

City of Willoughby Hills

Regular Council Meeting Minutes of November 8, 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, November 8, 2018 at 7:00pm in Council Chambers. President Nancy E. Fellows presided.

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

DISPOSITION OF THE JOURNAL

President Fellows: The first order of business this evening is the Disposition of the Journal for the Regular Council Meeting of September 13, 2018.

Vice President Plecnik: Madam President. Motion to adopt the Regular Council Meeting Minutes of September 13, 2018.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to adopt the Special Council Meeting Minutes of September 13, 2018. 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 September 13, 2018 have been adopted. The next is the Mayor's Report. Welcome back, Mr. Mayor.

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR' REPORT: Thank you. I wanted to say that the Road Paving Program for this year is complete now with the streets Somrack, Jennie, Bates, Red Fox Pass, and Kennelly Drive. They finished up with the brim on the side of the road last week and they're completely done. They look really nice. I'd like to appoint a Charter Review Commission. I want to say to Council please give me some names that you feel would be appropriate and the task is very large and we will look at issues, both the issues that were on the ballot and any more, but the whole Charter.

The substation that you passed the ordinance last week, I signed the ordinance but I haven't gotten the contract yet from Mr. Scheel. When I do, I will sign that but we're waiting for the contract to come in. I want to announce that the Veteran's Memorial is going to happen this Sunday, November 11th at 11:00am. It's going to be in doors, it's going to be inside the Community Center, so we anticipate snow, so it's best to have it inside.

December 2nd is Winer Fest, that's the celebration we have at the Fire Station where we fill the ambulance with toys, that's December 2nd and then December 8th our breakfast with Santa, we started taking reservations earlier this week. The children are \$3.00, the adults are \$5.00. It includes a picture with Santa for the kids and we've already got some people reserving their times. You can call the Rec Department at 440-975-3540 and she'd be glad to take your reservation. It's by reservation and she's there to take them from 9 in the morning until 1 and if you leave a message, she'll call you back. And the last thing, I gave the brief of the Attorney General to Council and it happens to be what the Attorney General said on the ULP. It was heard on the 25th, the last two Thursdays ago, that's where I was at and there was a hearing and we'll just wait for them to come out with a ruling on that. That's all I have Mrs. President.

President Fellows: Thank you. Are there any questions for the Mayor this evening? Thank you. The next is our Finance Director's Report, do you have a report this evening, Mr. Brichaek?

FINANCE DIRECTOR'S REPORT: Just a couple of insurance items. The City's general liability terms came in actually about \$1500 less than it was last year, so that was good news.

President Fellows: Frank, do you have your mic on because...

Finance Director: Yes, it is. And the employee healthcare came in at about a 3.4% increase, so that was very good, it was reviewed by the Healthcare Committee. That's it for tonight.

President Fellows: Thank you. Are there any questions for the Finance Director this evening? Next is the City Engineer's Report, Mr. Di Franco.

CITY ENGINEER'S REPORT: Thank you, Mr. President. No report for tonight, but I'm open to questions.

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

City Engineer: And also, next year we're also scheduled to restripe the streets.

Councilman Fiebig: And restriping the streets is about \$55,000 that we need to appropriate for that. So, and that's important that we do that every two years, so that needs to be done next year. Thank you.

President Fellows: Any other questions the Engineer this evening? Thank you, Pete. The next is Council's Committee Reports. Just two points because I don't believe any members have had committees and the last Planning and Zoning Meeting of October 18th was cancelled. So, I don't know, Councilman Fiebig if you have any thing to report on that.

Councilwoman Pizmoht: Mr. Di Franco, so the Dodd Road slope issue, according to Mr. Grubiss, our Road Superintendent, he said that its gotten worse, is that the case? Is that going to increase the cost of the repair?

City Engineer: No. It has gotten worse, it has slipped. I believe that they've closed one lane of the road.

Councilwoman Pizmoht: Yes.

City Engineer: So, it's down to one lane, but it won't affect the cost.

Councilwoman Pizmoht: Okay.

City Engineer: We're in the final stages of design. We're hoping to go out to bid in December and start construction soon after. We're trying to get construction complete by June, actually by May or June because the road resurfacing starts soon after that.

Councilwoman Pizmoht: Okay, so it's a short area of Dodd that is one lane, so we're expecting that to stay that way until May or June, you're saying?

City Engineer: No, I can't say if it will get worse or not.

Councilwoman Pizmoht: Okay. So, that will happen, okay, so that will be after so, May or June. It's not going to be fixed until May or June.

City Engineer: It could be sooner, but that's the worse.

Councilwoman Pizmoht: Okay. Okay.

President Fellows: Any other questions for the Engineer? Thank you, Pete. The next order of business is our Council Committee Reports. Anybody have anything to report this evening?

COUNCIL COMMITTEE REPORTS/ OTHER COUNCIL REPRESENTATIVE REPORTS

Councilman Fiebig: Madam President. Thank you. We had two committee meetings just prior to this Council meeting. The Service Committee met at 6:00 and the Safety Committee met right after. I'll have some written note, but I'll just give a brief overview. We discussed in both of these Committee meetings of wants and needs and a wish list of budget items for next year. In Service, we heard a new plow truck that would replace one of ours and also a 1-ton truck that would carry tools, that would also replace a very old one and the asphalt roller, the 4-foot asphalt roller that we use, all of these things are necessary for our streets and maintenance. Those are capital items and were going to need to look at that and address that in our budget. Also, our Finance Director did a work sheet which I do have available if anybody else needs a copy of it. I or he does that would detail out and again, this is just a work sheet, this is not the budget or anything like that. It's just a worksheet that would show that between the expenses and the revenues projected and some of the things that we would be able to accomplish and still be able to have a little bit of a carryover to work with, so this includes road striping for next year, includes the Dodd Road Project. Actually, our City Hall parking lot is on this wish list because it's really in bad shape, but of course, public streets, I think most of us agree, are the priority. We do have to look at what streets we can do next year, but this got the ball rolling to talk about what we need to do for next year. And also, a reminder that the Road Levy expires at the end of next year. So, we'll have to get that on our calendar as well.

