

City of Milloughby Hills

Regular Council Meeting Minutes of October 11, 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, October 11, 2018 at 7:09pm in Council Chambers. President Pro tem Plecnik presided.

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

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

Absent: Mayor Robert M. Weger

President Pro tem Plecnik: At this point I would entertain a motion to excuse our absent Council President.

Councilwoman Majka: Second.

President Pro tem Plecnik: You have to make it.

Councilwoman Majka: Oh, I'm sorry. Mr. President, I make a motion to excuse our Council President Nancy Fellows.

Councilman Fiebig: Second.

President Pro Tem Plecnik: Madam Clerk, we have a motion and a second. Would you please call the roll.

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

President Pro tem Plecnik: Since our President is not with us this evening, I stand as President Pro Tem, we need to elect a Vice President Pro tem for this meeting.

Councilwoman Pizmoht: Mr. Vice President. I'd like to nominate Janet R. Majka as the Vice President Pro tem for tonight's meeting.

Councilwoman Lenz: Second.

President Pro tem Plecnik: We have a motion and a second, any discussion on the motion?

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

President Pro tem Plecnik: It's unanimous. Congratulations Vice President Pro tem Majka.

DISPOSITION OF THE JOURNAL

President Pro tem Plecnik: The next order of business on the agenda, since we've already done the Pledge of Allegiance to begin our evening, is the Disposition of the Journal. Given that our Clerk was locked out of her office the past few days, she's been unable to write the written minutes, but I will remind residents that we have audio of all our meetings posted within about an hour after the meeting is over, so if any of you want to review the meeting tonight, or any other meetings you can hear the audio even when the printed minutes aren't ready.

ADMINISTRATION REPORTS & COMMUNICATIONS

President pro tem Plecnik: The next item on our agenda is the Mayor's Report. Our Mayor is not with us tonight, but I would second what I've said before, I hope that all of you keep the Mayor in your thoughts and prayers even those responsible for causing this grief certainly feel it and we're hopeful that our Mayor will come forward and continue to work with Council and do the job of the City of Willoughby Hills.

Next is our Finance Director's Report.

FINANCE DIRECTOR'S REPORT: I have no report tonight.

President Pro tem Plecnik: Thank you. Any questions for our Finance Director?

Councilman Fiebig: Mr. Brichacek.

President Pro tem Plecnik: Mr. Fiebig.

Councilman Fiebig: Could you just give us a brief synopsis of what your opinion is on the financial condition of the City; how are we doing, are we, year over balances; are the income taxes coming in approximately the same, are expenses down a little bit since there's been some elimination of positions.

Finance Director: I'd have to get back to you on that. The most encouraging thing is, I was just going through the income taxes today and they're actually up 5% over what we collected last year. You know, in general, my past observant on expenses, I haven't seen a lot of extraordinary expenses with the exceptions of some legal fees. So, I think that the other Directors are doing a good job of trying to control their expenses. I'm sorry, the mics are on, the other area of lost is from the Mayor's Court. We're not realizing, you know, the Court cost revenue from the Mayor's Court that we have in the past since the cases are going to the Willoughby Court. You know, related to that, Municipal Court expenses are, as I noted earlier, are up significantly. I expect that to be about triple to what they were last year. I'm projecting the Muni Court expense this year to be appropriately \$30,000. The most that we paid in the last eight years or so has been about \$12,000. So, then we've had expenses related to the layoffs of the administrative employees and also the police dispatchers. We'll probably have about \$60,000 of unemployment expense related to those layoffs.

Councilman Fiebig: Mr. Brichacek, when we made the switch here, this year, to move the operations of the Dispatch Center to the Lake County Emergency Operations Center there were some layoffs unfortunately although I understand that most of those people have found employment elsewhere, so that will...

Finance Director: My understanding is that all of them but one right now have other employment.

Councilman Fiebig: And we continued to hire at least one of those as a clerk to handle, as a go between and to do some administrative duties, isn't that correct?

Finance Director: Yes. My understanding is that one fulltime and one part-time dispatcher was retained.

Councilman Fiebig: Okay, so there won't be unemployment going out for that and then the reduction in the salary outlay, benefits and so forth, is that going to be offset by the lack of having our own Mayor's Court for this temporary period while...

Finance Director: Not the dispatchers. Not the dispatchers and also some of the savings from the changeover in the Dispatch Office is offset by some additional one-time expenses that the police have incurred and you know, Chief Collins can better explain those.

Councilman Fiebig: Well, that's true, we did have a conversation that there were some onetime expenses during this transition; however, we avoided somewhere around \$300,000 that we didn't outlay for technology upgrades that would have had to be done and we reduced the payroll by moving Dispatch. And in talking with most of our officers and firefighters, we've actually gotten a better service. This is what I can report from the Safety Committee. In my private conversations with those individuals, that the service has gone flawlessly, it has gone smoothly; minor hiccups that have been worked through and overall, I think it a better service that answers 911 calls faster and it takes the burden off of the technology that we would have to take care of here in the City. We also hired a Recreation Coordinator, isn't that correct.

Finance Director: Yes, yes. She started last week, I believe.

Councilman Fiebig: She started last week, so that is now going to impact what we can do with recreation services here as I understand it.

Finance Director: Right. Yes, primarily, the Community Center will be available to take, book new reservations again and that will help.

Councilman Fiebig: Okay, good. So, you're no longer taking those reservations now there is somebody that they can call using the...

Finance Director: We're still working with her until she gets her feet on the ground.

Councilman Fiebig: Okay, so there's a transition period right now, but people can begin to book the Community Center room again, pavilions and whatnot.

Finance Director: Right.

Councilman Fiebig: Correct. Thank you.

Councilwoman Pizmoht: Mr. President. If we're talking about staffing, I'm curious, when we're talking about Mayor's Court revenue and expenses, are we counting the Mayor's Court Clerk that we are currently employing? I'm curious, I thought that the Mayor had said that he hired her a few months ago for the purpose of reopening the Court and she has been working for the last few months and I'm just curious what she is doing if the Mayor's Court is still closed?

Finance Director: She is handling the cases that arose prior to the changeover.

Councilwoman Pizmoht: What does that mean?

Finance Director: It means that there are people who own fines and costs from cases that were occurred when the Mayor's Court was activity and she primarily handles those cases because Muni Court doesn't handle those cases.

Councilwoman Pizmoht: Okay, thank you.

President Pro tem Plecnik: Any other questions for our Finance Director? Hearing none, our City Engineer's Report, Mr. Di Franco.

CITY ENGINEER'S REPORT: Thank you, Mr. President. Three items: our street contractor will be starting the surface course tomorrow on the streets that we're repaving and that should take four or five days to complete; the Planning Commission meeting for next week has been cancelled as there are no agenda items; and finally, good news, we've been slated to receive a grant for the Dodd Road Resurfacing Project. There is a resolution on your agenda tonight which we must have by October 24th. So, I urge you to pass it with suspension and an emergency. And that completes my report.

President Pro tem Plecnik: Thank you, Mr. Di Franco. Any questions for our City Engineer?

