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Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
DAVID M. FIEBIG
CHRISTOPHER HALLUM
JANET R. MAJKA
LAURA PIZMOHT

Regular Meeting of Council Minutes of October 12, 2017

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. Written minutes of Council shall be shortened wherever possible.

The Regular Council Meeting was held on Thursday, October 12, 2017 at 7:00pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

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

CORRESPONDENCE

President Fellows: First order of business is correspondence. This evening I received Ordinance No. 2017-70 from the Mayor unsigned. So, I would entertain a motion to amend the agenda for the consideration of overriding his veto.

Vice President Plecnik: So moved.

Councilman Fiebig: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to amend the agenda to consider the overriding of the Ordinance 2017-70. Any discussion on the motion?

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

Motion PASSED.

President Fellows: The motion to amend the agenda to consider the veto of Ordinance 2017-70 has passed.

Vice President Plecnik: Madame President. Motion to override the Mayor's veto of Ordinance 2017-70.

Councilman Fiebig: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to override the veto of 2017-70. Is there any discussion on the motion?

Councilman Hallum: Madame President. I think that I made myself very clear in the letter I sent to Council last week; however, for the benefit of the citizens here tonight, I would just restate the fact that I believe this particular ordinance and the proceedings of the executive session last week, at our last meeting rather, were

illegal, improper and not in following with our Charter and therefore, am not in favor of overriding this ordinance.

Vice President Plecnik: Madame President. I would just like to direct the question to Councilman Hallum, number one, what is your legal background or legal education? And number two, if you have none, who advised you that this was illegal? Thank you.

Councilman Hallum: I can read, sir. Thank you.

Vice President Plecnik: Good for you.

Councilman Fiebig: Call the question.

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

Motion PASSED.

President Fellows: Ordinance 2017-70, the veto has been overridden by Council. At this point, I'll move to the Mayor's report.

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR'S REPORT: Thank you. The new channel for Time Warner and the Government Access Channel coz they switched to Spectrum, is 1024. So, if you're watching it on TV, it's 1024. It's not 12 anymore. So, just tell your friends and neighbors if they want to watch on it Spectrum, it's 1024. We're had a lot of problems with Spectrum coz they had to convert their cable boxes to digital and some people just lost their signal. So, if they did, they have to call Spectrum to get that redone for them.

I appointed our City Prosecutor Michael Germano as the Acting Law Director. He will be doing this for no additional pay. His responsibilities are on a temporary basis until a permanent Law Director is named.

I have vetoed Ordinance 2017-70 confirming Steve Byron of Walter|Haverfield, LLC as our Acting Law Director and have outlined my reasons to Council and many other entities, as well as posting it on our City website.

Because of the shooting we had two weeks ago, we haven't charged the perpetrator with the act of violence yet. He's currently at Hillcrest Hospital. And he's under guard by the Hillcrest Police Department. As of, I believe, Monday, this coming Monday, we will have to take over that responsibility at the cost of five to ten grand a week. So, I just want to say, that we may have some additional expenses to pay for that 24 by 7 security until we charge him with the actual crime. We don't want to charge him right away because then the medical bills are our responsibility. So, I'll keep you updated, but this Monday, I believe the Cleveland Clinic police will cease watching him and we have to send somebody down to there. The two officers are still recovering. They've got a long road ahead of them. But, I'll keep you informed as I find out more.

The legal case, the AFSCME, the new union that wants to come to the City, we haven't been served with the papers from SERB for the unfair labor practice. As soon as they do, I will let you know.

That's all I have Ms. President.

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

Mayor: Oh, I just wanted to say the upcoming events. This Saturday, the 14th, we have the Willoughby Hills Annual Fall Craft Show it's from 9 to 3 at the Community Center. And Tuesday, October 17th, the Willoughby Hills Senior Potluck featuring "Meet the Candidates Forum" and that's beginning at noon. And all are welcome to that. And then Saturday, the 21st from 9 to noon is our second Shred Day. Anybody can bring up their shedding from 9 to noon. That's all I have. Thank you.

President Fellows: Thank you, Mr. Mayor. Any questions for the Mayor this evening?