In the safety side of things, at both of our Service and Safety, there were expressed concerns about employees and hiring and you know, the difficulties that we have in the current environment, less and less people seem to what to get into safety forces whether it's police and fire and even the Road Superintendent mentioned how he put out an ad and only four people responded to his ad. It just seems, you know, it's a tuff job and not everyone wants to do it. We pay reasonably well, that's not necessarily the issue, but perhaps the starting salary we could look at just to start at the full-time salary, just an idea that was thrown out there that I had. I don't like the probationary idea. I think that we should just start people at the salary that the job deserves and drop the probationary, but that goes to the contact negotiation which all the union contracts are up, also expire at the end of '19 so, we have that to deal with. We heard from Chief Collins regarding some of the updates about what's going on with Central. Some of the wishes he has to get two new police chargers. The update on one of our cars, the engine blew and Ford was able to warranty it. Some other things that we need to get, to keep our eye on will be radios. The 800 MHz radios no later than 2020. It's almost a \$200,000 purchase. We're going to

need to do that. Some other details came forth about how we're getting alerted in the Fire Station since we switched over the alerting is not done the same way it was done when we had dispatch here. So, they're working on that. The issue was also brought up about our IT and perhaps having that all folded into the County system. To have, you know, sort of a cohesive system that one entity is doing, but Lake County, you know, has a smaller IT Department, not sure if they could take us on, Mayor and the Chiefs are working on that. It's an ongoing fluid motion right now. Let's see, what else, also in the fire service, the air pacts that they use, the breathing apparatus, about a \$160,000 cost and we should be thinking about upgrading those. He also put on his wish list the, a new ambulance. So, that's always a big expense, it's about \$200,000 for a new one. We have gone to retro fitting ones with just adding the box and keeping the chassis, but, or I'm sorry just the other way around. But, at this point and time, at some point, you can't do that again, you just really should buy a new one. So, both of them also mentioned about fulltime firefighters, fulltime police officers as the part-time service is just getting tougher and tougher to get people to come in and work part-time and we train them and then they get hired fulltime somewhere else. So, I think I got from both of them, on the police side of things, two new police officers would be great and on the fire side, he was saying three fulltime firefighters may be would be the way to go. So, again that was a wish list. In public portion we heard about street light issues and Mr. Grubiss said that he would get right on that and a suggestion about training for active shooter situation was also brought up and that seemed to be a good idea that we'll look into. That's all I have. Open to questions.

President Fellows: Any questions?

Mayor: The uh, I want to mention, the air pacts, they're in for a grant for \$200,000, so may timeframe, they're pretty certain that they're going to get it, but like you said, if not, that they, the fallback is a \$160,000.

Councilman Fiebig: Right. We're hopeful that we get that grant, but we're not sure it will happen, they're hopeful, very hopeful, I think was the word I heard. Thank you.

President Fellows: Any other questions? Any other Committee Reports? Moving on, the next order of business, are there any other Council Representative Reports? Moving on, the next order of business is 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 to share their thoughts, concerns. We ask that you keep your comments to approximately three minutes and I'd also ask that you will give your name and address so that we will have it on the record and I will open **Public Portion at 7:14pm.**

Yolanda Stay – 2938 Hayes Drive. I've been here over 40 years. I love the community. Nice people, or there was nice people and there is such a change, radical and I can't believe how you can character assassinate people who have nothing to do with anything except to pay their taxes and do their thing. So, we don't have to mention names, do we? Or do we know that everybody wants to change and get the old crew out so that we can get this new flip crew in. We all know about the Godfather, I hope to goodness that I don't have to be the Godmother. Do I make any sense, or do you know what I'm talking about? There's too much character assigation going on. I want this whole crew stopped. Whatever it takes, I'll help. I don't have much money, but I can help. Is that saying it all? We're talking about Gloria who has been the WHISPER crew. Does anyone know who the WHISPER crew is? She's better than your own relatives. She's there, she's like angel, you don't see her, but you know she's there. She helped me through so many things, all the time. Just things I didn't even know, but she helped. She's a wonderful person and she kept the City humming smoothly. Gloria

kept everybody in a nice sweet pace even if they didn't like what was going on, Gloria got into it to see if we could justify it. That was Gloria, it was just the WHISPER crew. She was just a good person and I want this all stopped and whatever it takes, I'll help. Did I say enough or does everybody understand? Said enough, okay everybody. Now good luck, let's do it right this time.

Joan Mazie – 2837 Stark Drive. I'd like to say something about the WHISPER Program. I've known Gloria for years, she's the best person around. She was the best for WHISPER, I want WHISPER back, I want her back. There should be no reason not to have her back here. She helped so many people. She helped me several times. The WHISPER Program helped me so much when nobody else would. And I'd like to thank the people who said no for the Charter Amendments which was a bunch of, never mind. Thank you.

Chris Welsh – 38801 Chardon Road. I didn't realize that Gloria was running the City. So, what do we have a Mayor for? Nice of you to show up. If you were so worried about the Charter Commission, where were you during the Town Halls? All these expenses that the police and fire have, I don't know how the City is going to make all their money on the Salvation Army and the blood plasma bank, you're not going to be able to afford all that stuff is you rehire overpaid workers. Pay people a fair wage, not six figures. You can buy an answer machine for \$15.00, everybody has cellphones and you're not too busy to answer the phone, Mayor or whoever else is there. Everybody has a cellphone. This just disgusts me. Maybe you can use some money to put a statue up in the front yard, St. Gloria, what a joke.