Councilman Fiebig: Mr. President. The streets that are being repaved, Mr. Di Franco, are Red Fox Pass, Kennelly, Bates, Somrack and Jenny, is that correct?

City Engineer: Correct.

Councilman Fiebig: Okay, so there are five roads whereas in our original budget there were only two roads that were going to repaved. So, when Council made the decision to adjust the budget, to balance it, we paved three more roads instead of two, so we did five roads in total. And then we're able to move forward with this Dodd's Road resurfacing too, which we're going to get some help, I believe, with that, isn't that correct?

City Engineer: Yeah. We're slated...

Councilman Fiebig: From another agency.

City Engineer: We're slated to receive funding from Ohio Public Works Commission.

Councilman Fiebig: Correct. Okay, good. Thank you.

President Pro tem Plecnik: Any other questions for our City Engineer? Hearing none, it's time for our Committee Reports. Are there any Committees of Council that met during the interim of our meetings that wish to give a report? Hearing none, other Council Representative Reports?

COUNCIL COMMITTEE REPORTS/ OTHER COUNCIL REPRESENTATIVE REPORTS

President Pro tem Plecnik: I have one myself. I'm the elected Council Representative on the Noise Abatement Council for the Cuyahoga County Airport and we had our quarterly meeting earlier today. Here is my report representing you on that Noise Abatement Council. There were eight aircraft complaints for the third quarter of this year, seven of which were from Willoughby Hills, all in the flight path of the airport. In the third quarter, the airport had 6,342 aircraft operations which was substantially up from only 4,657 operations in the third quarter of last year. So, the airport was a little busier than last year. Although compared to 2010, it looks like we're on track to still have only about half of the operations, so the airport is still rather under utilized compared to where it was eight years ago.

You might recall that our relationship with the airport as well as the Noise Abatement Agreement, the Noise Abatement Agreement as set with our Joint Statement with Cuyahoga County, Highland Heights, Richmond Heights, as well as the airport tenants and users that Joint Statement was initially adopted when it was voted into law and proposed by then Cuyahoga County Commissioner George Voinovich about forty years ago and it has continued to this day, but Cuyahoga County recently voted to make some small updates to the agreement, no substantive changes, but it was on us to vote to reaffirm the agreement and have our Mayor sign. Mayor Weger has yet to sign the updated Joint Statement, I'm hopeful that he will in the near future so that we can continue to participate in the Noise Abatement Council and continue to be guaranteed the Noise Abatement Agreement rights.

As for construction at the airport, it's just about done. The only thing left is to update the lighting system around the airport which should be done by November 8th as well as one final flight check. You might recall that the FAA actually runs planes over in the preapproved flight paths to make sure that they're safe and that they accord with the instruments on the plane so, there should be one really noisy day when the FAA sends all their planes to fly over the airport. We don't know when it will happen, it will happen sometime between now and January 3rd. Although I've asked the Airport Manager to keep us posted, if he could give us any more specifics. Sometimes the FAA doesn't give a lot of notice.

We're also working on trying to get a website specific to the Noise Abatement Council and the airport so that it's easier for you to get information on what's going on as well as file complaints if you need to. And we're looking to have a statistic over the last ten years comparing complaints to operations at the airport so that we can get a better sense of how the complaints follow the operations. Although, the data that we're already seeing is not surprising, the fewer the operations, the fewer the noise complaints.

The next meeting, the next quarterly meeting of the Noise Abatement Council will take place at the Cuyahoga County Airport on January 10, 2019 at 10am. Just like Council meetings, these meetings are open to the public with public portion and we encourage any interested or affected residents to attend.

So, are there any other Council Representative Reports? Going, once, going twice, hearing none, it is time for 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 Pro tem Plecnik: Once again, if you wish to speak, please approach the microphone in an orderly fashion. You will have three minutes to speak. I ask that you be respectful of those who have the microphone. Take your turn, take your chance and let's hear each person's opinion with respect and kindness. **We're opening Public Portion at 7:23pm.** Once again, state your name and address for the record.

Chris Welch – 38801 Chardon Road. The recent actions and comments that the Mayor has made, imply that my vote and the votes of all the residents of Willoughby Hills, whether they like you or not, don't matter. This is a representative of democracy that we live in; it's not a monarchy or dictatorship. One person can't be the boss. It doesn't work that way. The Mayor claims his actions were to protect the residents. He's not here to say this, I hope he's listening, I say this, the residents of Willoughby Hills need protection from his ignorance of US law and incompetent leadership. Thank you.

President Pro tem Plecnik: Thank you.

Douglas Hennie – 2358 Trailard Drive. I live in the low rent district and I'm real happy to see the roads being paved in Willoughby Hills. However, I have a concern and this goes to the City Engineer, down where I live, in Trailard, I've got the worst road in the City, by far and I see other roads in much better repair, being repaved. So, my question is how do we get on the list, how do we get in the pipeline? It's easy to spend everybody else's money, I can spend the City's money myself, but these are terrible, terrible roads. I urge everyone on Council, the Engineer, everyone in government to come down. Look at Trailard Drive, Trailard Lane, Mayfriars and Glengate, believe me, it's money well spent.

President Pro tem Plecnik: Thank you.

Jenna Bing – 36951 Beech Hills Drive. I'm just a little confused and if someone can answer me at some point, I know that when we had Muni Court and you got a ticket, we got all the, the Village got all the money for that ticket, but now they go to Willoughby, I believe, but don't we get some of that money? And it would be interesting to know what percentage of that money we're getting so that we can kind of balance and understand that difference of great, we don't have all of these costs that we use to have, so, but we're getting, I don't know, what are we getting 50% of the money, you know, so is it going to pay off and come off in the wash and when will we know and have an analysis that looks at that a little closer. Thank you.

President Pro tem Plecnik: Thank you. Anyone else for Public Portion?

Cheryl Ota – 2960 Marcum Boulevard. Jenna stole my question that I was going to ask our Finance Director about the \$80,000 that the Mayor keeps saying that we are going to lose because we have no Mayor's Court. I was under the understanding that Willoughby was acting as our Mayor's Court or they are our Court, and are collecting the fines and giving us money and apparently since we're 5% ahead of the collection of last year, we must be getting some money. The other thing I've heard is vetting. I've heard that why can't you people on Council accept these people that the Mayor brings to fill all of these positions that are available? Well, we have a thing called vetting and people that apply for these jobs, they're asked for so many certifications and all of the ones that the Mayor has brought forward, don't have these certifications. Some of the them can't get them for 2 or 3 years. I, myself, do not want somebody coming to my house to inspect who doesn't have a certification in what they're inspecting because I can get any Tom, Dick, and Harry to do that. So, I think that, you know, for the fellow that says that the taxes haven't been reduced but he's not getting any more services, in fact, he's getting less, well this is why because the Mayor just doesn't bring anybody that's worthy of the positions. And as far as the Police Substation is concerned, I think that's a waste of money. I'm sorry for the police that are here, if they feel that they need that, but I think that we're a small City. I don't think that it takes that long to drive from the Police Department or not even from the westside to the eastside or the eastside to the westside. I think that is going to be an extra expense of utilities. I don't care if we're getting the place for free or not, plus I talked to the foreman over there and he told me that there was going to be a daycare in there, in that building, so I'm wondering what really is going on. And as far as the Finance help is concerned, I understand that the Finance Director doesn't have an assistant anymore, but I understand that he has Dawn and I think that Dawn, even through she has a title of Human Resources, I believe she does some work for him. I'm sure he has somebody that does some work for him. So, I'm sure that he's not left high and dry. Thank you.