Vice President Plecnik: Madame President. No question, but just following along with city events, our VFW is having their annual claim bake also this Saturday, October 14th from 1 to 3pm. You can buy tickets at the bar which typically opens at 3:00 most weekdays. So, please do support our local VFW.

President Fellows: I'll move to the Finance Director's report, Mr. Brichacek.

FINANCE DIRECTOR'S REPORT: Nothing new to report other than to let you know that we're in a testing phase with the Ohio OPENCHECKBOOK process and we'll probably have that live within a couple of weeks.

President Fellows: Thank you. Any questions for the Finance Director this evening?

Vice President Plecnik: Madame President. One quick question, did we dispose of the journal earlier?

President Fellows: No, I have to do that yet.

Vice President Plecnik: Okay.

President Fellows: I'm a little discombobulated this evening. City Engineer's report, Mr. Di Franco.

ENGINEER'S REPORT: Thank you, Madame President. No report, but I'm open to questions.

President Fellows: Any questions for the City Engineer this evening? Seeing none, then I'll pop back up to the Disposition of the Journal.

DISPOSITION OF THE JOURNAL

Vice President Plecnik: Madame President. I would move to adopt the minutes of the Regular Council Meeting of September 14, 2017.

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 14th. Any questions on the motion?

Roll call: YEAS: Fiebig, Majka, Pizmoht, Plecnik, Fellows
Abstentions: Hallum, Biro

Motion PASSED.

COMMITTEES OF COUNCIL

President Fellows: Going to move to Committee Reports. Councilman Biro, do you have information that you would like to share?

Councilman Biro: Thank you, Madame President. Service did meet on Monday at 6:00. Committee members, myself and Ms. Majka were present as well as Mayor Bob Weger, Pete Di Franco, our City Engineer, Tom Talcott, our acting Fire Chief, Mark Grubiss, our Service Director, Councilpersons Fiebig, Pizmoht, and also Kevin Trepal and Britney Jablonski both assistants to the City Engineer.

We had a couple orders of business. One, was roads. We talked with Mr. Grubiss and Di Franco about roads that need to be replaced in the coming year. We worked off a priority list of roads for road restoration. I was informed that we have fifty-one miles of road we are responsible for. And we're on a replacement schedule, we need to replace at least two miles every year at roughly the cost of one million dollars (\$1,000,000.00). So, it's quite expensive. Planning starts now with identifying the roads to be replaced. We need to look at the budget for funding available and appropriates, I'm sorry, appropriations at the end of the year so bids can go out in late winter or earlier spring. Roadwork begins in the springs and projects by fall. We identified roads, Dodd Road at a rough cost of three hundred-forty thousand (\$340,000); Kennelly Road at eighty-one thousand (81,000); Red Fox Pass at eighty-five (85,000); and Bates Road at a hundred and twenty-three thousand (123,000) with a total of six hundred and twenty-nine thousand (629,000) on a wish list. If budget allows only three hundred thousand (300,000), Pete suggested Kennelly, Red Fox and Bates. But if the budget, if we have the money, at less six hundred thousand (600,000) would also add Dodd to the list. The Road Levy brings in about four hundred, twenty-seven thousand (427,000) a year. So, maybe, it might be advantageous for us to rollover the current note of around four hundred thousand (400,000) to borrow another million (1,000,000) for a preferential rate of, I think it was 1.1 or 1.2 percent, something like that and be able to finish some other road projects like the section of Rockefeller and White roads. There's a possibility for Issue 2 monies, so that may change our planning in that, but the problem is with Issue 2 money, it only applies for 2019. So, if we were to do Dodd Road, and include that in Issue 2 money, stall that project and do the other three streets and apply for those monies next year. The next step is to look at budget and finances to see what roads are possible.

Mr. Grubiss did report that the new plow truck has been built and should be ready for delivery around January, early or late January. Also, Mr. Grubiss informed us that leaf pickup has begun and he estimates that roughly each house will get about four passes of the truck to pick up the leaves and possibly more, depending on the season, you know, if it rains or snows.