Vicki Miller – 2857 Hayes Drive. I was hoping that things like this wouldn't happen tonight where we're attacking one another because I think that we really came together as a community even though may be the vote didn't go the way some people wanted it as far as the Charter Amendments. I think that we really made some progress in coming together as a City. I had a great time standing at the poles and chatting with people about and learning about my neighbors. I had a great conversation all morning long, standing over at Calvary Church, with what I found out was a pretty great lady and some of you may have heard a lot about her in the past as that was his Aunt Linda and I had a good conversation with her and did enjoy that. I also had some good times with other people. It was kind of funny, in fact as I was standing there, and we're kind of joking around with Greg and stuff, one lady kind of walked by, and said, you're no, you're yes, I might have to vote may be because we were all getting along so great. And I also appreciate those conversations, I had other conversations with people and I also enjoyed towards the evening hours, finding out some good information and talking to Doris about the truck rally. So, I think this is really what Willoughby Hills is about even though we all had opposing views, that day we came together and represented our point of view to the people. So, I just really appreciate all those folks that I had a chance to talk to on Tuesday. Thank you.

Doris Dodge – 37881 Milann Drive. Just one quick thing, off the top of my head, I don't see why Gloria can't start her own business, if she would like to. You know this seems to be coming up all the time about WHISPER, can't she just start her own business? And this can just all go away. The only other thing that I want to say, I would like to see, Mr. Mayor, work with this Council. These people are dedicated to our community and offer a vase about of diverse education and experience. They are an exceptional group that are always willing to communicate with residents with any concerns and work towards a resolution. When you fired this Council, you brought attention to this community that was quite embarrassing especially the part of about the removal of their photographs from the wall. Council meetings are where our City business is discussed and frankly, Mr. Mayor, I believe that I have attended more Council meetings than you have. I strongly feel that our Mayor and our Councilmembers need to attend meetings. You are all being paid by our City and all of you wanted these jobs. No excuses of spouses' birthdays or other obligations, etc., or not being prepared by not having enough time to read communications prior to meetings, it's not acceptable. The citizens of Willoughby Hills deserve your commitment to the office that you hold. In closing, I would like to quote something that Mr. Ted Dellas wrote to the Mayor and posted on the Willoughby Hills Community page: "Great teamwork starts with great leadership. Start leading and stop the BS about you are right, and they are wrong. So, let's all work together and I'm sure that we can move our City forward". Thank you.

Linda Fulton – 2990 Marcum Boulevard. I would like to echo what Vick Miller said as far as, I was at Calvary along with other people, it was very cold, windy, I became an ice cube. And yet, and I'm sure people who were standing out at the Community Center also felt the same. I stood with Vicki Miller for a while. I stood with Dr. Atkins, they were representing the "no" vote. I represented the "yes" vote and yet, we got along. We made each other laugh, and it was really nice and I was hoping that tonight would have been that way, but it doesn't seem like it's going that way. I am and was for these amendments, but I will say, that possibly it was not done right. When I felt in supporting the "yes" vote, in talking with the people on Tuesday, that residents want to be involved and they want to be heard. So, I'm saying, you know, that possibly, you can talk about these amendments again, it's not saying that you can't put them up again, but let the residents know, let them voice their opinion. It's time that we do get along, that we don't keep fighting. Look at our Federal government, look what's happening there. Look what's happening, there's so much hatred in the Country. We don't need it in Willoughby Hills. Hatred seems to be driving a lot of people here and it's not right. You can get along and have different opinions but let's be civil with each other. The...another shooting in LA or California, where ever it was, people are going just crazy. They're attacking media in their homes. We have that here. We have that here, where somebody knew that **possibly** a Councilperson could have gotten hurt very badly, if not killed. Let's go beyond that. Thank you.

Jenna Bing – 36951 Beech Hills Drive. I thought it was very interesting, I was very much for the Charter changes that came up for voting, I was on the "yes" side. I looked really hard at them to make sure that I understood exactly what they were doing and I was really pleased that Council took the time to actually hurry up and put them forward. It was well worth trying to improve our Charter so that may be would be a way for things to have the right "checks and balances" and to get everybody working together. They didn't pass. They didn't pass, but it was a small margin really in many ways, which points out that we're in an extremely divided community and that means, that it is very, very, very important for people to figure out how to work together. Mayor, I hope that you see when you go and do things like put forward a really credible person that has the stuff to be able to, you know, the skills and stuff, to be the Recreation Director over at the Community Center, it got approved and my gosh, we like doing things again. Things are happening. I don't understand why that took months to happen and we still have other positions out there that you have not put forward someone that is credible and got all the chops and all the skills behind them to do things like be a Law Director and to be a permanent, I think, it's Fire Chief. We have a temporary Fire Chief that's been a temporary Fire Chief forever. That's not the way we should work and if Council is turning down your recommendations, you should have a dialogue with them to understand why they don't like who you put forward. So, that maybe you can go find somebody that can be put forward that they would be accepting of and have agreement with on who to put forward. And that's not doing things like saying just give me the names, you've got to find the people, you've got to put them forward, you've got to like them, they're your team, but you've got to put forward credible people that they can feel comfortable having as part of the administration. There are lots of service and safety needs. I actually flagged down a policeman because that 4-foot thing that pounds down the pavement, you know, that you talked about, yeah, it was leaking oil out the back of it as it sat on the Grange. God only knows what the oil pile looks like behind it. So, it's obviously broken. We have got a lot of money that needs to get spent on the right things including hiring more fire, hiring more policemen and they got for the Council, stepping up and actually putting forward a budget that focused on that kind of thing instead of paying an administrator a lot of money. Thank you.