President Pro tem Plecnik: Thank you. Anyone else for Public Portion?

Linda Fulton – 2990 Marcum Boulevard. I was applauded, I was angry, that the Mayor took my, tried to take my vote away. We all vote for Council and one person does not have the right, never heard of this in history, that the Mayor fired all six of you. It is not right and I hope that it never happens again. I'm also not for substation, but I also had the question about the \$80,000 that the Mayor keeps saying that we're losing. So, that in itself is ridiculous. Recreation, every time something comes up, they're cancelling, they're cancelling Halloween. They cancelled the Craft Fair. They could have been working on that. Maybe they didn't have the Recreation Coordinator, but they knew that and they could have put people in place to put that on. That was a good money maker for the City and it was cancelled. Now, I don't know about Santa, that's probably going to

be cancelled too, who knows. But there's no reason, you know, people think that there isn't anybody in City Hall to put these programs on. The Mayor had the right, right from the start to hire the Coordinator and he didn't. And Recreation just wanted to, without working on it, cancel these programs. If they worked on it, this Commission, what do they do, that's my question for them. What do you do? I will say, the one person, Sandy Grubiss works a lot on that Commission. She is a good person to have. Now, I went to a meeting today in Eastlake and because the trick or treating, Halloween was cancelled in Willoughby Hills, I said that I would promote this and it's from Eastlake, Trick or Treat at Classic Park, Sunday, October 28th, it's all free from 3 to 5pm. There're children's costumes, dress up; puppies, dogs, welcomed; food trucks, super heroes, balloon artists. So, get your kids there, it will be a fun time. Thank you.

President Pro tem Plecnik: Thank you. Anyone else for Public Portion this evening?

Vicki Miller – 2857 Hayes Drive. I just want to comment on Linda's things. It sounded very despairing against our committees, but who is there, who stepped up to volunteer. Are there people who actually decided, oh yeah, we have less resources at City Hall, I'm going to see how I can help? I don't believe that's done. And I think that people are saying too much about those who are overburden now by the loss of staff in Willoughby Hills. I also want to say that I know that the Mayor's actions were drastic, but I have some concerns that I support the Mayor on. Last Council meeting I came up and asked a question as to why Council can't appoint a Law Director. Nancy's comment to me was to contact my Council Members and ask them that question and so I did. I directed that question to every Council Member that actually represents me, so if you are District 2 or 3, I did not contact you. But I can only thank one member of Council, sitting here for actually responding to my question and that concerns me, thank you Mr. Fiebig for answering my email. And also thank to Nancy Fellows for also responding, but didn't answer my question, just reiterated things that she had said in the meeting the other night. So, that is my concern that Council is suppose to represent everybody in the City of Willoughby Hills, but yet, I can not have any email answered to a concern that I have. Thank you.

President Pro tem Plecnik: Thank you. Anyone else for Public Portion this evening?

Cheryl Ota – Can I come back up?

President Pro tem Plecnik: Only if no one else wants to. I guess it's you Cheryl.

Cheryl Ota – 2960 Marcum Boulevard. Okay, this is something that was said, this was in the Willowick newspaper, and it says a Haunting at the Hills. Enjoy crafts, games and stories during our annual Halloween event. Treats and face painting will be provided. Don't forget your costume. Wednesday, October 17th, 6:30pm. Willoughby Hills Library. Just to let you know that there is something going on here.

President Pro tem Plecnik: We love our Willoughby Hills Library. This message was approved by President Sue Roseum. Okay, anyone else for Public Portion, this evening?

You know, I do think that we have a lot of people here and I know that the Library Board was asking the representatives to speak, might I ask you to speak on behalf of the Library now? I know that I'm putting you on the spot, but this is probably your best opportunity.

Sue Roseum: [Not completely audible, resident speaking but not at the microphone] I will defer because I know that the President and the Representative for Willoughby Hills will be at the next Council meeting. [undecipherable]

President Pro tem Plecnik: For the record, the library issue will be Issue 6 on your ballot and rumors of Council's demise were greatly exaggerated.

Anyone else for Public Portion?

Sandra Goodman – 34460 Parkview Road. Unfortunately, some people here have incorrect information about Halloween. For the past twenty years and I have no young children who would be halloweening, I have arranged for Halloween on the Sunday before, 2 to 4pm, so it's light out since we don't have any street lights, I put out the signs and I put out the streamers that you put on your mailbox. No one has given anybody credit for that, I don't expect the credit, but I don't expect the disrespect for it either.

President Pro tem Plecnik: I think that the other resident was talking about an event in Eastlake, not Willoughby Hills.

Sandra Goodman – [Not audible, resident is speaking but not at the microphone] She said that we have nothing in Willoughby Hills...

Jan Hairston – 2758 Oak Street. I've never been to a City Council meeting before, so this is an interesting experience for me. I have been hearing about and reading about all of the conflict that's been going on between Council and the Mayor; I'm hoping to get more information exactly about all the reasons why things are going the way that they're going but, my thing that I wanted to say is both the Mayor and the Council represents all of us here and so it's critically important that you guys be able to work together cooperatively that way we get the services that we need and we can get things done for our City. I love Willoughby Hills, we've been here for quite a while now and there's been a lot of things that we've seen happen here that have been good and we would like for that to continue. I also wanted to dovetail on some of the comments that were made about the recreation center. I have a personal infinity for that Recreation Department and the Community Center because my son used to work there and he was one of the people that got laid off. He worked there for many years, and very much loved his job there, so it was very disheartening for him to be let go the way that it all went down. A lot of money was spent for that building, it's absolutely beautiful. There're so many ways that we could utilize it for the City, but there has to be personnel there to take care that. It's great that we have the Recreation Coordinator, but there's got to be other folks that can help to put on these various events that we can have these things happen. I would hate to see that beautiful building not being used to its full capacity. So, if there's a way that we could figure out to make that happen it would be wonderful. Thank you.

President Pro tem Plecnik: Thank you. Anyone else for Public Portion this evening? Going once, going twice, then **I will close Public Portion at 7:39pm.**

UNFINISHED BUSINESS

President Pro tem Plecnik: The next item on our agenda is Unfinished Business. This is the point where Council can discuss anything from previous meetings and also attempt to give some response, some understanding, answers to questions to the concerns of the residents who've expressed.

I will begin by passing the gavel to our Vice President Pro tem for this evening and give my response to just a few of the comments that I've heard residents share with us this evening. First, I know that everyone is curious about what happened in the last week but, I think that it's more important to focus on where we go from here than where we were. I certainly agree that it's unamerican for one person to remove all of the elected officials that you voted for and I personally will fight to make sure that your right to vote is upheld and that everyone's voice is heard. Elections are difficult things, you win some, you lose some but you have to (phone ringing) there we go...that's my...

Councilman Fiebig: It's saying you're done.