Second order of business, was the Fire Department vehicles. Acting Fire Chief Talcott presented the Service Committee with a capital budget items document and other planning items. And the highest priority on that were the three vehicles that need to be replaced. The first one is Engine 1213, it's a Sutphen Pumper Truck, 1997 and the project includes the design and specification of a triple combination fire engine that will support our daily firefighting and vehicle rescue operations and the cost is about six hundred, twenty-five thousand (625,000). The second vehicle is the re-chassis of an ambulance, number 1212. It's a 2006 Ford Lifeline. The ambulance module is in good shape. So, we'll be able to refurbish that, renew it. We need a new E450 chassis with the refurbishment of the module would come in at about one twenty-five to a hundred forty thousand. And the third item is the replacement of the Chief's 2007 Durango which has fifty-seven thousand miles. It's heavily rusted and is operationally compromised. A new Ford Explorer would be just under thirty thousand (30,000) but would recommend a Tahoe or a Suburban which can be setup as a command post vehicle. There were several other requests for fire station upgrades and repairs. But those are part of potentially future planning as funds become available. The consensus of the committee was to reman to finance and budget discussions. Linda Fulton and Cheryl Ota came forward with questions and comments in public portion and the meeting adjourned at 7:02pm. That's my report and open to questions.

President Fellows: Any questions for Councilman Biro?

Vice President Plecnik: Madame President. Real quick, this is, as you said, the time of the year for leaf pickup and I've started to get some questions from residents about it, as I do recurrently. And the primary question I tend to get is what's the schedule? When can I expect my road to have leaf pickup? And in talking with our Street Superintendent, I'm aware that we don't currently have a schedule. He has proposed having one in the past. And I was just curious if there is any discussion about the possibility of trying to have some sort of schedule so that residents can have some sort of sense of when they need to have their leaves by the side of the road.

Councilman Biro: He discussed that. There is a schedule of, there's three individuals, two individuals, he did discuss that in our meeting. I think it's part of a document that he submitted, I don't remember, did he submit that document?

Mayor: Yeah.

Councilman Biro: Yah, to City Hall so that we can put that out there. It can be interrupted by weather, so you know, it just depends on what that holds for us. But also, that they concentrate a little more on the westside because of the density of the housing and a lot of the people on the eastside just kind of blow them into the woods. So, we do have a schedule somewhat. And like I said, he does anticipate at least four passes for every house in the City. So, hopefully if we can get that information out there too, for a schedule.

Vice President Plecnik: If it would be possible to get it on the website and maybe as things change, it could be updated so that people could have their best guesses of when their street might be visited.

Councilman Biro: Right. And one of the other things he informed us was that the equipment that we had issues with last year, seemed to be in, they were rebuilt, in good working order. So, hopefully, barring any, you know, mechanical issues, we should be pretty much kept up on schedule.

Councilman Hallum: Madame Chair. Was there any conversation, I did know, I think last year, or maybe the year before, we got two powerlift gurneys and one ambulance we were also able to get the actual kit that goes on inside the ambulance. But we actually have a second gurney that we don't have a powerlift or that puts it into the ambulance. Is there any, did they mention anything about whether there was a grant was coming up to be able to utilize together...

Councilman Biro: This may be a discussion for safety.

Councilman Hallum: Mayor, do you know...

Mayor: We already purchased it. And we're just waiting to install it.

Councilman Hallum: Okay.

Mayor: It came out like twenty thousand dollars (\$20,000), a little less.

Councilman Hallum: So, we can use the other...

Mayor: We have the cots for both...

Councilman Hallum: Right, right.

Mayor: But the load system...

Councilman Hallum: We'll have use for both.

Mayor: It's in the process of getting installed.

Councilman Hallum: Terrific. Thank you.

President Fellows: Any other questions for Councilman Biro on Service? Thank you, Chris.

OTHER COUNCIL REPRESENTATIVE REPORTS

President Fellows: Vice President Plecnik, did you want to report on the airport meeting held today?

