

City of Willoughby Hills

Regular Council Meeting Minutes of October 10, 2019

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

The Regular Council Meeting was called to order on Thursday, October 10, 2019 at 7:00pm in Council Chambers. President Fellows presided.

Pledge of Allegiance

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

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

Vice President Plecnik: Moved to adopt the Regular Council Meeting Minutes for September 26, 2019.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to adopt the Regular Council Meeting Minutes of September 26, 2019. Is there any discussion on the motion?

Roll Call: **AYES:** Plecnik, Fellows, Fiebig, Hallum, Lenz, Majka, Pizmoht
Motion Carries.

President Fellows: The Regular Council Meeting Minutes for September 26, 2019 have been adopted.

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR'S REPORT: Brush pile drop off is winding down and Road Superintendent Grubiss has assigned Saturday, November 2 as the final day for brush drop off. Signs will be posted to reflect this date. It will reopen in April.

Leaf pickup will begin on October 21. They have been out a few times before, like now, just testing out the equipment but both are up and running really good, so they have been completely overhauled.

Five snow plows are currently ready for the winter season and we will have two additional plows available once leaf season is over and we can convert those trucks to be used as snow plows.

Dodd Road Update: They started yesterday and completed the milling process today. Tomorrow the Engineer and Mr. Grubiss will be surveying the milling to see where the full ground has to be replaced and they will mark those out.

Shred Day will be held Saturday, November 19 (Mayor meant to say **October 19**) from 9 to noon in the front City Hall parking lot.

Thanks again to the League of Women Voters for presenting a nice forum for our Mayor and Council candidates, as well as Library and Lake Tran officials. We have offered our facility to the School Board to educate our residents about the school levy and they will speak at our next Council meeting and then after the Council meeting, they will have questions and answers across the street 8:00pm.

Following my completion of the letter of support for the Chagrin River Watershed Partners proposal for the Chagrin River Corridor and Lakefront Trail Connection Plan, I was able to receive \$2500 in funding from Tim Miller in the County's Storm Water Management Division for this project. This is the matching funds that we have to put up for that. They appreciate our support.

I have received several complaints again about the suspension of the WHISPER Program to help our seniors. After an eight-month criminal and financial investigation, the program and staff have been cleared of any wrongdoing. I am again requesting that this program be opened up so that we can help our seniors. Discussion of other upcoming programs by Council that have been promised since the month of June without any action is doing our residents no good. It is time to work with Administration and allow our residents to seek the benefits immediately.

Following the sudden departure of our Law Director Jim O'Leary due to his Interim Municipal Judge appointment by the Governor, I promptly presented Council with the credentialing package and memo to confirm the appointment of Attorney Joseph Diemert, who was the second individual named in the Settlement Agreement between me and Council January. Tonight, there is nothing on the agenda from Council, despite Council already having this credentialing package even when Mr. O' Leary was being considered. It is imperative that we have a Law Director on staff to avoid the legal mistakes of the past that caused our residents hundreds of thousands of dollars. I have prepared an Ordinance tonight for Council that mirrors Ordinance 2019-3 from Mr. O'Leary's appointment, and have inserted Attorney Joseph Diemert's name for confirmation this evening. In addition to the bimonthly Mayor's Court prosecutor void, there are at least five pressing legal matters that I will not proceed on without a Law Director on board. One of those concerns the Produce Packing CRA. I do not want to delay the opening or financing of this business. In the spirit of cooperation, I say, this needs to be passed this evening and I will call Mr. Diemert in the morning to let him know he can proceed with our Law Department responsibilities.

I wish to give a few acknowledgements this evening: This Classic/Cleveland Clinic 5K Run was a success with all proceeds from the event benefitting the St. Noel Food Pantry. Thanks to all who volunteered or attended to make this a nice event in our City. We want to wish get well wishes to City Hall employee Janeen Mullin and Pat Latkowski of Rockefeller Road who is recovering from surgery. Sympathy to Bettye Hines of Stratford on the passing of her husband, Perry who passed this week and Claudine Daugirdas on the loss of her father. Our thoughts and prayers remain with the families. Congratulations to Florine O'Ryan who will be celebrating her 90th birthday this weekend.

In closing, I want to update the following events: Craft Show – Saturday, October 12 from 9 to 3pm; Halloween Party – Friday, October 18 from 6 to 8:30pm and Shred Day – Saturday, October 19 from 9 to noon.

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

Councilman Hallum: Madam President. Mr. Mayor, you said that you had an ordinance drawn up.

Mayor: Yes. This ordinance is a reproduction of the ordinance for Mr. O'Leary which has the appointment until January 10th and it just replaces Mr. O'Leary's name with Joe Diermert's name.

President Fellows: Mr. Mayor, we touched base on this, I recollect that Mr. O’Leary had asked if he was not successful on being elected on November 5th, would he be able to come as the Law Director to fulfill the contract and I believe you had answered yes.

Mayor: I didn’t answer yes.