President Pro tem Plecnik: I think I am.

Councilman Fiebig: Sorry, move on.

President Pro tem Plecnik: Elections can be difficult things, you win some, you lose some, but you have to respect the right of the voters. I've won some elections, I've lost some elections, but I've always learned to move forward and that's exactly what we need to do as a City. And I do want to say that the craziness of last week with the Mayor being the first in the history of Ohio to try fire the legislative branch of government, that's not a fair representation of Willoughby Hills. You've heard from so many residents, so many of us what a wonderful community that we do have and the good things that are happening. When we passed our balanced budget this year, as Councilman Fiebig noted, we're now repaving twice as many roads. And as Mr. Hennie noted, that's not enough, we still have more work to do and I absolutely agree that we need to go down to Trailard and go by the river and repave those roads but that means we have even more work to do on next year's budget so that we can have more revenue for roads, for safety forces, for police, for fire and that requires difficult choices because ultimately we're spending your money and there's not an unlimited amount. And if we want more roads, more police, more fire sometimes we do have to cut administrative overhead and other places in the government but, that's why you vote. You elect people you trust to make those choices in your place and I'm committed to listening to you and doing my best to hearing what a majority of residents want and doing what's right and I believe that everyone sitting at this dais is trying to do the same thing. It's easier to talk then it is to listen and we just heard from a lot of you and your concerns but listening is what people need to do going forward. You can't just fire people you don't like or disagree with you have to find a way to work with them. And as hurtful as it was to our entire community and to my family and I personally to have the Mayor say you're guilty of malfeasances because you vote the way I disagree with, I still stand ready to reach out my hand to Mayor Weger and work with him because the business of this City is more important than anyone person's ego or anyone person's feelings but, I will say it's important to remember that everyone here is a person. The residents who got up to speak, I asked you to be respectful because they're people, they're your neighbors, they matter.

The people at this dais are just residents who stepped up to serve, who agreed to take on this extra work and difficulty and I want to say I couldn't be more proud to sit next to Councilwoman Laura Lenz who has dedicated her life to serving the elderly as a home healthcare nurse and an STNA. She was on our Recreation Commission for many years and she personally knocked on the door of every business in Willoughby Hills asking for gift cards to donate to our City events and recreation events and that's just an incredible, an incredible thing for a resident to step and do.

Councilwoman Laura Pizmoht is one of the most brilliant attorneys I've ever known. And I say this as a Law Professor who educates hundreds of attorneys in the course every year and to sit next to a constitutional law expert, to sit next to a tax law expert, to sit next to someone who has worked for a fortune 500 company and headed up their economic development working with municipalities is just such an asset to all of us and bringing her on board helped us to immediately reach out, review and give a tax abatement to Hospice of the Western Reserve and bring in an over \$4,000,000 payroll into our City.

Councilman Dave Fiebig and I may disagree but I recognize the value of having a small business man on Council and I recognize the value of having a contrary voice. We need to be respectful of each other but that's why Council is so powerful as a tool for the people. It's not one person or one voice that can go off the deep end. It's so many people and we check each other because we aren't just one person. To say that Council will have all the power insinuates that Council is one person. Council is a body of seven and you can see from tonight that we do not always agree.

And to our Vice President Pro tem and our westside District Councilwoman Janet Majka, I first met her family by knocking on her door down the road in my first election and I never thought that I would have the privilege not only sitting on this dais but by sitting by her side to work on cutting our sewer fees now the second time in two years we passed the biggest sewer fee cut in the history of Willoughby Hills to give relief to all of you who are on sewer, not just residents, that's important, but businesses too because you won't bring businesses into the City when you have the highest taxes or fees and Councilwoman Majka has been a workhorse and a fighter to lower your sewer fees. She's also, by the way, a public-school teacher. She's also someone who serves the

disabled in our community every day. I can't tell you how many Council meetings she has said to me, I have to go now, to go work the rest of the night. She will work with disabled people, she will watch over them and give them their medication and take care of them rather than sleeping. That is a saint and I'm grateful to sit next to her.

I'm not going to lie, I disagree with Councilman Hallum that the Mayor can fire Council or that the President can fire Congress but, I respect the fact that the voters put him there. And I'm grateful that we're all sitting here together along with our administration and all of you. I think that we need to move Willoughby Hills forward. I think that this Mayor fires Council scandal is over tonight. There's still work to be done, there's still healing, but it's more important for us to focus on economic development in the old Loehmann's, the Shoppes of Willoughby Hills. It's more important to focus on lower taxes and fees to bring businesses there and to give relief to our residents. It's more important to hear our Fire Chief when he says that staffing had fallen so low in his department that he could send only one ambulance or fire truck out at a time. We've changed that in this budget. We still have to hire more firefighters but coming into work on Tuesday when the Mayor finally returned the keys, I was thrilled to see more firefighters training in the parking lot because that's what we need for community. We're stronger working together and as I see all these faces in the crowd, some of you voted for me, some of you didn't but I'm here to serve all of you and I truly believe that everyone at this dais feels the same way. Thank you.

Councilwoman Lenz: Thank you, John.

Councilwoman Pizmoht: Mr. President. Mr. President. That's a tough act to follow but I'm just going to talk about the substance of some of the issues that came up during Public Portion. Mr. Hennie talked about Trailard and I know that I've visited you on Trailard and I've seen how bad the road is there. In fact, when we talked about the budget, and I reviewed the budget and I edited the Mayor's budget that he submitted to us to make sure that we could pave three more roads than the two tiny ones and I told Council and the public about Trailard, how bad it was. I'm a runner and I went running down Trailard as I was working on the budget and I saw how ground down that road is, to gravel, to just rubble. It's unbelievable. And to see how far down it is on the list of priorities for our roads, it is astonishing. It's going to take a year or two before we can even consider doing it, it's so far down the list. That's crazy. So, that's another reason why working on our budgets and making sure we're funding things like our road repavement and our safety forces are so important. But I also want to talk to Mrs. Miller who she did email me and before I could respond my email access was removed from me. So, I could not respond to you. I did not get my email access until late Tuesday night and since then, a lot has happened. So, I apologize that I haven't responded to you since then.

Resident Vicki Miller – [Not at a microphone, response not audible]

Councilwoman Pizmoht: No, it was not, it was the day before, the evening before I saw that email. So, Mrs. Miller, I'm sorry that I haven't responded to you by then. So...

Councilman Fiebig: Mr. President. My City email is not working right now either. So, I would ask the Mayor about it tomorrow, but if anybody needs to contact me currently, david@davidfiebig.com will work. There is, about the Trailard issue, about roads, police and fire which has been the mantra of this Council, that's what we need to do. We maybe disagree about the methods, but roads, police and fire are the things that a local City government does and that they do best and they are the only ones that can do it. Now, we were able to pushup the agenda of those roads that we allotted a little bit of money, what was it Pete, \$6,000 for a full assessment of all of the roads in the City and they were graded with certain parameters and then we have a list. So, at your next convenience, would you give us a list of what roads that you would anticipate next year that we would be able to do, so that we can get working on the budget for that next year, right away. We'd sure like to know by November, by December what roads we are going to be able to do. But you see how, Doug, that can happen, we can pushup things when we prioritize roads. Your road, believe it or not, was not the worst in the City, it's bad, but there are, those another five were worst. So, we'll see as soon as we can, I'll get back to you as soon as we

find out when we can get that done and we'll put it out there for everybody. You know, what roads we can anticipate for next year.