Tony Miller – 2857 Hayes Drive. First of all, I had every intention of standing up here and reading into the record the letter from Mike DeWine's office* and Charles E. Coulson's office* regarding the WHISPER Program investigations; however, I will not do that but I will ask that they be entered into the record. I believe that's only fair after standing...after sitting for twenty minutes and listening to someone read a twelve-page letter, word for word at nauseum the last meeting. Next, Mayor, thank you so much for convening a Charter Review. The people that I talked to out on the streets when I was out campaigning for the "no" votes we encouraged those that didn't know or wasn't sure, to vote "no" and then contact the Mayor and say convene a committee so that we can address these in a public, a more public form than they were. So, thank you so much, appreciate that. That was an answer to a lot of people's wants and desires and questions. And honestly, I think

Linda hit it on the head when she said that, um...I lost my train of thought, when she said something to the word of, people were concerned about how quickly and how little input the citizens had on these Charter Amendments. I think, I think, now that I think about it and now that she said that, that is probably why they were defeated. Today, on some radio interview one of our Councilmembers said this was the reason why the Charter Amendments were defeated. This is not why the Charter Amendments were defeated. The Charter Amendments were defeated because the citizens of Willoughby Hills can synthesize information and make educated, knowledgeable decisions and I believe that's what happened on Tuesday. Honestly and truly, this didn't lose the election for the "yes" votes. Thank you.

Andrea Marinko – 28802 Eddy Road. One comment. This past fall, the flag football team was wonderful. That's all I have to say, that's the most positive thing I have to say. Thank you.

Road Superintendent: I would just like to clarify one thing, I'm Mark, I'm the Road Superintendent. That was water that came out of the roller and not oil as we discussed it doesn't hold water, so it wasn't an oil leak. I just want to clarify that.

Jenna Bing – 36951 Beech Hills Drive. I think I get a second 3 minutes if I want if everyone has gone once. The WHISPER Program was brought up and my name is Jenna, again, 36951 Beech Hills Drive. I think that the WHISPER Program idea was a really good idea when like, it was supposed to be volunteers helping in ways like raking leaves and stuff like that and I am very concerned still about the liability that running a program like that and having the administration people actually doing the work, how that sets up liability for the Village. I was not fond of having our administrative, the Mayor's Administrative Assistant actually spending a lot of time doing WHISPER work instead of what her job said which was coordinating WHISPER work and I expect that a lot of that drove her wanting to have more money. She was doing a lot of things that were probably beyond what was originally her job. I am very concerned about whatever negotiations have gone on in regards to the union. I'm not anti-union, but given where our emphasis of money needs to be spent on, the fact that the union people were asking for very high wages, I don't know as much as a fireman, more than a fireman, it was really high, and things like unlimited vacation and things that our other unions would then be coming to the City for says that we would not even have a chance to even pave Eddy Road because we would just be paying people and that is very concerning. I know that we are probably getting ready to start going to budget, figuring out again, and I'm hoping that the administration is looking long term of the implications associated with those types of things. Now, along with that, because I've had the discussion with Frank, that there might be a give and take that it's a big discussion on, should we have Mayor's Court or should we rely on it happening down in Willoughby. Those things are numerically driven. That's dollars, pull the dollars together, take a look at it, see if you need another part-time person to do it. All that is, is like crunching the numbers, take the time to crunch the numbers and show the numbers to Council and have a discussion about what's a good direction to go on these kinds of things. I don't know, but I know...Frank, you've got experience, you say in one Village you've worked for has one thing and one has another, bring that knowledge to the table for everyone and the citizens. Thank you.

Joan Mazie – 2837 Stark Drive. Gloria was the only one in this City that helped the elderly, the disabled. Have any of you people done that? I don't think so, I haven't seen any of you guys do anything, a couple people I know do, but that's what we needed, somebody to help the elderly, somebody to help the disabled that can't do stuff. That's what we need, we need the WHISPER Program. Thank you.

Jennifer Varro – 2250 Pine Ridge, Par Lane. I have something that I would like to clarify as far as a reference to the WHISPER Program. Number one, I did look into it as a new resident a few years ago, and was not able to be a volunteer, I never really got an answer back as to why which I find now to be a little bit more eye opening. Then, I just accepted it as it was fully and I wasn't able to be eligible for it and never pursued it again, but I'd also like to read something, it's a correction of the Mayor's press release in regards to WHISPER: On October 29, 2018, Mayor Robert Weger issued a press release claiming that Councilmember Chris Hallum, Gloria Majeski and himself were fully exonerated by the Ohio Bureau of Criminal Investigations and the Ohio

State Auditor's Office. The City of Willoughby Hills is obligated to set the record straight given that Mayor Weger was severely incorrect in his public statement. In response to Mayor Weger's press release, the Ohio State Auditor's office has authorized us to share that their investigation is on going in Willoughby Hills. In addition, the Bureau of Criminal Investigations made it clear in their October 19th letter to the Lake County Prosecutor that they are not rendering a decision that no criminal violations have occurred and has not exonerated anyone. It is my understanding that other agencies are potentially investigating other aspects of the situation and BCI's determination has no bearing on such investigation. BCI is not rendering a decision that no criminal violations have occurred; instead we are simple stating that our narrowly-focused preliminary inquiry did not locate sufficient cause to initiate a full investigation. Whether or not external law enforcement agencies ultimately determine to prosecute City officials and employees for their involvement in WHISPER, the use of the Grange or any other issue is outside the City's purview. It's the job of the City and its Council to provide oversight for City programs and it is always our hope those programs are run transparently and according to law. In reviewing complaints from residents regarding WHISPER, public records requests were made for receipts and other documents. More than a year later, the Mayor and his Administration had yet to fulfil those public records requests as required by law. Council then voted to suspend the WHISPER Program impending an investigation on February 28, 2018 with Councilman Hallum casting the only no vote. Given the substantiated facts in the WHISPER report, it remains our recommendation that the entire WHISPER Program remain suspended in the interest of protecting seniors in Willoughby Hills. It is recommended that the City including all current and former employees and officials cooperate with law enforcement and government oversight agencies for further investigation of WHISPER. Anyone with information about possible improprieties related to WHISPER or any matter of suspected elder abuse should call the Willoughby Hills Police Department, 440-942-9111. Thank you.