Vice President Fellows: Madam President. In any event, the decision on who heads up an entire department in our City is one of the most important a Council makes and we’ve certainly heard from almost every member of this dais that if anything, this body should be more deliberative, should take more time to research and study important issues and that is why we have procedures in place. For example, I think most importantly in this case, for an ordinance or an issue to be on the agenda, it needs to be submitted to the Council Clerk by Friday of the week proceeding the meeting. This was submitted 3 days late, this week, on Monday. And while I certainly agree, that it’s important for a fully, fair and thorough review of any nomination that any Mayor makes, that is the duty of Council and I know that Council will do its duty. At the same time, it’s important that we follow our procedures so not only Council but residents have an opportunity to weigh in on important decisions and appointments. That is why there is no ordinance on the agenda this evening. And I would personally oppose having any up or down vote any nominee without giving an appropriate chance for that person to be vetted, researched, have a full opportunity to talk with Council and while it is true that Mr. Diemert has been here before, he has continued in his legal practice, he has continued in his legal work and all of that needs to be reviewed before any appointment is made. So, I am certainly grateful that the Mayor wants to work together with Council and we will work within our procedures to do that. But I have had this discussion with our Council President as soon as the Mayor sent his emails to Council expressing his concern that it wasn’t on the agenda. I did call you and reached out to you, you did not pickup or call back because I wanted to explain this to you but fortunately you are here so that you can understand that this is simply a matter of Council process and procedure. We’ve had issues in the past with department heads such as Mr. DiSanto when we simply confirmed when you asked, and in good faith Council simply voted without a review. That can’t happen in future cases but we certainly will give a full, fair and thorough review, giving an opportunity for residents and every member of Council to weigh in and that will start with putting this on the agenda for the next Council meeting as appropriate.

President Fellows: Mr. Mayor. So, you had said there is 5 very important issues that are coming up that you need legal opinions on and one of them was Produce Packaging. Can you share what the other 4 are please?

Mayor: The other 4 are the cellphone tower and I’ll have to get back to you on the other 3. But there are 5.

Councilman Hallum: Madam President. As Councilman Plecnik mentioned, we have actually vetted Mr. Diemert. He had spent quite a bit of time in Executive Session with us and I think that it’s actually a bonus because we’ve actually already done most of the vetting with him. And as we’ve seen what happens when this City doesn’t have a Law Director in place. I think that we certainly should with all expediency do whatever anyone needs to complete their review of Mr. Diemert. I found, I had met with him at this office, I found him to be very knowledgeable, he’s been involved with municipal law for a long time and I for one, think that he would be a great asset for City and will prevent us from being without a Law Director to represent us for the few months left in this year. And then the new administration, whoever that might be, will still have an opportunity to select somebody that they feel would be appropriate for them.

So, with that, I’d like to make a motion to amend the agenda to add this ordinance for this evening.

Councilman Fiebig: I’ll second that.

Vice President Plecnik: Madam President. I would motion to table the motion to amend agenda.

Councilman Fiebig: You can’t do that.

Councilwoman Lenz: Second.

Councilman Fiebig: If you had a Law Director, he would rule on that. So, that gets to the exact point, it sounds like a stall tactic that you are using...

Councilwoman Pizmoht: Madam President, point of order, there is motion to table.

President Fellows: And you (Fiebig) have not asked for the floor.

Councilman Fiebig: Thank you, yeah.

Vice President Plecnik: And Councilwoman Lenz seconded. And there is no discussion on a motion to table.

Councilman Fiebig: Madam President. Point or order, there could be discussion on a motion to tale, you are choosing not to. Thank you.

Roll Call: **AYES:** **Plecnik, Fellows, Lenz, Majka, Pizmoht**
 NAYS: **Fiebig, Hallum**

Motion Carries.

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

Councilman Fiebig: Madam President. I have a question for the Mayor. Is there an alternate plan that you might present to Council to get some temporary legal assistance?

Mayor: I have to research that. I can't hire a Law Director.

Councilman Hallum: You can't do a temporary either.

Councilman Fiebig: And Mr. Mayor, where are we with Mayor's Court and with prosecution of tickets and violation and things like that.

Mayor: Todd Cipollo is handling both Mayor's Court and the Willoughby Municipal Court right now.

Councilman Fiebig: Is he able to do that on his own without a Law Director at this time?

Mayor: Yes, he is.

President Fellows: And Mr. Fiebig, that was already discussed at one of our last Council meetings before Mr. O'Leary left. He put that all into place before he left.

Councilman Fiebig: Sorry, I just asked a question, excuse me for asking a question of the Mayor.

President Fellows: Anything else, Mr. Fiebig? Next is the Finance Director's report, Mr. Brichacek.

FINANCE DIRECTOR'S REPORT: Thank you. The only thing that I have to report tonight is that the City received a dividend premium from the Ohio Bureau of Workmen's Compensation in the amount of \$85,400, approximately which is equal to 88% of the 2017 premium.

President Fellows: Thanks, that's good. Are there any questions for the Finance Director this evening?

Vice President Plecnik: Madam President. I know that our Police Chief and Fire Chief have been working with the Mayor to try to find a budgetary solution to the overages in the Fire Department and that our Police Chief has volunteered the excess in his part-time budget because the Police Department has had more difficulty than the Fire Department in hiring part-timers so they have some leftover funds. Where are we at in terms of looking to see what support, we might be able to give the Fire Department.

Mayor: Right now, the Police Department can give them probably \$50,000 to \$75,000 and it may work out. So, it's come si, come sa, we don't know at this point whether it will be enough to sustain that but we'll try.

Vice President Plecnik: Well, I do want to thank you for your hard work on that because I know the Fire Department has been scrambling. They definitely have inherited an overtime issue which Chief Gandee has and he is tackling it head on but it definitely requires a little help in the transition as we hire the full-timers and the part-timers so that we're fully staffed. So, thank you for that hard work and please keep us posted.