Mr. and Mrs. Hairston, I just want to say, your son is, you've done a great job with him. He was one of those employees that was let go. I personally reached out to him to say that I would give him a letter of recommendation. He was a great employee here and we're sad to see him go. You've done a terrific job raising him and I wish him all the best and success. He attended some classes with my son, Mike, so I got to know him a little bit more than say the average employee here at City Hall. But it does speak volumes to the comments that she made about what a great community we have, what great dedicated officers and other civilians who work here in the City. They are dedicated, when we have actions like this, from the Mayor, that impacts those people more than it does you or I as residents who maybe live here or maybe we run a business here but, these people who come to work here everyday and when they see their City in the headlines for the wrong reasons, that impacts them and I feel for you guys and women that are having to deal with this kind of thing and I want to resolve that we will keep Willoughby Hills out of the headlines for the wrong reasons as best of my ability as I can. When I got that letter, I ran up here to City Hall within the hour and I sat down with Bob Weger to try to convince him to not do this. I said that it was going to have far reaching consequences and I bought up the fact of the employees that work here as well as those who live here, work here, property values, the reputation of the City, all the damage that would be done from this and I asked him please reconsider. He just said, I have to do it. And you've heard the interviews by now and I could not make that happen, I'm sorry. And I wish he were here so he could speak as to his reasons why. He attempted to say that I understood why and I saw a quote like that, and I don't understand. I really don't.

Final thought here, On the police substation, that comment came up here a couple times and I've been working with the owner of that business down there with his plan to provide for free, an opportunity for our police officers to have a place where they can work, have a desk, have a restroom, be able to park a car there, take a break, because most of our calls are down at that end of the City. So, we have traffic shooting down Chardon Road a lot. So, this does make some sense. I was maybe against it to begin with, but I think it's something when the price is so right and what would that do to the image down there to perhaps bring other businesses. And I'm also working with a business that 300, 400 jobs would locate down there. We're trying to revitalize that area. I think that the Salvation Army was a good fit down there and I invite everybody to stop in and take a look at the store, it does good work. So, we're trying, it's an opportunity that's never come up like this before, I want to continue to explore it but we're going to continue to have meetings to talk about it. So, it's not something that just going to be done, quickly, going to be done overnight. I've been reviewing the contract, Mr. Plecnik, you've reviewed it, you made some comments, I also have some additional comments as probably being the only one here with commercial real estate leasing experience, so I did want to add to it. And, so before anything was signed, and I also told Mr. Weger, please don't sign it yet, please don't commit to it yet, let's have a few more meetings about that but it's an idea that I think we should at least consider. Thank you.

President Pro tem Plecnik: Anyone else for Unfinished Business?

Councilman Hallum: I would like to hear from the Finance Director, if we could, with regard to the \$80,000, they were several questions about that, if he's able. Are we in fact, losing revenue? Are we down revenue wise for the year? What is the impact?

Finance Director: I don't have the exact numbers, you know, in front of me right now, so I'm speaking from memory. The way court revenue works is that, if you don't have a Mayor's Court, your cases go to the Municipal Court. And in both cases, if you appear in Municipal Court or appear in in Mayor's Court, if you're found to be guilty, you're potentially assessed fines and costs. When, in the Mayor's Court, I'm sorry, let me backup, in either case, fines come to the City 100%. So, if you're fined in the Mayor's Court, or your fined in the Municipal Court that revenue goes back to the community where the events occurred. So, the change there would be affected by if the Municipal Court staff, Judge levies fines at the same rate the Mayor's Court Magistrate levies the fines. The other factor would be, how many cases are processed. When a Willoughby

Hills' case appears in the Willoughby Municipal Court the court costs that are assessed are retained by the Willoughby Municipal Court. That's how the Court finances itself. So, that's where not having a Mayor's Court that's where we've lost out on, is the court cost revenue and off the top of my head, I would estimate that to be a hit to the budget of \$300,000 to \$400,000 a year, on an annualized basis. The other place where things will change is that the Willoughby Municipal Court is like most Municipal Courts in Ohio, operates at a deficit. So, that deficit is shared by all the members of the Court District. And the way that is done, is that the Court, and this is by the Ohio Revised Code, the Muni Court takes its total case load and then determines what percentage share each community's case represents and then the formula that they use, the court takes its total operating expense and subtracts what it collects in court costs revenue and the deficit is then allocated back to the member communities based on their percentage share of the cases, on the next previous year's, the next previous year's caseload. Typically, Willoughby Hills has been between 2 and 3.50% of the Muni Court's total caseload because the cases that appear in the Mayor's Court aren't counted in that formula. Now with the cases that use to go to Mayor's Court, now go to the Willoughby Muni Court, the Willoughby Muni Court's total cases are going to go up and our percentage of the total will go up so, we will have a bigger percentage share of the operating deficit. This year, the impact of that we'll see in 2019 because those costs are based on the 2018 caseload. So, we've impacted that about in the last nine months. The other side of the coin, which I can't predict is that our cases have also brought court cost revenue into the Willoughby Muni Court so that could affect the court deficit. So, it's probably clear as mud, but...

President Pro tem Plecnik: Thank you, Mr. Brichacek.

Councilwoman Pizmoht: Mr. President. Just really quick, so \$80,000 a month is like \$1,000,000, about, it's like \$960,000 and so that would be, in a good year recently, that would be the absolute gross amount and that's not counting expenses for the court like staffing and equipment, supplies and the processing of ticketing and all that kind of stuff. And last year, last year we made \$770,000 about in Mayor's Court gross so, for us to be losing \$80,000 a month, our tickets have to be well above what they were in 2017. So, I think that's something to think about, I think that number is just a little bit not a 100% useful in trying to understand what it is the impact of the Mayor not keeping the Mayor's Court not open has on the City. I think that we really need to compare the net cost of Mayor's Court with the net cost of going to Muni Court so, it's a little bit, it's quite a bit more complicated and also very dependent on, as you know, of course, on the number of tickets that are being written. So, that's all. It's just a much more complicated number than the \$80,000 a month.

Finance Director: Yeah, I know, I agree, you focus on the net cost. From my point of view, what I'm focusing on is the court provided, between \$300,000 and \$400,000, not counting fines, court cost revenue.

Councilwoman Pizmoht: Sure and...

Finance Director: That financed a portion of the City's budget, so...

Councilwoman Pizmoht: Mr. Brichacek, I would love any records related to that so that we could kind of compare the net cost of before..

Finance Director: Yeah...

Councilwoman Pizmoht: Because maybe it's possible that Muni Court might actually not be a bad as it seems because the cost savings to the City and the efficiencies of going to Muni Court might actually be beneficial to the City to go that route. It might be, I'm not saying that it is, it's just something that we might consider. It's possible and we should look at that.

Finance Director: Yeah, I provided it to you before and I'll provide it to you again.