Vice President Plecnik: Absolutely. The Cuyahoga County Noise Abatement Council met today at the airport at 10am for its quarterly meeting to discuss third quarter noise complaints and other issues. There were thirteen aircraft complaints for the third quarter of the year, eight of which were from Willoughby Hills. And all thirteen of which I might add, were during the voluntary noise abatement quiet hours from 11pm to 7am. These arose from a total of four thousand six hundred and fifty-seven aircraft operations for the quarter which was down slightly from last year.

The update on the Joint Statement is the proposed amendment that was recommended by the Noise Abatement Council at the last meeting was forwarded to the Cuyahoga County Council which is currently reviewing it which would allow single engine aircraft earlier turn out as required for safe operations. As I've explained in the past, from taking the temperature of Council and the Mayor, I think that we're in agreement that this is really surplusage because you can never require an aircraft to take an unsafe flight path, so I don't personally view this amendment as changing the substance of the agreement which is why I voted "abstain". I don't find it objectionable, I also don't find it necessary. But, nonetheless, Cuyahoga County Council is reviewing the agreement and they could propose other changes to it that haven't been suggested. So, I promise to update you on that.

We had a productive conversation about the noise complaint process where we were updated on how noise complaints are taken in and dealt with by the administration at the airport. Whether you complain by email, phone, letter or in person, your complaint is always supposed to be logged and a letter should be sent, typically by email to the resident as well as a copy to their city representative. Council President Cathy Murphy of Highland Heights and Mayor Dave Roche of Richmond Heights who are the representatives of the other two cities, I represent Willoughby Hills, expressed concern that they were not receiving copies of the letters to their residents. To this date, I have been receiving the copies from you but apparently there have been some technological issues in sending them to their perspective cities. In terms of whether the complaints are investigated, they only investigate aircraft complaints to see who the operator was and what happened. If it's during the voluntary noise abatement quiet hours or if it's a runup during the daytime. If it's a complaint as to a daytime flight, they will log the complaint but they will not go into an investigation as to how it took place. My request, in response to what residents have asked for, for years, was that more detail be added to the official noise complaint log. Specifically adding the name of the company that operates the jet or the engine plane that generated the complaint. There was some push back from the operators who responded that sharing who was responsible for the noise complaint would put a target on the back of the responsible company. And I certainly agree that might result in some complaints being directed to the company, but I said, given that we currently state in the noise log exactly who made the complaint with their address, it seems only fair to also show the operator's company, may be not their name and their individual plane, but at least the company that's responsible so that residents understand that may be this was a life flight from the Cleveland Clinic verse this was Nextant Aerospace sending a jet.

We got a construction update on the airport. Phase 2 where the runway repaving is absolutely complete. Phases 3 and 4, which involve installing the soft concrete also known as the EMAS or Engineered Material Arresting Systems on either side of the runway, are slated for next year. Should take about two to three months to complete with some off and on closures of the airport. But there are no confirm start dates for that construction yet. On the Willoughby Hills side in particular, you've might have noticed that some trees have been cut down at the Cuyahoga County Airport and the Airport Greens, the golf course area, that's part of the obstruction removal project which started yesterday and will continue for a twenty-one-day period. So, if you see trees being taken down, that is the airport at this point.

We got a brief update from Mayor Roche as to construction projects in Richmond Heights that effect both us and the airport. The Richmond Road ridge has been reopened and is almost complete. You've probably also noted that temporary light installed at the corner of Bishop and White Roads by ODOT is removed and the intersection has returned to being a four-way stop. With that said, the construction in Richmond Heights continues. They were waiting to finish the bridge before they did a major project on Curtiss Wright Parkway, so for those of you who cut-through on that road understand that there's going to be a partial repaving and repair. And parts of the road may be one lane might be closed off one day and one day the other, but their hoping that there won't be a full closure of Curtiss Wright Parkway over the next few weeks as they do it.

I've had a couple residents express to me that they've heard a rather loud plane this past Friday, October 6th. It was something different from the norm, a Gulfstream 650 from Nextant Aerospace actually landed at the Cuyahoga County Airport. It's one of the biggest planes that has ever landed at the airport. And it actually would be overweight if it was fully fueled. The only way they could legally land was by having a somewhat empty tank. We were told by Nextant Aerospace that this was purely a celebration to christen the plane and that the fire departments from Richmond Heights as well as Euclid, sent fire trucks to spray water hoses on the plane as a sort of christening ceremony. But, it's something to watch for because when these planes aren't fully fueled they can legally land at the airport. So, if you heard or saw a really large jet, it was just about the biggest plane that ever landed at the airport and it was this past Friday.