Cheryl Ota – 2960 Marcum Boulevard. Thank you, Mayor, for calling for a Charter Review. I think it has been since 2009 since our last one. At that meeting...at those meetings rather, I attended them with about three or four other people every meeting. So, I don't know where everyone in the City was that was so interested these, but, I'm sorry this was in the evening, a lot of times, these meeting are, so anyway, I'm hoping that everybody will attend or a lot more people will show up to the next Charter Review because it's very interesting to see how people keep going over things and over things and there is a Public Portion in there and you may have something to offer that would be very good for the system. So, I encourage other people to show up because three to five, may be seven people at max, of the public was not enough. You know, everybody needs to know what these Charter Amendments are. Thank you.

President Fellows: Thank you, Cheryl. The last one was done is 2015. Anyone else this evening?

John Varro -2890 SOM Center. I'm a new resident to the City and from what I've observed so far, I'd like say, thank you Council for everything you guys have done and I'd like to say to the Mayor, shame on you for now only gather the grit to show up for one of these meetings. Thank you.

President Fellows: Okay, thank you everyone and **I will close Public Portion at 7:43pm.**

UNFINISHED BUSINESS

Councilwoman Pizmoht: Madam President. Yes, I just want to agree with a few of our residents, Linda Fulton, Vicki Miller. I was at the polls, I got there at 6:20 in the morning, I left at 7:30pm. I think I stood in the same exact spot the whole time and I think I'm still cold after all that time, but I would completely agree, I think it was one of my favorite days ever being in Willoughby Hills. I talked to so many great people and I spent the time really listening to people. People who voted "no" on the Charter Amendments; people who voted "yes" on the Charter Amendments; people who had no idea what the Charter Amendment were, I talked to all of those people. I listened to what they had to say. Very few people were angry; very few people were particularly passionate. Some people just were ah, I don't know, most of the people were like that. I don't think that most of the people really felt a strong opinion either way. I think they really didn't, but I know what they did, most

of...every single person I talked to said, is that the Mayor and Council, all of our officials, all our department heads need to work together for the City, for the residents, every, single person, almost and I can't agree more. I think that while we might disagree on what that means and how we can serve our residents best, we might disagree on that, I just would hope that all of us can put the residents' interest first, put the City's interest first and do everything in our power to meet their needs. So, but again, I think it was a great day in Willoughby Hills. I had a wonderful time. I was disappointed that the amendments didn't pass, but I just thought that they would help improve situation, but other people disagreed and that's fine with me, we're right back where we started, but I think it was a great day and I really enjoyed talking to everyone including people with no signs we had a lot of the "may be" comments too, that was great, so thank you.

Councilman Fiebig: Madam President. Just one quick comment. To say that we're backwards or we went backwards or we're back where we've started, I think that's...if you think about it, we actually did move forward and may be there's some lessons to be learned, both sides of the issue in the community as a whole. All of us, I think we were passionate about the issues, one side or the other, again there's some people in the middle that really doesn't matter, but I think we're hearing resoundingly that...work together, that's what we need to do. So, hopefully we can move past the animosity, or some hard feelings and really try to work together, but I...we did accomplish some things. I mean, there was a debate it was almost like a civics lesson, you know, for the entire community, what is a Charter; what does it do; what does it mean; what's the separation power; what does the administration do versus the legislative body, so in that way it was productive and in that way it was helpful, but yeah, I'm optimistic for the future. I hope we do move forward. I hope we do see a brighter day tomorrow. Thank you.

President Fellows: Anyone else? Okay, let's move on to Legislation.

LEGISLATION

ORDINANCE NO. 2018-47 – 3RD READING

1st Reading: October 11, 2018

2nd Reading: October 25, 2018

AN ORDINANCE TO EMPLOY THE SERVICES OF GREGORY BECK AND BAKER, DUBLIKAR, BECK, WILEY & MATTHEWS, TO REPRESENT THE CITY OF WILLOUGHBY HILLS IN THE COMPLAINT FILED IN *WEGER V. CITY OF WILLOUGHBY HILLS*, LAKE COUNTY COMMON PLEAS COURT CASE NO. 18CV000964 AND IN *CITY OF WILLOUGHBY HILLS V. WEGER*, LAKE COUNTY COMMON PLEAS COURT {TEMPORARY RESTRAINING ORDER, COMPLAINT AND MAYOR'S ILLEGAL ATTEMPT TO REMOVE ELECTED OFFICIALS}; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

President Fellows: What are the wishes of Council?

Vice President Plecnik: Madam President. Motion to adopt Ordinance No. 2018-47.

Councilwoman Lenz: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Lenz to adopt Ordinance No. 2018-47. Is there any discussion on the motion?

Councilman Hallum: Madam President. I just have concerns because the second case mentioned on here is actually, my understanding from the docket, is this was individuals as taxpayers against the City and I don't think it's proper for us to foot the bill for individual taxpayers' lawsuit against the City unless of course, a judge finds that the claimants win and deserve their legal fees. So, I'm concerned about whether that's actually proper as result...

Councilwoman Pizmoht: Madam President.

President Fellows: Are you finished Chris?

Councilman Hallum: Yes.

Councilwoman Pizmoht: Yeah. This suit, the plaintiffs are the City of Willoughby Hills and several Council people in their official capacity, so this is not a taxpayer lawsuit. This is not brought by individuals.

President Fellows: And if I'm mistaken this is part of catching up on, Frank, I'm I wrong, is this the one that we're catching up with or was it the other ordinance?

Finance Director: I'm not sure.

President Fellows: We have one that was just...and a cap and then we had another one that was an hourly wage and I think this was the one that was capped and we were making it like the other one, correct? We were equalizing both of them.

Finance Director: That's the way I understand it.

President Fellows: Yeah.

Councilman Hallum: Madam President. I understand the first part of this, I'm only talking about the secondary which is clearly an individual taxpayers' lawsuit, that's what it says on the actual docket, as individuals and so, whether we want to argue if it's actually the City or not, it says on the lawsuit individuals, as individual taxpayers, so we can agree or disagree...

President Fellows: Do you have that one with you?

Councilman Hallum: If you want to wait for that, but that's what I think it says...