Mayor: And we did the test and we're in the process of interviewing for the fulltime position. One of the things is some of the people that scored real high, are part-timers with us. So, we'll lose them as part-time but we'll get them as fulltime.

Vice President Plecnik: But it's better than losing as fulltime to another city which is what always seems to happen to us.

Mayor: Right.

President Fellows: Any other questions for the Finance Director this evening? The next is the City Engineer, Mr. Di Franco.

CITY ENGINEER'S REPORT: Thank you Madam President. I support Resolution No. 2019-11 which is on tonight's agenda and I would ask that you approve it tonight. This is for a grant application to Ohio Public Works for Rockefeller Road Resurfacing. It is due tomorrow at noon and this is the one that we received approval of our preapplication a few weeks ago. So, this is the next step, submitting to Ohio Public Works.

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

COUNCIL COMMITTEE REPORTS/OTHER COUNCIL REPRESENTATIVE REPORTS

President Fellows: Are there any Council Committee or Council Representative Reports this evening?

Vice President Plecnik: Madam President. The Cuyahoga County Airport Noise Abatement Council had its quarterly meeting for October earlier today at 10am at the airport and I want to share a brief update. In terms of complaints, there were 20 aircraft complaints in total for the third quarter of 2019, 11 which were from Willoughby Hills. It's a little higher than last year, but so too are the operations at the airport. There were 7,198 total operations for the third quarter this year versus a little over 6,000 last year. So, it's not surprising that complaints would increase with the business of the airport and the Manager Robert Hartigan speculated that this increase was due in larger part to the fact that the runway is now fully repaved. The airport was closed for substantial parts of last year but it has been fully opened this year. Also, the red biplane, the Boeing Stearman, contributed to a lot of the complaints earlier this summer. We certainly asked again if we are likely to see them again next year. Some people loved it, some people, not so much because it was a very loud plane but I'm told that it was here twelve years ago. It was here this summer, so it seems to be every decade or so that the plane chooses Cuyahoga County Airport as a base.

In terms of the Joint Statement which is what creates the Noise Abatement Council and gives Willoughby Hills the right to have a representative to the airport, it's been renewed. The City signed but we are still waiting for

Eaton Corporation and Five Star Aviation as the final two signatories to actually sign the new Joint Statement. There is really no difference between the old one and the new one. It's just a renewal of our commitment to reducing airport noise. So, we're looking forward to those last two signatures. Why haven't they signed yet? They want the airport reconstruction to be absolutely complete before they ink the document. And the AWOS system, the Automatic Weather Observation System which is a radio channel pilots can listen in to get the weather conditions at the airport has not been turned on yet. It was initially interfering with the control tower at the airport which is a big no, no. You don't want to be interfering with the instructions to pilots. So, they have moved the equipment from where it was originally housed at the control tower over to one of the airport buildings. They hope that it will resolve it but they need the FCC to approve their radio license before they can actually switch it on and apparently in the initial application, the airport accidentally had said that the airport tower was 974 meters high. It's actually 974 feet high and they corrected it but that seems to have slowed down the application process.

In terms of maintenance, in addition to trying to get the AWOS system completed, and waiting for the FCC final approval, one of the localizer antennas which helps airplanes to land along the runway, has gone bad on the Richmond Heights side of the airport. It needs to be replaced and it will be between October 15 and November 21. It shouldn't affect any of the modern aircraft that land at the airport but for airplanes without GPS systems are going to have to approach at a higher level and they may have failed attempts landing because there are more safety procedures in place as a result. So, there is very little effect on the older aircraft but the airport will not close while they work on installing the new antenna.

Our Airport Manager Robert Hartigan has been looking into different software that he may be able to use to reduce aircraft complaints but to also make it easier for residents to file complaints on line when necessary. He looked at Whisper Track, which actually takes any airports like our, their noise abatement procedures and then pushes it out to popular apps because apparently there is an app for that. Pilots actually look on their computer, their phone and it tells them what the noise abatement procedures are like for the airport that they are planning on landing or stopping at. And if you use Whisper Track, it actually pushes that information out through most popular apps. There is a free version and there is a paid version. The paid version is nearly \$200 a month. The airport doesn't have that in the budget but we are taking advantage of the free version of Whisper Track and trying to push out noise abatement procedures out. The Airport Manager also looked at automated complaints fully through a company called Plane Noise but that would have costed nearly \$2,000 a month and if \$200 wasn't in the budget, \$2,000 certainly wasn't. So, my question was, where are we at in terms of having an airport noise abatement website where residents can go to see all the policies and procedures, see complaints that have been filed and have an easy form that they can fill out online. The response was that it wasn't the highest budgetary priority but it is still on the agenda. So, we continue to push to have a noise abatement website at the airport.

In public portion, our Councilwoman Janet Majka asked whether or not the adjustments to all these radio towers at the Airport might interfere with cell phone reception in our area. The Airport Manager replied that no, it would not. Although, I will say that my cellphone hasn't been working as good as it used to. So, I'm a little curious who is broadcasting out there.