As you know, the Airport Manager position has been vacant for some time. There was briefly an individual in that position, Monika Drake who resigned shortly after taking the position. But we were assured by the Cuyahoga County Department of Public Works that not only is the job posted but Airport Manager interviews are underway and in fact, there should be, and I quote, a "slew of interviews" over the two few weeks. So, hopefully, we'll see a new airport manager to work with our cities in the near future.

The last I have, is our next meeting will be January 11th, 10am also at the Cuyahoga County Airport. And as always, Noise Abatement Council Meetings are open to the public and I stand open to questions.

President Fellows: Any questions for Vice President Plecnik about the airport? Seeing none, at this time I'd like to ask for a motion to amend the agenda so that Mr. Steve Byron can be sworn in by Commissioner Cirino as the Acting Law Director for the City of Willoughby Hills.

Vice President Plecnik: So moved.

Councilman Fiebig: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig. Any discussion on the motion?

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

Motion PASSED.

President Fellows: The agenda has been modified so that Commissioner Cirino can swear in Mr. Steve Byron.

Lake County Commissioner Jerry Cirino sworn in Stephen L. Byron to serve as the Acting Law Director of the City of Willoughby Hills.

Acting Law Director Byron: I want to thank Jerry for coming out here as a family man with nine kids and how many grandkids?

Commissioner Cirino: Thirty.

Acting Law Director Byron: Just thirty. This is a homecoming for me. And my dad served here for many years from 1966 to 1989 when he retired. And I moved into the Village in, not it was the City at the time, no it was the Village and I moved into the Village in 1969. I actually made, I interviewed Mayor Mel Schaefer in 1975 when I was in third grade, in that office across the hall there. So, this is very much a homecoming for me. I want to thank all of Council for confirming my appointment and I look forward to serving the City of Willoughby Hills again. Thank you.

President Fellows: All right, moving on.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies

(a) All meetings of any municipal body are declared to be public meetings open to the public at all times. All meetings shall provide a reasonable opportunity to hear public opinion.

President Fellows: The next order of business is public portion. This is an opportunity for individuals to come forth to share their thoughts, concerns, ask questions. Sometimes, Council or Administration can answer the questions at the time and sometimes they cannot, depending on if information needs to be researched. I ask that you, I ask that you keep your comments to about three minutes and be courteous when you come forward. So, I will open public portion at 7:30pm.

Mark Grubiss – 2895 Cricket Lane. I'm also the Road Superintendent. The reason for me being here tonight is a picture that was received by Council and the Mayor of some false information that I did not do. And on September 27th, I was called by Willoughby Hills Police Department about a resident who lived at 36165 Chardon Road. The resident had a valid safety concern about some political signs that were obstructing their view when the pulled out on to Chardon Road. I responded to the residents immediately. I talked to the homeowner, his name was Ivan Susic, who was, he is the next-door neighbor of the resident who filed the complaint. I instructed him to move the signs back, pass the right of way to eliminate the safety issue. Mr. Susic told me that he thought there were no rules on these types of signs. I told him that was entirely not true. I told him that all signs should be behind the right of way. Mr. Susic did not know where the right of way was, so I measured it for him so that he knew where the right of way was. While I was doing this, a contractor in a red van stopped by to ask me to perform a dye test that he recently installed a sewer on White Road and the resident there would not pay him until the dye test was complete and that I said that the sewer was properly installed. At this time, a passerby took a picture of my truck in the driveway. And they believed it to be the candidate's husband's red van. This information was sent to Council and the Mayor anonymously. I indicated that I was using my City truck to help, they indicated that I was using my City truck to help a candidate install signs. I want the public to know that this is false information about myself and the candidate. This candidate is not married to Dino from ADP Plumbing. It is not her husband's van but the van belongs to Dino who has confirmed this fact and is willing to vouch for me if need be. My truck was there for a complaint that I was handling. I used my City vehicle to handle City business. At no time did move or touch the sign that belongs to the candidate.