Councilwoman Pizmoht: Please do. Yes, thank you.

Finance Director: Are you done? So, then I can speak without being interrupted. From my point of view, I think...

President Pro tem Plecnik: Mr. Brichacek, please be collegial with your colleagues at the dais. Thank you.

Finance Director: I have...

President Pro Tem Plecnik: Just, please be.

Finance Director: I just asked not to be interrupted. You know, what I focused on is that the court funded between \$300,000 to \$400,000 of the general fund budget and that we'll need to make that up next year. And I was Finance Director for a community that had a Municipal Court and a Finance Director that had a Mayor's Court and I've seen both sides and I can tell you from my experience is that our Muni Court costs expenses are going to raise. The Mayor's Court, operationally is a very good thing for any community. Most Municipal Courts really would like Mayor's Courts to disappear for that reason.

President Pro Tem Plecnik: Thank you. Well, Mr. Brichacek, I certainly would think that it would helpful if you could give us some estimations based on different levels of tickets; what that net impact would be, so that we could actually see dollar for dollar, you're very probably right, although the Mayor's Audit Task Force some years ago proposed that we actually save money by going to Muni Court. It could be that the Audit Task Force was wrong, but I think it's time to have actually hard numbers in place, to have some estimates, projections so that we know exactly what we're talking about and whatever path is the best one, I think we can all agree, we want the best revenue for the City and the best experience for our residents. So, hopefully, you could provide that in the near future, possibly by the next Council meeting.

Any other Unfinished Business for us this evening? I do just want to note for the record that we talked a lot about the closing of Mayor's Court in Willoughby Hills, it is after all entitled Mayor's Court and the Mayor is the supervisor. The budget allowed for a Clerk and Deputy Clerk of Mayor's Court so, there was not reason for the court to close other than the Mayor's decision to do so. So, I certainly think it's a question to ask Mayor Weger, why he thought it was prudent to close the Mayor's Court, but having the hard numbers to actually make that decision would useful going forward.

Well, on to legislation, Madam Clerk.

LEGISLATION

ORDINANCE NO. 2018-42 – 3rd READING

1st Reading: September 13, 2018

2nd Reading: September 27, 2018

AN ORDINANCE REPEALING AND RESCINDING ORDINANCE NO. 2017-63 – AMENDED AND IN LIEU THERE OF ENACT AN ORDINANCE TO FURTHER ESTABLISH REGULATIONS FOR THE SECURITY AND SAFETY OF THE MAPLE GROVE GRANGE LOCATED AT 2454 RIVER ROAD, WILLOUGHBY HILLS, OHIO AND DECLARING AN EMERGENCY.

President Pro tem Plecnik: This ordinance is on 3rd Reading, what are the wishes of Council?

Councilwoman Pizmoht: Madam President or Mr. President. Sorry...

President Pro tem Plecnik: By the way, for the record, I'm only filling in for Council President Nancy Fellows, she is traveling and is unable to join us and I do want to note, once again, she was the Nurse of the Year

for Johnson and Johnson Advanced Sterilization Products and there's no greater honor I've held than to be Vice President to Council President Nancy Fellows.

Councilwoman Pizmoht: All right, Mr. President. Motion to adopt Ordinance No. 2018-42.

President Pro tem Plecnik: Do we have a second?

Councilwoman Lenz: Second.

President Pro tem Plecnik: So, we have a motion from Councilwoman Pizmoht and a second from Councilwoman Lenz, any discussion on that motion?

Councilwoman Pizmoht: Mr. President. This is an ordinance to allow meetings of mostly Committees of Council or Commissions or Council meetings to happen in our Grange which is thought to be a baby step to opening the Grange for a public purpose. Again, the Grange is a City business, a City building that is owned by the City. City funds have been used to maintain the building, but it was not open to the public and it was used essentially for private purposes for about ten years. So, this is something that I think is a good first step to getting to the point where we can use it for our public, taxpayers who do pay to maintain that building.

Councilman Fiebig: Mr. President. I have to disagree, regrettable because we don't need baby steps on this, we need a real assessment of this. Section 941 of our Code sets forth the proper procedures for assessing public property and setting those fees whether there are fees or not and that's one of the things that I did when I was on Council was to look at all of the properties in the City, set fees for them and set some rules and standards for them. So, the Grange was left off at the time because it was a new purchase and it was thought of as let's just do that administratively. Now, those of you who have followed, found out that Administration had done, had made some pretty poor decisions about how they were allowing that building to be used. Council, just for a little history, said stop all of this and just let the Boy Scouts and the Girls Scouts use it. But this is a little shortsighted in that Council meetings should not be held at the Grange; committee meetings of Council should not be held at the Grange and there is no Landmark Commission. So, we're putting something ahead of something that isn't established at this point at this time. The public should have the ability to participate; there should be a PA system; there should be handicapped parking; there should be video, audio systems that are in place; restrooms, parking should be paved and assessable and it should be easy for our residents to attend Council or committee meetings or things like a public meeting should a Landmark Commission ever be established. So, I'd much rather see this referred to Committee for further review and for through vetting, through research as to what we should do with that building instead of what you called "baby steps" to do this, so I'm going to vote no on this for those reasons.

Councilwoman Pizmoht: Mr. President. We talked about this in so many committee meetings now, it's, we've talked about it nauseum now, it's just many, many, committee meetings where we've talked about this issue and again, it's really about just opening it up for rental, if the public, if we can't have a small committee meeting there how can we have it open to the public and renting it. It's a sensitive building and it's not just one that we can decide what to do with it, it's going to take a little time. And as we've discussed again at length, we have a Landmark Ad-hoc Commission Committee to do, to start looking at legislation to establish the Landmark's Commission. And we also, one of the things that we discussed that the Landmark Commission would do, would be to oversee the public use of the Grange. That's exactly what this is for. Again, it's about making the decision-making process to what to do with this building going forward because there really was never a plan; it's really about coming with that plan to do what's right for the residents, the public and the future of that building. So, I think that's the whole point.

Councilman Fiebig: Mr. President. Just to follow-up, at any point that you want to call a committee meeting or you want to call a Council Meeting of the Whole, you are able to do that. Back in 2009, we all traveled, those of who were on Council at the time, went to Washington, DC and we actually held a Council meeting in the FAA

atrium so that we could meet with the Federal Aviation Administration so that we could talk about the airport and some of the issues about potential expansion of that airport. So, you could call a meeting at the Grange if you want to, one-time special meeting, all that kind of thing, this doesn't preclude that, I just think that this piece of legislation is not ripe yet, so that's why I'm voting no.

President Pro tem Plecnik: Thank you, Mr. Fiebig. I would just note that the ordinance that is currently in effect, limits all use to simply Boy Scouts and Girl Scouts. I don't think it allows for any Council to meet. It certainly doesn't explicitly say it and I think if you want a committee meeting there, it would only be prudent to make that amendment.

Councilman Fiebig: Mr. President. I would disagree. You may call a meeting across the street, you could call it at the VFW, you could call it out in a park, you can do it at any time, it does not preclude you.