The last major item from the meeting is that the Chairwoman of the Noise Abatement Council who has been serving with us on that Council for about nine years Cathy Murphy, she is the representative and Councilwoman for the City of Highland Heights. She has decided not to run for re-election, so she is retiring from Council at the end of the year and by extent retiring from the Noise Abatement Council. And she made a point of saying that she really wanted to give kudos to the new Airport Manager Robert Hartigan. She says that he is a great communicator and she has heard so many good things about him in the community. And I will say, my work with Rob has been very positive. We have had residents complain about the condition of some of the buffer zones at the airport, it hadn't been weed wacked or mowed, there were overhanging branches. He personally went out to talk with the residents. He sent out the crew, he cleaned up the area, so I've seen a responsiveness from Rob and I haven't from the airport in the past. So, I'd second her kudos. She also thanked

the Maintenance Superintendent and secretary of the Noise Abatement Council, Dan DiGiammarino for his hard work and closed by saying that we brought the Noise Abatement Council to such a good cooperative level by learning to work together with mutual respect for each other, which in turn, has resulted in better education about Airport issues and better service to our residents. So, I want to take this moment to thank Cathy Murphy for 9+ years of service on the Noise Abatement Council because her hard work has directly benefited all of us in Willoughby Hills. And for those who want to come to the next Noise Abatement Meeting it will be January 9 of next year, once again 10 am at the Airport, open to the public.

PUBLIC PORTION

President Fellows: Moving on to Public Portion. Public Portion is an opportunity for the public to come forward, share some thoughts and opinions. I ask that when you come forward to please state your name and address for the record and try to keep your comments to 3 minutes and I will open Public Portion at 7:30pm.

Judge James O'Leary – 6349 Ledge Lake Court, Concord, Ohio. I wanted to come tonight, I have two other events to go to, yet this evening. But I really wanted to come to thank all of Council, the Mayor, Pete, Frank. I know that not every meeting, or every circumstance was unanimous in what everybody wanted to do but I felt the nine months that I had spent here, I enjoyed it. I told the Mayor when I came in here before that I miss coming. I've been two weeks on the bench in Painesville Municipal Court, you guys are a lot easier to deal with than the people who come in front of me. I apologize for leaving you in the lurch the way that I did. I could not control when the Governor decided to make an appointment. I will say it was a surprise, he called me personally and it's been a world-wind every since then. I just wanted to come and say thank you for working with me, for being kind to me, for your support and I wish you nothing but the best. Hopefully, you'll get the Law Director thing straightened around. I did leave some names with the Mayor as far as the Mayor's Court was concerned, not just Todd but Joe Hada. And so, with that I was supposed to be at the Heritage Club meeting 10 minutes ago. Anyway, thank you very much.

Vice President Plecnik: Thank you, Judge.

President Fellows: I'm sorry that I didn't address you by Judge.

Jenna Bing – 36951 Beech Hills Drive. So, the January 19 agreement, it was like take O'Leary or take Joe Diemert and I'm so glad that we took O'Leary because he seemed to work out, he seemed nice, he tried to be balanced, he tried to do good work for the City balancing a lot of the stuff that goes on, where there is contentious thoughts and disagreements between Council and parts of the Administration. So, I was really pleased that we got him. And then I was looking to see, because I don't really know anything about him, and it didn't take long and I really hope that you all pay real close attention. I know that you all evidently looked at him then, but I also, when googling him, evidently there was Ordinance 2018-35 where his name got put forward last summer and it went on two readings and then there was a revision, I pulled this from our records, on Section 6, "given the Director of Law unfamiliarity with the specific legal issues requirements and necessities within the City of Willoughby Hills and it's daily operation, it's understood that the Director of Law, Mayor and Council will review the details may be in January of 2019 to examine the fairness of the details, well that is saying he didn't seem to be really aware or cognizant of what he would need to do have it in his "wheelhouse" of how to do it. I'm a little at odds with the other thing that I found which was an article by Mark Naymik on Cleveland.com and that was in January also and he was talking about Joe Diemert being the Macedonia Law Director, so he must have some skills in being a Law Director but not good ones. This is a quote from the article, "when citizen gadflies get aggressive or sloppy, Diemert pushes back with equal force, firing off sarcastic emails and letters containing subtle threats of litigation. Similarly, when reporters cross the line, he'll chide them. He may even cite the Supreme Court, case New York Times v. Sullivan, which set the malice standard in libel cases". I don't think this is the kind of Law Director at (snip of a finger) that quick of a google look, that I would hope, that people would put forward, Mayor or approve. This doesn't sound like a nice, kind man who is skilled and comes at it at an agreeable standpoint. I hate to bring up his name because I

use to watch Lobe go epileptic up there on the dais and I don't want to see that again. And this guy sounds like he is kind of a hot head and a little bit uneven in how he addresses things. It does go on to say how really tight he was with the Mayor. So, that's not the kind of Law Director that I'm looking for either.

Doris Dodge – 37991 Milann Drive. I was listening to Mr. Hallum tonight and he said that most of Mr. Diemert's review has been done. You've already partially vetted him and most of the work has been done, but that doesn't mean that all of the work has been done. So, rather than slap somebody through real quick here, I would like everybody to take a hard look. We don't want anymore mistakes that we've had in the past. So, please look this over. This is not something to slap through real quick. The other thing I have is a question regarding the Dodd Road resurfacing. Mr. Pete, you had mentioned about the temperature and it can't go below a certain degree level, it does what would happen and we don't want to see another route 6 type of debacle which is a washboard. And then would this company redo it if it turned out badly.