President Fellows: Thank you.

Mark Grubiss: I have a couple more. Can I just finish? Two more sentences. I believe this deformation of character of myself and the candidate. And I would like this on the record. In the future, if any of you have any doubt or question regarding any acquisitions made towards me, please feel free to contact me or talk to me face to face. What really bothers me is that a resident told me that a candidate running for re-election for Council, told them that these pictures of me putting up the signs with City resources, this is not true. And cannot be true. Once again, the information is false. I want to let the residents know, that this, I am not this type of person. If you are listening, feel free to call me with any questions or anyone who has spread this information to you. My phone number is 440-343-2484. Thank you.

John Susnik – 36165 Chardon Road. I'm the one who filed the complaint against Mr. Socic for putting the sign up. I have photographs of Mr. Socic placing the sign with his girlfriend, wife, whoever she is, on the front lawn as we drove by. I wanted to take pictures so that we would know specifically where he was going to put the sign. As he put the sign up, he did a great job putting the sign up high enough but the problem is, I drive a car and I drive a truck. When we drive out of our driveway with the truck, you cannot see, it's impeding your view. Hence, why I contacted the City about the removing of the sign or placing the sign further back. We had an issue before with the for-sale sign impeding our view. We notified the police about that then. But, Mark did nothing wrong. He went to the site to look at it; measure how far it was from the road, that was it, bottom-line. End of story. Doesn't matter who's running for office, doesn't matter who it is, I could care less who is running for office. Put a sign up all you want, it doesn't matter. The point is, it is impeding our view from seeing. My wife almost hit somebody on a bicycle when she pulled out with a truck. So, that's it.

Joann Majeski – 14085 Sperry Road, Newbury Township, Geauga County. Dear Mayor Weger, Willoughby Hills City Council members and residents of Willoughby Hills. As Trustee of the Gulick Family Charitable Remainder Unitrust, I am pleased to inform you that two organizations in your City, Corn Fest and WHISPER will receive a check tonight for twenty-five hundred dollars each. They are two of the beneficiaries of the Gulick Family Charitable Remainder Unitrust. The other beneficiary is Cleveland Institute of Music who will receive a check for five thousand dollars. Firstly, I want to thank you for the wonderful Corn Fest concert and outing with the Joey Tomsick Orchestra and Maple Heights catering on August 9th of this year. Aunt Irene of Polish descent and Uncle Stan of Slovenian descent would have been so honored to know that this Corn Fest concert was in their memory. They truly loved Corn Fest and especially volunteering for it back in 2011 and in 2012. Secondly, Aunt Irene and Uncle Stan so admired the concept of the unique program of WHISPER in your City. Willoughby Hills Isolated Seniors Program for Every Day Relief. Helping senior citizens staying in their homes with volunteer assistance is awesome. All cities need to mirror this wonderful program and adopt it in their own cities. Many senior citizens want to maintain their independence and pride in their own homes with just a little bit of help and help is what they get with the WHISPER program. Lastly, I am so happy to let you know that the Willoughby Hills Corn Fest and WHISPER programs will continue to receive monies annually for the next seven years until all the funds are depleted from the Gulick Family Charitable Remainder Unitrust. The Law Firm of Ziegler Metzger LLP is representing me in my capacity as Trustee and administrator of this trust. Thanks so much for your time tonight.

Linda Fulton – 2990 Marcum Boulevard. First thing is the intersection at Bishop and White. I'm wondering, I did notice that the light, the traffic light was taken down. But, today I almost got hit because people aren't aware, or I should, they're not used to, they are used to the light being there and now instead of stopping, they are going right through. So, I wondering if you can put a temporary sign up, like they did before, saying new traffic, whatever it said. So, that's one thing. I'm a little confused. Do we have two interim Law Directors? I hope that somebody can explain that. But, if the Mayor is appointing Mr. Germano, is that, I'm just wondering if that's a conflict being that he is the Prosecutor for Willoughby Hills. I don't know. Thank you, Frank for getting back to me. And my question was just answered by the woman that just came up. I was wondering if

that twenty-five hundred dollars was a monthly or a yearly, but it sounds like it's a yearly. Right? Okay. And that's all.

