session, it's an important matter and excusing the rest of our Administration. I think that Mr. Di Franco and our Finance Director would prefer to go home at this point.

President Fellows: Do I hear a second?

Councilman Fiebig: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to go into Executive Session after For the Good of the Order and the Good of the Community; inviting Council, the Mayor and Mr. Jim O'Leary to discuss employment as the Law Director; no time limit and excusing the City Engineer and the Finance Director. Any discussion?

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

President Fellows: We will go into Executive Session after For the Good of the Order and For the Good of the Community, anyone?

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

Vice President Plecnik: Madam President. If I could share, our congratulations to Councilman Dave Fiebig, more specifically to his son, Joe, formally known as Joseph Fiebig, for earning the rank of Eagle Scout. He joins his brother Michael as two of only 4% of young men who enter Scouting to achieve it's highest rank and we congratulate the father, we congratulate the son and the brother who came before.

President Fellows: And the mother too.

Councilman Fiebig: Don't forget the mother.

Vice President Plecnik: It's your job to remember your wife, the mother.

Councilman Fiebig: Thank you.

President Fellows: That's wonderful, that wonderful.

Councilman Fiebig: That's very nice of you, thank you.

EXECUTIVE SESSION

President Fellows: Anybody else For the Good or the Order or For the Good of the Community? Seeing, none we will go into Executive Session at 8:46pm.

With all members of Council present, President Fellows reconvened the Regular Council Meeting of May 10, 2018 at 10:42pm.

ADJOURNMENT

Motion was made by Councilwoman Lenz to adjourn. Councilman Fiebig seconded.

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

The Regular Council Meeting of May 10, 2018 was adjourned at 10:43pm.

APPROVED: _____

Date

Nancy E. Fellows

Nancy E. Fellows
President of Council

ATTEST: _____

Victoria Ann Savage, CMC
Clerk of Council