Joanne Majeski – Sperry Road, Newbury, Novelty, Ohio. Dear Willoughby Hills City Councilmembers, good evening to you all. In case you haven't noticed it's getting cold outside once again. Autumn is upon us once again. This marks the second autumn without the WHISPER Program. The second autumn in which Seniors citizens have to fend for themselves with the raking of leaves and other small outdoor projects. I was so sad to learn of an elderly acquaintance of our family in Willoughby Hills who recently suffered a stroke and needs a wheelchair ramp. It is unfortunate that the WHISPER Program can't donate funds towards this because it has been shut down since February 8, 2018. The funds are there to donate for a project such as this and other senior needs. As you know, my Aunt Irene and Uncle Stan Gulick bequeathed money through their trust for this and I have been for the last few years and this will conclude in about 2024. I have not been to a Council meeting asking about the WHISPER Program since September 27, 2018, so it's been a year. Shortly after that meeting, information was presented to the Lake county Prosecutor by the Willoughby Hills Police Chief, Councilmembers and the council President's husband. It was recommended by the Lake County Prosecutor to forward this information to the Bureau of Criminal Investigations, Lake County Protection Agency and the State Auditor. All investigations were wrapped up in a 9-month period. And on June 26th all agencies involved found the allegations to be unfounded. On July 11, Mayor Weger encouraged City Council to reopen the WHISPER Program. Again, on July 25, Mayor presented City Council with WHISPER guidelines and procedures which addressed concerns previously expressed. Now it has been two and a half months in this Council's hands and nothing has yet is being done to restart the WHISPER Program. I may not be at every Council meeting in person, but I diligently, diligently listen to the audio of every single meeting hoping to hear the restart of the WHISPER Program. I was applauded after listening to the audio version of the June 27, 2019 Council meeting in which Vice President John Plecnik responded to a community member's question regarding WHISPER. Excerpts from Mr. Plecnik included: we want to rebuild the senior program so that we have oversight, no issues of past trouble, controversial. Don't want a whisper of controversy and we would rename the program a different name and we don't want any abuses of the past and we can all agree to that. Well, Mr. Plecnik, all the allegations were proven unfounded. There were no abuses of the past, fake news. This Council needs to work with Mayor Weger and restart the WHISPER Program for the senior citizens of Willoughby Hills as soon as possible. Not just after the elections in November. This City Council owes Mayor Weger, Councilman Hallum and Gloria Majeski a public apology for dragging their names down to...

President Fellows: We're not going to discuss public thank you or criticisms of other people. You had over 3 minutes, I gave you over 3 minutes.

Ms. Majeski: Thank you, I appreciated it.

Anthony Camino – 2972 Lynn Drive. The Mayor mentioned the Wellness Run on October 6. It was a very nice event and I know that the Police Department and Fire Department were there. There were people putting up cones. Classic and Matt Dietz did a very nice job. I just want to thank the support from the City and the different departments that helped out. It was very nice. A lot of people came with their dogs and people running. It just was really cool. It was a nice thing for the City. Thank you for making that happen. The proceeds did go,

you know, I work at St. Noel's, the proceeds came to our food pantry. They are also going to Harvest for Hunger, so we won't get all of it, but we appreciate that support, it helps us a lot.

Linda Fulton – 2990 Marcum Boulevard. A while ago, Council, I don't know if it was last year or not, you passed an ordinance pertaining to the parking on streets in regards to the snow removal. And I bet you, no one in the City other than the people sitting at this dais knows about it. And I think it's important to have signs put up at all of the entrances to the City. So, it would say no parking after, whatever the ordinance says. And while we're on the subject of signs, I understand that at the cul-de-sacs in the City, that the property is actually owned by the City. And if that's the case, then all these political signs that are there should be removed because that is on City property. So, anybody who is guilty of that, you need to remove your signs.

Joyce Grady – 3020 Marcum Boulevard. I have listened to this Council for many, many years and I have come up to make remarks that were not derogatory to anybody, there were simply times that I felt they had to be voiced. I am here to suggest that you all extend your right to vote on November. Early voting is starting now. You have the right to do that. If you can't make it to the polls, you may request a ballot. I have heard Mr. O'Leary make his fine exit speech and I am concern that this Council is postponing appointing a Law Director for this community based on someone who may or may not win an election. This is not the purpose of this Council in running my community. I do hope that you will consider what is best for this City and what is not best for someone who may or may not be elected. I am tired with everybody saying it depends on what happens at the election. I have a City that needs to be run now not depending on whether someone gets elected or not. And I know that you are all good citizens and for anyone who doubts my stand on things, I'm a democrat. That's because you are all republicans, that's why.

Jenna Bing – 36951 Beech Hills Drive. Let's talk WHISPER for a second. The whole aspect of someone needing a wheelchair ramp and stuff, Mayor, I really wish you would reach out to Lake County. Lake County has a tremendous amount of resources to help the people in the County with specific things like wheelchairs and stuff. Granted, they are not going to do things like rake leaves and all of that. But the things that are true needs like a wheelchair ramp, helping to try to understand some financial issues, or something like that, Lake County has tremendous resources that I'm not sure that we need to duplicate or in the short term, we should be giving our residents to them, so that because that way to help does exist. There are also Lake County Church networks that step in and help also in situations that are a little softer and they rely on each other to figure out how to help people that are truly in need of help. I do hope at some point that we do get something setup but I don't think that it is something that can be done in the same vein as last time. It needs to be done with an eye on how do we utilize what is out there now and what else do we need to do to provide in a way that doesn't put the City in any risk of liability. Back to the issue of Law Director, I just want to make this clear, twice Council has said Joe Diemert doesn't seem to be the right guy for us. Once it was tabled and the second time, they took O'Leary. Smart move there. But I also took offense, Mayor, that you had said that lack of a Law Director is what lead to all the lawsuits being file. What led to all the lawsuits being filed is when people started getting stupid. You, know, when a Mayor thinks he can fire people who have been duly elected, that's kind of being a little stupid. When there was all sort of things going on when people didn't step back and say, how do we work together, how do we get past this, a Law Director doesn't have to be the person that is the mediator between people who are acting really weird. So, I would suggest until we actually get a Law Director that council would like to approve and everybody can agree on, that we not be stupid and that we just kind of go about business in a normal way.