President Pro tem Plecnik: Mr. Fiebig, I would agree with you that you could a meeting, but you can't simply call a meeting at the VFW if you haven't rented the Hall. So, you have to have a legal right to rent the building and right now the ordinance for the City of Willoughby Hills says that only Boy Scouts and Girl Scouts can use the Grange. I think that it is fairly clear that only Boy Scouts and Girl Scouts can use the Grange. You can call the meeting, I just don't know how you can get into the building legally.

Councilwoman Pizmoht: Mr. President. It doesn't make...

President Pro tem Plecnik: Councilwoman Pizmoht, I think that Councilman Hallum has asked for the floor.

Councilman Hallum: Thank you. I just, my concern, I agree with Councilman Fiebig with regard to the accessibility of this building. If we were to have a Council meeting, if we were to have a committee meeting, there are residents here in the City that might not be able to negotiate the stairs and get into that building and then again, there's not real way to hear, there's no PA system in there that I'm aware of, I just think that might preclude people or exclude people who might otherwise like to be able to come to a Council meeting or that committee meeting, so I think that we are, that building is not prepared for those kinds of situations and I don't want to exclude anyone from being able to come to a meeting or be able to hear or to attend, so I don't think this legislation is well thought out.

President Pro tem Plecnik: Councilwoman Pizmoht.

Councilwoman Pizmoht: Yeah, so if we can have a meeting there, then and we could then what I don't really understand the problem with the ordinance then. But, in terms of, the thought was to make it so that we don't have to keep amending it every time there's a possible meeting there. So, it's not really anticipating that we would have a wide scale Council meeting there, it's really about a committee meeting at this point and then future Commission meetings. So, it's really not about that and I think every effort would be made to make sure that all access is made to those meetings, so again, it's about opening this building up that's been closed up from our public, our taxpayers have paid for this building. It's about time they had access to it, in some fashion and so without acting they are still closed out of this building that they have been paying for, for over ten years and I think that's unacceptable.

Councilman Fiebig: Mr. Vice President. You're only talking about having Council meetings and committee meetings and Landmark Commission, that still excludes the public. I think the public might be interested in things like a baby shower there or the historic Maple Grove Grange neighborhood committee or associations. Those are the types of things that we should be opening up the Grange for and that's why I would like to see it put into committee and I'd like to see it, I believe Service is the appropriate committee for that or certainly the Recreation Committee of Council because they have the purview to look at public property. This, as far as I know, was only reviewed in Rules and Legislation as far as the form. So...

Councilwoman Pizmolt: A couple of times, it's been looked...

Councilman Fiebig: It must have been in Rules and Legislation which is not the appropriate committee for this. Anyway, I think that we've beat the dead horse.

Councilman Hallum: Mr. President, I have one more comment. In my mind, I think that better thing to do with this might be to have if we just set a certain time either monthly or certain times of the year where we just open it up for people to be able to come in and go through it if they so desire and that might, that might be more sufficient than trying to hold meetings there as this legislation calls for and instead, let's just set up that we're going to schedule certain number of times a year where it is open to the public for an open house and people come through and look at it and enjoy what it is. Thank you.

President Pro tem Plecnik: Thank you, Mr. Hallum.

Councilman Fiebig: Motion to Table Ordinance No. 2018-42.

Councilman Hallum: Second.

President Pro tem Plecnik: We have a motion to Table and a second, there's not discussion on a motion to Table.

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

President Pro tem Plecnik: Ordinance No. 2018-42 is Tabled.

ORDINANCE NO. 2018-43 – 2nd READING

1st Reading: September 27, 2018

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF THE ENGINEERING FEES AND CONSTRUCTION COSTS ASSOCIATED WITH THE STRATFORD PUMP STATION PROJECT AND DECLARING AN EMERGENCY.

President Pro tem Plecnik: This will remain on 2nd Reading. I believe Councilwoman Majka is looking to schedule a Utilities Committee meeting to further discuss how we can benefit the community of Stratford.

ORDINANCE NO. 2018-44 – 2nd READING

1st Reading: September 13, 2018

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS, OHIO AND RICHARD L. BOWEN + ASSOCIATES, INC. FOR CITY ENGINEERING SERVICES AND REPEALING CONFLICTING LEGISLATION.

President Pro tem Plecnik: This will remain on 2nd Reading as well.

ORDINANCE NO. 2018-46

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE LEASING OF PROPERTY LOCATED AT 27701 CHARDON ROAD, UNIT 13, WILLOUGHBY HILLS, OHIO AND DECLARING AN EMERGENCY.

President Pro tem Plecnik: This will remain on 1st Reading.

ORDINANCE NO. 2018-47

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 Pro tem Plecnik: This will remain on 1st Reading.

ORDINANCE NO. 2018-48

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.

President Pro tem Plecnik: That's our final ordinance, but we also have Resolution No. 2018-17.

Clerk of Council: Will this stay on 1st Reading.

President Pro tem Plecnik: And yes, that will stay on 1st Reading.

RESOLUTION NO. 2018-17

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.

President Pro tem Plecnik: To be clear, Resolution No. 2018-17 is a resolution that would allow our City Engineer and the City of Willoughby Hills to apply for a grant for work on Dodd Road in the amount of about \$287,000. Our City Engineer has recommended that we waive and adopt this resolution tonight so that he can immediately apply for the grant. We've certainly heard from residents about the need to repave roads. We will also, however, because there was a little error on the initial agenda, we'll have to waive the 2-Day Notification if Council wishes to consider this resolution, so I would ask if anyone is interested to make a motion first to waive the 2-Day Notification and second to waive the 3-Reading Rule if Council were to vote on this, this evening as the City Engineer has recommended to us.

Councilwoman Pizmoht: Mr. President. Motion to waive the 2-Day Notification Rule for Resolution No. 2018-17.

Councilman Fiebig: Second.

President Pro tem Plecnik: We have a motion and a second to waive the 2-Day Notification on Resolution No. 2018-17. Any discussion on the motion?

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

President Pro tem Plecnik: the 2-Day Notification is waived on Resolution No. 2018-17.

Councilwoman Pizmoht: Mr. President. Motion to waive the 3-Reading Rule on Resolution No. 2018-17.

Councilwoman Majka: Second.

President Pro tem Plecnik: We have a motion and a second. Is there any discussion on that motion?

Councilman Fiebig: Mr. President. This legislation, this resolution was apparently submitted during a time when our email was not active, so we weren't able to review it; however, it does appear to be in order and it's a resolution to aid the City in acquiring funds so I would certainly be in agreement to waive 3-Readings on this.

Councilwoman Pizmoht: Mr. President. The applications for this grant are due October 24th, so time is of the essence.

President Pro tem Plecnik: Thank you. Any other discussion on that motion?

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

President Pro tem Plecnik: The motion carries and the 3-Reading Rule is waived.

Councilman Fiebig: Mr. President. Motion to adopt Resolution No. 2018-17.

Councilwoman Majka: Second.

President Pro tem Plecnik: We have a motion and a second. Is there any discussion on the motion to adopt Resolution No. 2018-17?

Finance Director: Mr. President. I'd just like to make a note that in addition to this \$287,000 grant, it is going to require a commitment of about \$335,000 of local funding if this grant is accepted.