President Fellows: Anyone else for public portion this evening? I will close Public Portion at 7:41pm.

UNFINISHED BUSINESS

President Fellows: We'll get back to you, Linda with responses. We'll get back to you. The next order of business, is unfinished business. Is there any unfinished business, this evening?

Councilman Fiebig: Madame President. I received a call from a couple that handles the Girl Scouts at the Grange, for the past few years, and they wanted to have an update as to how we'll be handling the key and the situation there. Apparently, the heat is turned way down till like fifty degrees. And in the past, they've gone there like two hours before to heat up the building, and we're talking about the dead of the winter, to heat up the building prior to a meeting. So, they get in there, they turn it up and then they leave and then they come back for their meeting. So, and they also had said, kind of the same thing, about air-conditioning. On the really, really, hot days they might need to cool the building ahead of time. So, I had hoped that we might have a meeting scheduled as soon as possible so that we can discuss the logistics and discuss with the Mayor how you would like to handle and logistics of how people who are using the building will be getting the Grange. And discuss issues like insurance and things like that going forward. We put legislation in place that stopped the handing out of keys. By the way, I understood that the keys that were in Dispatch didn't work. So, you've probably corrected that already. Okay. So, I think, years ago, I did this in Recreation, where we setup all the Community Center, the ballfields and everything. We set rates for all those things. So, in my mind, that would be the appropriate committee. So, if we would refer this issue to committee for discussion, if there's possible legislation or not, but we need to have a discussion as Council as to how we are going to handle this going forward to make it easy for the people who are using it and to make sure that the right people are using it. So, as to not have a problem, or not inconvenience residents.

Councilwoman Pizmoht: Madame President. I just got the insurance policies over the weekend for the Grange, that cover the Grange. So, I would be able to call a Recreation Committee soon to talk about that before the next Council meeting for sure.

President Fellows: Any other unfinished business this evening? Seeing, none, we'll move to legislation. The first one is number...

Councilman Fiebig: Madame President. Bear with me for one second. Can we may be have a word from our interim Law Director regarding the question that was posed regarding the issue of who is the Law Director. Just to clear that up.

Acting Law Director Byron: Sure. The Charter is silent on when there is a vacancy. The Charter is silent on if there is a vacancy that is not filled by the Mayor with the confirmation of Council for the Law Director. Under Article I, Section 1.4, there's an order of operations provided by the Charter which is that all such power shall be exercised in the manner prescribed by the Charter and or if not prescribed herein, in such manner as shall be prescribed by ordinance of Council. So, you would go to the Charter, if it's silent, Council has the authority to act. And then the third step in the process, is if there is no Charter provision or ordinance, you look to the state code to see if the administration has authority, under the Ohio Revised Code, to take such action. Because Council has taken an action, by law, Council has appointed the Acting Law Director. Commissioner Cirno has sworn me in and I'm sitting here. So, in my view, based upon what your Charter provides, this action by Council has been lawful.

Councilman Fiebig: Thank you. Madame President, just a quick follow up on that. Mayor, I read your quote in the newspaper that you had ten people that you were considering for the position. So, as soon as you are done with whatever process that you have to, please give us those names, or three names, or whatever you want to do, to Council so that we can consider making this a permanent position. Okay.

Mayor: Yes.

Councilman Fiebig: Thank you.

Mayor: Madame President. I have a real problem with reading the Charter in part. There's a separation of powers. And the separation of powers, and the separation of powers wasn't happening here. You've got the legislative body which is Council and you've got the Administration who handles everything else. We will be going to court to seek an injunction for this and um, one reason for this is the ungodly rate of pay that you're paying Mr. Byron. Ten thousand dollars a month retainer, plus two-fifty an hour for the ancillary stuff. In Kirtland, they get everything for fifty thousand dollars. You have just increased our budget to two hundred plus thousand dollars. So, what Mr. Lobe charged us, sixty-five thousand dollars to do, you're going to pay Mr. Byron two hundred thousand dollars. So, just remember, we have to, you know, adjust the budget and it's going to be a negative budget then. So, just warning, I will file the lawsuit. Thank you.