Vice President Plecnik: Madam President. If I could just share the docket is sometimes incorrect. For example, the second time the Mayor sued the City of Willoughby Hills it was initially listed as Mayor Weger verse Board of Zoning Appeals. What ultimately dictates the lawsuit is the actual brief that was filed by the parties unless it was amended by the judge and the judge has not amended the lawsuit to my knowledge. There's no order that I'm aware of where the judge has changed Mr. Beck's filing and it was filed, I've certainly seen the brief myself. I think most members of Council have read it, if not everyone and it does, as Councilwoman Pizmoht says, list it as the City of Willoughby Hills and the Council people in their official capacities. So, unless there's an order by the judge that I'm not aware of amending it, it would stand as the initial Complaint filed, but dockets are sometimes incorrect. I don't think Mayor Weger has every sued the BZA, so that's just the electronic, just the electronic summary. You actually have to look at the brief filed by the attorney.

Councilman Hallum: Yeah, I do have it here. It does say party information; the topic part of information says Willoughby Hills City Council but underneath that it says David Fiebig, individually; Nancy E. Fellows, individually; Laura Pizmoht, individually; John Plecnik, individually; and Janet Majka, individually, so it does not, this is an individual lawsuit from the way I understand it...

Councilwoman Pizmoht: Madam President. Sorry, Councilman, I apologize for that. No, individually in our official capacity, not as a group, so individually in our official capacity. It does not say as a taxpayer. These are not taxpayer lawsuits. I wouldn't advocate for the City to pay for my taxpayer lawsuit against anyone, so this is definitely in our official capacity. So, again, it's defending the legislative branch of the City against us, so it's not about me, personally. It's about the City, the voters, the legislative branch, so...

Councilwoman Majka: Madam President. It also says in the third Whereas, on this ordinance, it says Robert Weger as an individual and taxpayer and in his official capacity, so we have that also.

President Fellows: So, that's how your lawsuit was listed?

Mayor Weger: First lawsuit.

President Fellows: As...

Mayor Weger: I paid for.

Councilman Hallum: Yeah, he paid for it out of his own pocket.

Mayor Weger: The Court ordered, but it's under appeal now. So, no lawsuit...

Councilwoman Majka: Madam President. I guess what we need here is may be more of a discussion, explanation of why this is needed.

Vice President Plecnik: Madam President. If I may, once again, this is a lawsuit by the City of Willoughby Hills and the Councilmembers in their official capacity. It's an appropriate expenditure. Mr. Beck has already done a lot of this work for which he should be paid. This is now on 3rd Reading. If there were concerns along these lines, I would have hoped that they would have been raised earlier, but the reality is the briefs are public records, you can see how the filing was sent. I'm not saying anything that you can't read and research for yourself. There's nothing in the docket information that you've read to us that conflicts with the brief. It says individually and yes, the Councilmembers are suing in their individual official capacity as well as the City as a whole, both of which are appropriate City purposes, so I think that we need to go forward with this tonight because we've gone through a full three readings. Mr. Beck desires to be paid for the work he's rendering to the City of Willoughby Hills and we're certainly grateful for his service.

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

Motion PASSED.

President Fellows: Ordinance No. 2018-47 has been adopted.

ORDINANCE NO. 2018-48 – 3RD READING

1st Reading: October 11, 2018

2nd Reading: October 25, 2018

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ACCEPT THE PROPOSAL AS SUBMITTED BY RICHARD L. BOWEN + ASSOCIATES INC. PROVIDING ZONING ADMINISTRATION SERVICES FOR THE CITY OF WILLOUGHBY HILLS, OHIO AND DECLARING AN EMERGENCY.

Vice President Plecnik: Madam President.

President Fellows: This is 3rd Reading.

Vice President Plecnik: This is. A motion to adopt Ordinance No. 2018-48.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to adopt Ordinance No. 2018-48. Is there any discussion on the motion?

Vice President Plecnik: Madam President. If I may, being the Zoning Administrator, the person responsible for enforcing our zoning code, it's one of the hardest jobs in the City. It's very difficult to do it in a way that doesn't displease some people because you're responsible for fines and enforcement, but I think that we're all grateful to our City Engineer and Zoning Administrator, Peter Di Franco as well as his firm, Richard L. Bowen + Associates for the work that they've rendered. It saved the City a substantial amount of money to work with Lake County Inspectors using Peter as our Zoning Administrator and we want to continue that relationship.

President Fellows: Also, Pete, I want to thank you for providing this ordinance and the previous one in plenty of time for Council to be able to review it, ask you questions, and have three readings without Special Council meetings on it. So, I am very grateful for that, thank you.

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

President Fellows: Ordinance No. 2018-48 has been adopted.

ORDINANCE NO. 2018-49

AN ORDINANCE PROVIDING FOR TEMPORARY APPROPRIATIONS TO MEET THE ORDINARY EXPENSES OF THE CITY OF WILLOUGHBY HILLS, STATE OF OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2019 THROUGH MARCH 31, 2019; REPEALING ALL LEGISLATION INCONSISTENT HEREWITH.

Councilman Fiebig: Madam President.

President Fellows: This is on 1st Reading.

Councilman Fiebig: Madam President. I'd like to move that we waive 3 Readings on this piece of legislation, if there's a second.

Councilman Hallum: I'll second. This is housekeeping, this is something we do every year.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilman Hallum to waive the 3-Reading Rule on Ordinance No. 2018-49. Is there discussion on the motion?

Vice President Plecnik: Madam President. I believe it's premature to vote on this legislation. While it is the temporary budget, the budget is the single most important thing that Council votes on. I as Chair of the Finance Committee intend to call a meeting in the near future. I'll be in touch with our Finance Director Mr. Brichacek to set a time that's available from him. I think that we need to discuss this and ensure that we have sufficient funds for our priorities even over the short term, so I would make a motion to table a waiver of the 3-Reading Rule because I think that this is premature and I think that we should really have a discussion in Committee before we vote on something so important.

Councilwoman Pizmoht: Second.

Councilman Hallum: I'll withdraw my second.

President Fellows: Councilman Hallum, you have taken back your second?