Chris Welch – 38801 Chardon Road. Would a Law Director have prevented the formation of a bogus union that can potentially rape the City? I doubt it.

Joanne Majeski – Sperry Road, Newbury, Novelty, Ohio. I really don't think Lake County does the wheelchair thing. So, you know, I don't think they do wheelchairs.

President Fellows: Well, that would be a good thing to find out.

Ms. Majeski: And then also, if you are with the WHISPER Program, I don't know what your plans are for this, if you are ever going to restart it, I need to be notified of what your actions will be going forward. I do need to know that.

Chery Ota – 2960 Marcum Boulevard. I've had experience with the Council on Aging. When my mother was ill, she needed a wheelchair from there. Not only once, but twice. There is medical equipment that is available, they also build ramps. The only problem is, when it gets close to the end of the year, they don't necessarily have all the equipment because not everybody has volunteered to give their used equipment to them. But they do whatever they can and they have a lot of resources there and I think that we should probably utilize that. They have more and we can build on this. We can start there, refer people out to them, and then we can start to build on the things that they don't offer. But we should treat all of our residents equally.

Linda Fulton- 2990 Marcum Boulevard. Concerning the wheelchair ramp, it shouldn't be the burden of the City to build a wheelchair ramp. There are a lot of resources out there and they shouldn't have to rely on just the City. I believe and I could be wrong, but I think that it is the Kiwanis that do wheelchair ramps and that would be a good avenue. And what I want to know is, did all of Council receive this letter stating that the WHISPER Program was legal and binding, that there was nothing wrong. Did everybody receive this letter?

President Fellows: Anyone else this evening? I will close Public Portion at 7:49pm.

UNFINISHED BUSINESS

President Fellows: Pete, Doris asked about the surface temperature on Dodd Road.

City Engineer: Yes, the concern about surface temperature was when installing a layer called chip-seal which is basically ground up stone that is laid down about a ½ inch thick and then a sprayed emollient over the surface layer on a lot of low volume roads. But it leaves a rough surface. So, when I read the ODOT spec, it mentions a 60-degree temperature because the chip-seal needs several days to cure. But we're not using it as a surface layer. We're using it as a water-proofing layer on top of the existing base. They have milled the asphalt off, so the next step is to apply the chip-seal as a water proofing layer. And then it will get overlaid by two layers of asphalt. As long as they cover the chip-seal within a couple days, the temperature is not a concern. And also, there is a one-year warranty, so if we do find any defects within the year, the contractor is responsible.

Vice President Plecnik: Madam President. Since my name was used, I would just say that I stand by every statement that was quoted. I believe that our senior program and every program that the City runs should be accountable. That there should be boards and oversight. That we should make sure that the program is not just bare minimum but actually is run in the best way possible for our residents. So, I don't think anything restated or quoted is unreasonable or wrong. I think that those are the goals we should have for every program the City runs. And we've heard several times tonight from several people criticizing, to some people phasing the past work of the WHISPER Program, saying it was criminally investigated for nine months. My standard for success is if a program has to be criminally investigated for one day, it is a failure in this City. To be investigated for nine months and for a conclusion that no criminal prosecution will follow, that's not a conclusion that WHISPER is legally binding or that nothing was ever done wrong. I never received any letter that said that. I've seen some communications where the Bureau of Criminal Investigations said that they would be happy to reopen the investigation if more evidence could be presented. But their job is to put someone in jail, it's not to say whether a program is well run, poorly run, decently run. I personally did not file the complaint in question but what bothered me, independent of all the troubling issues houses that are being sold and bank accounts being involved and City employees being involved in wills of residents, those are very concerning things and we know for a fact that they haven't. Whether they rise to criminal conduct that is for someone else to determine. But I'm concerned by them. I was initially concerned with the WHISPER Program when people came to me and I know other members of Council, and said they approached the WHISPER Program for help as seniors in Willoughby Hills and they were told they didn't have the right person's yard sign in their yard. You didn't