Vice President Plecnik: Madame President. I would just say, number one, Mr. Lobe charged more than just his retainer. He also charged billables. And it's been a while since I've pulled his total compensation, but the last time that I received as a public records request, from the Finance Department, he made around seventy or eighty thousand dollars a year. So, it's certainly true that at a rate of ten thousand dollars a month in total because it's unlikely that they will be special circumstances that would require any additional billables. That's paying Mr. Byron some, a lot more than Mr. Lobe, but unfortunately there are some very serious legal issues that need to be worked out over the next couple of months. Including the issue of getting a new legal team together to deal with the union contract which apparently, we may or may not have an unfair labor practice that's been filed against the City with a contract the you and Mr. Lobe negotiated. Nine percent raises, tenure like a public-school teacher, cash uniform allowances, over thirty thousand dollars in longevity pay over a career, bonuses, stipends, I could go on but that contract could cost the City millions of dollars over its course and overtime. And all of this went through with critical deadlines being passed before Council being given notice. So, unfortunately, that's one of many legal messes that needs to be cleaned up. And I think that any good attorney is going to charge more when they are coming into a difficulty situation as a result of these things. I wish that these messes weren't in place, but it's our job as Council to clean them up. And if you had done a better job of negotiating that contract, Mr. Mayor, and you had shared notice with Council....

Crowd response.

Vice President Plecnik: You want to pay nine percent to secretaries. We're talking about a secretaries' union. Do you want to defend that? I don't think so. And now Council is in a position where we have to step up and I thank Mr. Byron for taking on a difficult role and congratulations.

President Fellows: Move on to legislation.

LEGISLATION

Ordinance No. 2017-67 – 2nd READING

1st Reading: September 28, 2017

An ordinance providing for temporary appropriations to meet the ordinary expenses of the City of Willoughby Hills, State of Ohio for the period beginning January 1, 2018 through March 31, 2018; repealing all legislation inconsistent herewith.

President Fellows: This will be on second reading.

Ordinance No. 2017-71

An ordinance to amend and/or modify the pick-up of mandatory contributions by the full-time employees of the Fire Department in the classification of fire fighter and lieutenant who are members of the Ohio Police & Fire Pension Fund; repealing conflicting legislation and declaring an emergency.

President Fellows: This is on first reading.

Ordinance No. 2017-72

An ordinance confirming the appointment of and fixing the compensation for the position of part-time Recreation Coordinator and declaring an emergency.

President Fellows: This is also on first reading and it will be reviewed in committee.

NEW BUSINESS

President Fellows: Any new business before Council this evening?

FOR THE GOOD OF THE ORDER

President Fellows: For the Good of the Order?

Vice President Plecnik: Madame President. If I could share, I'm excited to share with Willoughby Hills that we have a visitor for the next two months. My research assistant at Cleveland State University, Teja Goloic from Ljubljana, Slovenia. She's a second year Ph.D. in Law student. And she'll be studying under me as a law student at Cleveland State, as I said, for the next two months as part of the American Slovenian Education Foundation (ASEF) fellowship. And we're really excited to share our community with her. To show her the Slovenian community in the United States. And we just finished going through a series of lectures from visiting faculty from Slovenia who are here on a grant that they and I coapplied for which will allow me to visit Slovenia this December and Teja is helping me in her research to prepare for my presentation which I'll be giving in Ljubljana. So, I wanted to on the record, welcome her to Willoughby Hills City Hall and her view of American government. So, if you have a chance, please say hello to Teja. We're very excited to have her in the great City of Willoughby Hills. Thank you.

FOR THE GOOD OF THE COMMUNITY

President Fellows: Anyone else for the Good of the Order, for the Good of the Community?

ADJOURNMENT

Motion was made by Councilman Fiebig to adjourn. Vice President Plecnik seconded.

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

The Regular Council Meeting of October 12, 2017 was adjourned at 7:52pm.

APPROVED: October 26, 2017
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

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