Councilman Hallum: The Finance Committee is going to go over this.

President Fellows: So, there's not second on your motion, Mr. Fiebig. Also, not too long ago, you specifically said at this table that government should take time and deliberate on issues.

Councilman Fiebig: Madam President. I wasn't given an opportunity to state my reason as to why, so it's not appropriate now, but there was some good and valid sufficient reasons that I had to suggest that we go ahead and do that, but...

President Fellows: I think it's important that this be reviewed in Finance.

Councilman Fiebig: That would be fine. There is going to be a Finance Committee meeting sometime over the holiday period so that we can discuss this and people will be available to meet to make sure that this passes in a timely way.

President Fellows: Additionally, I had asked for the Clerk to pull last year's so that we could just review it in terms of a comparison. And last year, I think, Mr. Brichacek, you prepared it for us in September and we got it in October and this one we got November 2nd and we may only have two more Regular Council meetings this month, so that makes it a little more challenging for three readings.

Finance Director: There's three Regular Council meetings between now and the end of the year that are currently scheduled. The website shows tonight's meeting in November and it shows two meetings scheduled for December. But I can tell you that the amounts in here are basically 25% of the current appropriations with the exception of debt service because most of our debt service comes the first quarter of the year and it also includes \$400,000 for the Dodd Bank Project and that was basically explained in the cover memo that was submitted to Council.

President Fellows: So, the ordinance is on 1st Reading and it is going into the Finance Committee. The next is New Business, we have a motion.

NEW BUSINESS

President Fellows: Any New Business for this evening?

Vice President Plecnik: Madam President. I would make a motion for Council to authorize the Mayor to seek bids for a Source Capture Exhaust System for our Fire Station.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to authorize the Mayor to seek bids for a Source Capture Exhaust System for the Fire Station. Any discussion on the motion?

Mayor: This was a grant awarded to the Fire Station so it was relatively paid for. We just have to get the qualified bidders to bid on it.

President Fellows: And I spoke to Chief Serazin about it as well. Any other discussion on the motion?

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

Motion PASSED.

President Fellows: The motion for Council to authorize the Mayor to seek bids for a Source Capture Exhaust System for the Fire Station has been passed.

Councilman Hallum: Madam President. I would just briefly like to discuss, as you all know, the Mayor sent out a copy of the Attorney Generals' filing on this ULP that was held by SERB, for those of you who don't know the Attorney General in this case is interpleading in this case is basically, he is a disinterested third party, that his office is, and they sometimes weigh in on cases and sometimes they don't and in this case they did, in fact they, it's my understanding that they actually showed up at this and in part the brief, the Attorney Generals' office proposed conclusions of law. I'm not going to read the whole thing to you, but there are certain things that, it says that the City violated R.C. 4117.11(A)(1) when it discriminated against the above bargaining unit employees by laying them off because they engaged in the protected activity of forming a union and negotiating a CPA; number 5, the City violated R.C. 4117.11(A)(3) when it discriminated against the above bargaining unit by laying them off because of their participation in activities on behalf of the bargaining unit and with regards to that one he actually earlier on said that the City would attempt to throw up a smoke screen by arguing that budgetary constraints and a desire to put roads, police and fire first... will require cutting substantial amounts from administrative overhead, but even if the City's budgetary concerns were enough to rebut the presumption of discrimination which Complainant argues it is not, the City's arguments are simply a pretext for illegal discrimination and the City should not blame or penalize its employees for its failure to budget properly or prioritize expenses. They have submitted no proof establishing that the layoffs were an economic necessity. It says, without question there is no clearer example of a unilateral change in a matter subject to collective bargaining than this case. It is an unfair labor practice under R.C. 4117.11(A)(5) and a violation of the duty to bargain collectively when employees are unilaterally laid off. He also said the City violated R.C. 4117.11(A)(5) when it discriminated against the above bargaining unit employees by laying them off and refusing to bargain. His proposed remedies were: (1) An order for the City to cease and desist its violations of R.C. 4117.11(A)(1), (A)(3) and (A)(5); (2) An order requiring the City to post a notice setting forth its violations of R.C. 4117.11(A)(1), (A)(3) and (A)(5); (3) An order requiring the City to reinstate all of the above bargaining unit employees to their pre-layoff positions; (4) An order requiring the above bargaining unit employees to be made whole for all wages and benefits lost from April 30, 2018, to the date of reinstatement by awarding them back pay from April 30, 2018, to the date of reinstatement; and any other relief which SERB deems appropriate.

And the only reason that I bring this up right now is, I'm wondering if perhaps Council should get out in front of this a little bit and start talking about bringing these folks back to reduce the amount of loss that we will have assuming that SERB may go with the Attorney General on this as oppose to opposing him so that's really my concern, is whether may be we can litigate some of the losses that we may have already encountered as a result. Thank you.

Vice President Plecnik: Madam President. Just one quick note. I noticed that the Mayor shared that brief, you referred to, with Council this morning, but somehow you had it much earlier, where you shared it on Facebook or at least a part of it on election day on Tuesday and I just noticed the last page, looking at what you posted on Facebook, underneath, it was not Attorney General Mike DeWine, but rather two Assistant Attorney Generals in his office and underneath their titles as they explain their position in the case, they are listed as "Counsel for Complainant", so I don't know that, that sounds like their legal status here as an unbiased third party. It sounds, Counsel for Complainant, sounds like they are in some sense representing the Complainant which is the person bring the suit. Although, I'll admit I'm not a labor attorney, but the document that you shared makes it look like this is a brief on behalf of the union.

Councilman Hallum: My understanding is, absolutely not.

Vice President Plecnik: Well, it says "Counsel for Complainant" on your Facebook page.

Councilman Hallum: That's how it was filed.

Councilwoman Pizmoht: Madam President. Who is the one handling the case for the City, presenting this evidence that the attorneys for the Complainant aren't finding sufficient to show that there were budgetary needs that necessitated some changes in our administrative staffing?