support me, you didn't support this person for their run for office and so, go to the people you did support and see if they will help you. And one of the people and I will only share her name because she actually came to the Council meeting and spoke on the public record, so I feel comfortable repeating her name because she said it on the record, was Joan Motuza whose father was Councilman in this City, who was the clerk of the Recreation commission, an employee of this City, and who is a resident of this City on Chardon Road. And this woman stood up and publicly testified that this happened to her and it broke my heart. And I will never stand by and let that happen in a senior program again. And people can disagree and say that they don't trust Joan Motuza and she is not telling the truth but I believe my resident, I believe my neighbor, I believe our daughter of Willoughby Hills and I stand by her and the other seniors who came to Council and said because of politics I wasn't helped by the City's senior program. Now, I've donated many times to Cleveland State University. But when Cleveland State University doesn't offer a course that I think that they should, or have the program that I want, I can't go back and take the money. The moment I donate a dollar to Cleveland State or any other public entity it becomes a public dollar and the Board of Trustees for Cleveland State is responsible, they have a fiduciary duty to spend that money as they believe is in the best interest of the University, just as this Council and Mayor have the responsibility to spend any dollars that are raised in taxes, that are won in grants or given in donations. And so, that is true for the senior program in the City, it's true for every program in the City. None of us own the donations that the City make. When I give money to Cleveland State, I am trusting our University to spend it well. And when you trust us with your money whether it's a donation or tax dollar, we have a fiduciary duty to spend it well. And I stand with Joan Motuza, I stand with our senior in Willoughby Hills. And I do demand greater accountability going forward. I do for our residents. Other cities may have other opinions, but Willoughby Hills, for Willoughby Hills, our senior need to be taken care of. And I will just close by saying that I've proposed several times that there should be a Council Committee on seniors to explore this issue. And some people have said no, some people have delayed. I still think that we need to have a committee look at the resources that the Lake County Council on Aging offers. The very fact that we have someone from another city coming here and saying, oh, Lake County Council on Aging doesn't give out wheelchairs and we had a resident come out and say that they gave one to my mother. Well, that shows that there is work to be done and there is some investigation to do to take advantage of all the resources for the benefit of our senior and to avoid public politics ever re-entering this avenue because supporting our senior shouldn't be a political issue.

Mayor: I'd like to comment on Joan Motuza. I personally went there, Tom Majeski personally went there, the Boy Scouts personally went there and took down her pool. The only reason that it was denied was, she didn't want St. Noel kids doing the raking of the leaves because they screwed around too much. I guess, that is part of being kids, they do that. And then it got too late. It got into December. But we went there many times and did work for her, personally. So, I don't think that there was anything wrong with what she got.

President Fellows: Concerning Linda's suggestion regarding signs on streets about snow removal, not parking...

Mayor: We'll look into it.

President Fellows: Yeah, so as the Safety/Service Director and may be Chief Collins. See what other communities do, see where would be the most appropriate places to have them posted if they are done. There should be some investigation. We can look at our ordinance and see what it states.

Councilman Hallum: Madam President. I would like to say, if Ms. Fulton is correct, if the City owns the places in the middle of cul-de-sacs, could you guys please start taking care of them because they look a mess.

President Fellows: Well, Chris, if you let me know where mine are, I'll take care of them. And I'll let you know where yours are.

President Fellows: Any other Unfinished Business? We'll move on to Legislation.

LEGISLATION

RESOLUTION NO. 2019-11

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED; AND DECLARING AN EMERGENCY

Councilman Fiebig: Madam President. Motion to waive the 3 Readings for Resolution No. 2019-11.

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Pizmoht. to waive the 3 Reading Rule for Resolution No. 2019-11. Is there any discussion on the motion?

Councilman Fiebig: Madam President. Just to reiterate what the City Engineer had said that this is due by noon tomorrow so this would warrant the waiving of 3 readings on this.

Roll Call: AYES: Plecnik, Fellows, Fiebig, Hallum, Lenz, Majka, Pizmoht
Motion Carries.

President Fellows: The 3-Reading Rule on Resolution No. 2019-11 has been waived

Councilwoman Pizmoht: Madam President. Motion to adopt Resolution No. 2019-11.

Councilman Fiebig: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilman Fiebig to adopt Resolution No. 2019-11. Is there any discussion on the motion?

Roll Call: AYES: Plecnik, Fellows, Fiebig, Hallum, Lenz, Majka, Pizmoht
Motion Carries.

President Fellows: Resolution No. 2019-11 has been adopted.

RESOLUTION NO. 2019-12

A RESOLUTION OF SUPPORT FOR CHAGRIN RIVER CORRIDOR AND LAKEFRONT TRAIL CONNECTION PLAN

Councilwoman Pizmoht: Madam President. Motion to waive the 3 Reading Rule on Resolution No. 2019-12.

Councilman Fiebig: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilman Fiebig to waive the 3-Reading Rule on Resolution No. 2019-12. Is there any discussion on the motion?

Councilman Fiebig: Madam President. As stated earlier prior to this meeting, this is urgent for a proposal that is being presented tomorrow.

Roll Call: AYES: Plecnik, Fellows, Fiebig, Hallum, Lenz, Majka, Pizmoht
Motion Carries.

President Fellows: The 3-Reading Rule on Resolution No. 2019-12 has been waived.

Vice President Plecnik: Madam President, I insist on letting Councilwoman Majka make this motion.

Councilwoman Majka: Madam President. Motion to adopt Resolution No. 2019-12.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilwoman Majka and a second from Vice President Plecnik to adopt Resolution No. 2019-12. Is there any discussion on the motion?

Vice President Plecnik: Madam President. I'd just like to thank our Chagrin River Watershed Trustee Councilwoman Majka for her hard work on this issue and for all of her hard work in becoming a certified Master Rain Gardner and going door to door of residents and looking at their flooding problems. It's really important that as residents we understand the resources that Chagrin River Watershed Partners offer us as well as our relationship with the Euclid Watershed. And Councilwoman Majka has really pioneered that for us. So, I just wanted to say thank you as we pass this and move forward to hopefully partner in a very successful way with other cities and communities.

President Fellows: I wish that I could make a motion and second it, but I can't. But I will tell you, I was just so energized by going to this meeting last Monday and seeing the other Mayors having Willoughby Hills at the table was just amazing.