President Pro tem Plecnik: Thank you.

Finance Director: Just to consider that when you vote.

Councilwoman Pizmoht: And Mr. President. I can just attest at the need for Dodd Road to be resurfaced. We have our slope failure issue. We have many cracks, the road is crumbling, it's pretty bad. May be not as bad as Trailard in some aspects but it definitely is bad and it's been bad for a long time. So, this is much needed and I know it will be appreciated by my family and my neighbors.

Councilman Fiebig: Mr. President. And it gets back to the point, Pete, regarding getting us the budget because I know that this will fit into next year's budget in its entirety, but will we be able to do any other roads, I think is what we're anxious to find out.

President Pro tem Plecnik: Thank you, Mr. Fiebig. Any other discussion on the motion?

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

President Pro tem Plecnik: Congratulations, Mr. Di Franco, you're going to be personally repaving Dodd Road. Okay, that is all of our legislation and resolutions for this evening. Next item on the agenda is New Business. Does anyone have any New Business to bring forward to Council this evening?

NEW BUSINESS

Councilman Hallum: Mr. President. I'd like to make a motion that Council draft an ordinance requiring all communications by Council members and officials, officers of the City with governmental email addresses here in the City, to only use those email addresses for City business. We've had some issues in the past of people using their own personal email addresses to do city business and it makes it very difficult for us to keep track of records, things get lost, and when we do get public records requests they do, from time to time, we don't get things, they can't find them, and I think that in the interest of transparency and in the interest of being cautious, and doing things properly, I think we should draft a memo, that ordinance requiring any City business to be on our City email addresses. That's my motion.

President Pro tem Plencik: Do we have a second?

Councilman Fiebig: Mr. President. I'm a little confused about exactly what you're asking because we typically do use City email exclusively for City business. If somebody, for example, I know that this happened to me, may be a month ago, somebody who had my City card, sent me an email that didn't regard, you know, wasn't City business. I replied back, please use my other email address, but they didn't and I kept getting them, so...

Councilman Hallum: Well, thank you for asking, if I may respond.

Councilman Fiebig: But, if you could clarify, do you mean to say that, well go ahead.

Councilman Hallum: Well, let me explain, that I recently made a public records request with regard to the amendments that were drafted for the Charter and the responses that I got although I only got them from Mr. Plencik, I did not receive any from Councilwoman Pizmoht. There were communications going on between the two of them through their personal email addresses with regard to the drafting of these amendments. And now there's a question of are there other emails that have occurred that are in their personal email addresses with regard to City business that we don't know about. And so, that's my concern, is what other things are going on that should be in a public email, that's why we have them is so that we're doing everything on our public email addresses so that if you make a public records request those can be obtained very easily because they are within our control. So, that's my concern.

Councilwoman Pizmoht: Mr. President. We actually have them for official use for the public to be able to contact us, but there's no rules that we have to use them. I know that our City email is sort of cumbersome and hard to use and so for expediency, sometimes I use my personal email and I know that I have seen emails from you that have your business' signature line on them for official business between Council people, so I am not sure if that was, I can't imagine that was your City email with that on it. So, I'm sure that it's just not the most ideal way of communicating for City business sometimes I can imagine, but I don't think there's anything wrong with it per se other than it doesn't make anything a public record or not a public record to use it on City email or not on City email. I know that all our firefighters use gmail accounts that are just regular old gmail accounts and anything that they do in terms of their official work as firefighters is all public records. So, the public record laws don't say that you have to use this, everything that you do that is a public record regardless where it is and the public record laws say that if something is a public record, you get a copy of it, so if it's from Councilman Plencik to me then if the Council Clerk gives that to you from his email then that's it. You don't need the one from me or from him to me, like from my side, it doesn't really matter, she gave you a copy which is what you get. So, I think that there's an insinuation that something was done that's wrong but there isn't anything wrong.

Councilman Hallum: You don't know. So, again my perspective on this again, number one, in my opinion, I've never had a problem sending from my City email, it's very simple. I can do it from my iPad, it's a piece of cake. It's not cumbersome at all, it's not.

President Pro tem Plecnik: Well, Mr. Hallum, I would just say, because this is an important point, you've never had the Mayor turnoff your City email before.

Councilman Hallum: Well, this was prior to that...

President Pro tem Plecnik: I will say that I would not want to limit myself to City email when someone else can turn it off at any point. I want to be able to reach out to my constituents either way, so I would recommend as Councilman Fiebig did, that you reach me, at johnplecnik.com because I will be able to respond regardless of whether the Mayor decides to fire elected officials again. I think that it would be imprudent for Council people to limit themselves given just what happened but I certainly hear your concern and I would repeat that the public records law applies whether it's johnplecnik.com or the City of Willoughby Hills. If public business is being done, it is a public record and when the Clerk forwarded your request to me, I complied with it in full even though it was a personal email account which I think illustrates that while I hear your concern, I'm not sure it's a valid one because the law applies with equal force to City and personal emails. It's a public record regardless of what account you use.

Councilman Hallum: Well, that may be, but there have been numerous occasions over the last many, several years, that at least I'm aware, where there have been public records requests and there's been no response to those and so there's some concern. I just think that it's cleaner, it's simpler if we use our City provided email address then there's no question where it would be and you can find very simply instead of trying to remember, gee, did I send that from nyu email address, or did I send that from my City email address or did I send it from you know, some personal server. It just makes it simpler to find whatever it was. You know, even if you just copy your City email address, if it's easier for you to use your personal one, then copy your City email address so that at least it's going to be in there. And if you can't remember, you'll be able to find it in there.

Councilwoman Majka: Mr. President. I would just like to reiterate, my email is still not working as it should be and now it's been over a week, so that's very concerning to me and I'm glad that I did have my own personal email as a backup in case I did need to reach our Council Clerk or any other crucial correspondence. I might add too at one time, quite a while ago, our Council President Nancy Fellows came under fire for using her email which was associated with her work account. She pointed out to us that it was her only account and that as she was traveling, she was actually, I believe forbidden from using any other email accounts on her work issued computer, so she explained very clearly what her reasons were at that time. As to whether I would take a recommendation from Councilman Hallum, on making a requirement or a mandate as to what email I might use, I can't even begin to phantom how you would suggest something like that.

Councilwoman Lenz: Exactly. Exactly.

President Pro tem Plecnik: Thank you Councilwoman Majka. So, is there a second to Councilman Hallum's motion? Hearing none, the motion dies for a lack of a second.

Councilman Hallum: He (Councilman Fiebig) was about to second it...

Councilwoman Pizmoht: Motion to adjourn.

Councilwoman Majka: Second.

Councilman Hallum: Apparently, it really doesn't matter...

President Pro tem Plecnik: There's no discussion on a motion to adjourn.

Council Clerk: Sorry, who made the motion, Pizmoht?

President Pro tem Plecnik: Who made the motion, who second it?

Councilwoman Majka: I second it.

Council Clerk: Thank you.

President Pro tem Plecnik: We have a motion and a second, Clerk please call the roll.

ADJOURNMENT

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

The Regular Council Meeting of October 11, 2018 was adjourned at 8:28pm.

APPROVED:

December 13, 2018
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council