Mayor: I was.

Councilwoman Pizmoht: Did you have an attorney representing, it would be nice to see the brief that you filed on behalf of the City so that we can see what the City's best case is here. We're seeing the union's best case, it would be interesting to see the City's best case here because we'll all suppose to be representing the City in this matter.

President Fellows: Anything else Councilman Hallum?

Councilman Hallum: No. Thank you.

President Fellows: Councilman Fiebig, you have something totally different to share.

Councilman Fiebig: Madam President. Yes, through a resident of the City, several months back, I was put in touch with some people that wanted to purchase a building in the City and bring business here. We sat down, had some conversations, we met with the Mayor and his team; meeting the company's team a couple of times now, and we had a meeting Tuesday and out of that meeting came the final result which I would like to propose a new business here, that an economic incentive grant for a company to bring more than 300 jobs to this City and they will, they have a purchase agreement in place for the old Sam's Club. This is a company that does produce packaging. They would also have a retail component to it and we could have as much as 350 may be more, jobs that would come into the City with a payroll of, you know, in upwards of \$11,000,000 per year. So, what they asked for, I will share with everyone, I did just get this to Vicki, just about, oh gosh, 4:30 – 5:00, so she didn't get complete workings of it, but I hope that we could introduce it on 1st Reading next time and hopefully before the end of the year, we could pass this. It's basically, I'll just outline, it's a 50% grant that they're asking frontend loaded, meaning 75% for each of the first three years; 50% for years four through eight and, I'm sorry, seven and 25% for the final three years. They were asking form some help with things like, making sure the bus lines would work to their location; asking for help with application for zoning and making sure that would be approved and as I understand, that will happen at the next Zoning meeting, perhaps. Pete, do you have any info on any new development on that?

City Engineer: Yeah, I gave them a plan review letter about a week and a half ago, and I haven't gotten a response yet, so, no, it won't be on the next Planning Commission.

Councilman Fiebig: Okay. So, it's forthcoming. I know that they wanted to accomplish this before the end of the year. We basically would be looking at the same incentive grant format that we did for Hospice of the Western Reserve. So, I just simply used that as a template. The only thing that we would take out is the tax rebate based on the income which is simply a percentage for each of those years which I just enumerated. That's basically it, it's been an exciting project for the company that we were able to sway them from another, there were two other communities that were involved, but they didn't like the location and having an economic incentive was really important to them and having a tax rebate, having that in place certainly, yes you're giving back some tax revenue perhaps that you would get in, but there's going to be all kinds of other factors, of other economic development that will happen because of that. In 2009, Sam's Club left, so it's almost going to be 10 years before, since that place has been dark since 2009. So, there was 130 employees by the way at that time. This is more than triple that and full-time people too. Yeah, I do believe they work multiple shifts. So, it's very exciting. We're hopeful that we can get this done before the end of the year. Thank you.

Vice President Plecnik: Madam President. If I could follow on, I want to say thank you to Councilwoman Laura Pizmoht because the template that we're using here, she gave serious input to for the Hospice of the Western Reserve. Many people don't know, but our Councilwoman use to be the tax abatement expert and negotiator for Sherwin-Williams, so having her there really facilitated bring Hospice to our City and the initial proposal from the business coming in was substantially richer, but Councilwoman Pizmhot proposed that we come back with a counter offer and it's good to see that they accepted it in principle. We do of course, need to

make sure that we have the same safeties in place and the reason why there was a sliding scale for Hospice of the Western Reserve for whatever reason if the business were to scale back substantially, obviously the tax abatement has to go down as well, so I won't recommend taking that safety out of the agreement, but as we review it in Finance we'll make sure that we get it right. And as Councilwoman Majka added, not only do they run multiple shifts, but I'm really excited to share that they're probably going to have to hire new people because they are going to be expanding their business, so there's an opportunity for our residents to apply and there'll be new jobs, not just new jobs moving from one city to another but this will create jobs in Northeast Ohio. So, I think this is really exciting for the City of Willoughby Hills and a great first follow-on to our police substation which Mr. Scheel shared with all of us. We had the exigency so that we could bring these businesses in, hopefully this is the first of many, but I think it shows the prudence of moving forward quickly on the substation and I want to thank, in particular, Councilwoman Pizmoht for her work on the tax abatements, but everyone for moving the police substation forward and the Mayor's cooperation there too because without that none of this would be possible. Thank you.

Councilman Fiebig: Madam President. I did let them know on Tuesday that the police substation would be coming in and they were not aware of it, so it really didn't factor in to their move, but it was understood that there would be a floor, say \$10,000,000 of payroll that anything below that would not be accepted as being part of this. So, uh, no we're really hopeful and another factor was the network of people that we have that would be able to work there. They have just over 300 right now, but they project at least another 50 jobs and looking at the pool of area, circle around the area, they're hopeful that we get some job growth right here in our surrounding areas. So, very good. Thank you.

President Fellows: Moving on, For the Good of the Good or For the Good of the Community.

FOR THE GOOD OF THE ORDER/FOR THE COMMUNITY

Councilman Hallum: Madam President. I was asked to remind everybody to please like the Willoughby Hills Recreation page on Facebook so that you'll be alerted to events going on in the City. So, if you are on Facebook, please take the time to like the Willoughby Hills Recreation page. Thank you.

Vice President Plecnik: Hearing nothing else, I move to adjourn.

Mayor: Just a reminder, this Sunday, 11:00am, at the Community Center the Veteran's Memorial and December 2nd, Winterfest and December 8th is Breakfast with Santa, but that's after the next Council meeting, right?

Councilman Fiebig: And Madam President.

President Fellows: Well, the next, what would have been the next scheduled Council meeting is Thanksgiving Day, so that will not happen on Thanksgiving, so...

Mayor: So, yeah, the 8th is...

President Fellows: No, the next meeting is scheduled for the 13th, so...

Mayor: Yeah, so just remember those three dates.

President Fellows: Thank you.

Councilwoman Pizmoht: Second.