Roll Call: AYES: Plecnik, Fellows, Fiebig, Hallum, Lenz, Majka, Pizmoht
Motion Carries.

President Fellows: Resolution No. 2019-12 has been adopted.

RESOLUTION NO. 2019-13

A RESOLUTION ACKNOWLEDGING KEVIN ZAVODNY FOR INSTILLING THE VALUE OF EXCELLENCE AND SPORTSMANSHIP IN THE YOUTH OF OUR COMMUNITY THROUGH HIS VOLUNTEER SERVICE WITH THE WILLOUGHBY SOCCER CLUB

Councilwoman Pizmoht: Motion to waive the 3 Reading Rule for Resolution No. 2019-13.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Majka to waive the 3-Reading Rule for Resolution No. 2019-13. Is there any discussion on the motion?

Councilwoman Pizmoht: Madam President. While this isn't really related to waiving the 3-Reading Rule, I think that we can't really wait to vote on this Resolution because time is of the essence to recognize Kevin Zavodny for everything that he has done for the youth of our community through his service with the Willoughby Soccer Club. And I can personal vouch for what he has done for my own family. Not only was he a coach to my own children, he was a co-coach with me, we worked together with the Willoughby Soccer Club. And he was my neighbor, he lived right down the street and a dear friend and I miss him every day. So, I just can't thank Kevin enough and I miss him and he lives on with everything we are doing with the Willoughby Soccer.

Roll Call: AYES: Plecnik, Fellows, Fiebig, Hallum, Lenz, Majka, Pizmoht
Motion Carries.

President Fellows: The 3 Reading Rule on Resolution No. 2019-13 has been waived.

Councilwoman Pizmoht: Madam President. Motion to adopt Resolution No. 2019-13.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Vice President Plecnik to adopt Resolution No. 2019-13. Is there any discussion on the motion? Once this has passed, I'd like you to read it, please.

Roll Call: **AYES:** Plecnik, Fellows, Fiebig, Hallum, Lenz, Majka, Pizmoht
Motion Carries.

President Fellows: Resolution No. 2019-13 has been adopted. And I'd like Laura to please read the Resolution for Kevin's family who are here.

Councilwoman Pizmoht: I just want to thank the Board of the Willoughby Soccer Club for helping read the Resolution. They provided some excellent language for it too.

***WHEREAS,** the Willoughby Soccer Club is dedicated to promoting and developing the sport of soccer for boys and girls ages four (4) to fifteen (15) in Willoughby and Willoughby Hills, Ohio; and*

***WHEREAS,** the coaches of the Willoughby Soccer Club emphasize learning over winning, by specifically fostering an environment where children learn the positive values of good sportsmanship, respect for others, effective teamwork, hard work, and perseverance; and*

***WHEREAS,** Kevin Zavodny was an extremely valuable and committed volunteer coach to Willoughby Soccer Club for many years; during the soccer seasons, Kevin Zavodny was at one of the Club's soccer fields six days a week, arriving early and staying late if children wanted to keep practicing; and*

***WHEREAS,** for two years Kevin Zavodny ran the Willoughby Soccer Club's Academy Program for children ages four (4) to eight (8), managing one hundred child athletes, while coaching a team of older boys and always helping wherever he was needed; and*

***WHEREAS,** Kevin Zavodny was also a regular attendee of Willoughby Soccer Club Board meetings where he was always actively seeking to evolve the Club's soccer experience to nurture a love of soccer in the youth of our community; and*

***WHEREAS,** this Council desires to express its sincere gratitude to Kevin Zavodny for instilling the values of excellence and sportsmanship in the youth of Willoughby Hills and our surrounding communities.*

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WILLOUGHBY HILLS, COUNTY OF LAKE, AND STATE OF OHIO THAT:

SECTION 1. This Council does hereby recognize and commend Kevin Zavodny for his commitment and dedication to bettering the youth of our community through his volunteer service with the Willoughby Soccer Club.

President Fellows: Thank you. And thank you for coming this evening, we really appreciated it.

NEW BUSINESS

President Fellows: Any New Business to bring forth to Council this evening?

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

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

Vice President Plecnik: Madam President. The Mayor mentioned November 2nd and that is a big day. There is a night at the Races that is hosted by the Nowacki Foundation which benefits safety forces and veterans and that will actually be at the La Vera Party Center in Willoughby Hills.

The Lion's Murder Mystery Dinner by the North Coast Lion's Club of which many Willoughby Hills residents are members is being hosted at the Croatian Hall, that also is the evening of November 2nd.

SNPJ – the Slovenian National Benefits Society in Kirtland is hosting their Halloween Party and Fright Night at the farm on the evening of November 2nd.

So, whether you want to have a Halloween Party with Slovenians, you want to support an incredibly great cause at the La Vera Party Center for the Nowacki Foundation or you want to support the Lion's Fight Against Blindness, Willoughby Hills residents have a lot to choose from on November 2nd even as our brush pile shuts down for the year.

ADJOURNMENT

Motion was made by Vice President Plecnik, seconded by Councilwoman Pizmoht to adjourn.

Roll Call: AYES: Plecnik, Fellows, Fiebig, Hallum, Lenz, Majka, Pizmoht. NAYS: None.
Motion Carries.

The Regular Council Meeting of October 10, 2019 was adjourned at 8:08pm.

APPROVED: October 24, 2019
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

ATTEST: Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council