

# City of Milloughby Hills

## Regular Council Meeting Minutes of October 24, 2019

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**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.

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The Regular Council Meeting was called to order on Thursday, October 24, 2019 at 7:03pm in Council Chambers. President Fellows presided.

### Pledge of Allegiance

**Members Present:** President Nancy E. Fellows, Councilman David M. Fiebig, Councilman Christopher Hallum, Councilwoman Laura Lenz (arrived 7:10pm), Councilwoman Janet R. Majka, Councilwoman Laura Pizmoht, Vice President John Plecnik

**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

### INVOCATION/POSITIVE THOUGHTS

**Anthony Camino:** Take a moment for a prayer. Almighty God, we give you thanks tonight for our City, for those who have dedicated their lives to serve, for those who live in our City that make it a special place to reside, to raise our children. We claim your presence here and ask that your spirit be with us. Spirit of cooperation and respect. A spirit of patience and a spirit of hard work. May your spirit guide all here tonight, in your name, amen.

**President Fellows:** Thank you Mr. Camino. Vice President Plecnik would like to introduce some guests that we have this evening.

**Vice President Plecnik:** Yes, thank you Madam President. I would like to introduce Sarwat Habib and her colleague Gautam Singh. Ms. Habib is the Deputy Director of the Criminal Investigation Division of the Board of Revenue for Pakistan and Mr. Singh is a Policy Consultant for the City of Delhi in India. Both of them are here in the United States as part of a U.S. State Department sponsored delegation visiting and hosting with the Cleveland Council on World Affairs so that they can be placed with elected officials and learn more about our system of government in the United States along the lines of the work they do in their own countries. Their hope is to get new ideas and to bring back reforms. And I am really excited in particular that Deputy Director Habib will be my Research Assistant and Professional Fellow at Cleveland Marshal College of Law for the next month. We would want to have a very rewarding experience for all of our fellows and I can tell you that Director Habib will be visiting the Regional Income Tax Agency in addition to seeing our Council meeting so that she can get a real sense of how income tax and taxes generally are collected in the United States. So, we're grateful that you are here and hope that you have a rewarding experience in this County.

**President Fellows:** Thank you, thank you so much for joining us.

**Vice President Plecnik:** Madam President. Motion to excuse Councilwoman Laura Lenz from tonight's meeting.

**Councilwoman Majka:** Second.

**President Fellows:** I have a motion from Vice President Plecnik and a second from Councilwoman Majka to excuse Councilwoman Laura Lenz from this evening's meeting. Is there any discussion on the motion?

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

**President Fellows:** Councilwoman Lenz has been excused from this evening's meeting. Hopefully, she is fine and perhaps will show up here shortly.

### **DISPOSITION OF THE JOURNAL**

**Councilman Fiebig:** Madam President. Move to approve the minutes as submitted for October 10, 2019.

**Councilwoman Majka:** Second.

**President Fellows:** I have a motion from Councilman Fiebig and a second from Councilwoman Majka to adopt the Regular Council Meeting Minutes of October 10, 2019. Is there any discussion on the motion?

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

**President Fellows:** The Regular Council Meeting Minutes for October 10, 2019 have been adopted.

### **ADMINISTRATION REPORTS & COMMUNICATIONS**

**MAYOR'S REPORT:** Mayor Weger was not present; therefore, no report was given.

**FINANCE DIRECTOR'S REPORT:** Just a couple items for tonight. First, the September reports are posted to the website and the Ohio Treasurer has been notified that Ohio Check Book is updated through September. Income tax collections continue to remain strong. I just received a report for September collections and we are continuing to 10% ahead of last year, so that is a very good sign. And finally, Ordinance No. 2019-69 providing temporary appropriations for next is on tonight's agenda. This does not have to be passed tonight, it can go through 3-Readings. The ordinance provides temporary appropriations to enable the City to operate through the first 3 months of 2020.

**President Fellows:** Thank you, Frank. Are there any question for the Finance Director this evening?

**Councilman Hallum:** Madam President. Just one, Mr. Brichacek, since we have instituted the Ohio Check Book, do we get any reports to tell us how much it is being used by anyone or do we not know? They do not issue a report, I can look online. It will give statistics for the last 7 days, the last 30 days, the last 90 days.

**Councilman Hallum:** Okay, thank you. I was just curious if people were finding it helpful and if it was being used.

**Finance Director:** To be honest, it doesn't have a lot of business and the business tends to be a very short duration.

**President Fellows:** Any other questions this evening? Thank you, Frank. Next is the City Engineer's report, Mr. DiFranco.

**CITY ENGINEER'S REPORT:** Thank you Madam President. We are continuing to monitor the work on Dodd Road. They have completed the milling and the base repairs. However, the portion that they are shifting away from the river, we found some issues with, so the contractor is preparing a fix to those issues. The area wasn't as wide as we specified and wasn't at the correct evaluation. So, once they have that completed, the final step is just the final overlay. So, we're getting there. And that completes my report.

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

**Councilwoman Pizmoht:** Madam President. Are we still looking to have a finish date of around November 20 or do you think this is going to extend the project beyond that?

**City Engineer:** It is still doable. And the contractor hasn't notified us of any extension, so...

**Councilwoman Pizmoht:** Okay, great. Thank you.

**Vice President Plecnik:** Madam President. Mr. DiFranco, I know that I've seen some work on the Pleasant Valley Road Bridge and I signed off on the maintenance. How is that going and do we know how long it will take to complete the repainting of the bottom of the bridge?

**City Engineer:** No, I don't know what the schedule is and I haven't gotten any updates.

**Vice President Plecnik:** Well, if you could, send an email to Council just to let us know. Thank you.

**President Fellows:** Just to make note that Councilwoman Lenz has joined us at 7:10pm.

## **COUNCIL COMMITTEE REPORTS/ OTHER COUNCIL REPRESENTATIVE REPORTS**

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

**Councilman Fiebig:** Madam President. In our Planning and Zoning Commission meeting, the Mayor did report that the ALDI facility is underway and they did report to him that they should be open prior to Thanksgiving. So, you can buy your turkeys from ALDI on Bishop Road.

## **PUBLIC PORTION**

**President Fellows:** Moving on to Public Portion. Public Portion this is an opportunity for the public to come forward. We ask that you state your name and address for the record and try to keep comments to 3 minutes and I will open Public Portion at 7:11pm.

**Dave Nichting – 35771 Maple Grove Road.** Councilmembers Fellows, Fiebig, Pizmoht, Lenz and Majka, is it true as a result of your actions on Council the City lost approximately over \$800,000 due to payments to lawyers, reimbursement to employees illegally laid off and loss of net income from the Mayor's Court? Willoughby Hills needs new leadership. I urge the citizens to come out and vote at the upcoming election. Thank you.

**President Fellows:** Thank you, Mr. Nichting.

**Susan Roseum – 32701 Miller Avenue.** I am here to talk about the library levy. I know that we all appreciate the fact that we have a library here in Willoughby Hills. Issue 3 is a renewal of a 1 mill, 10-year operating levy to support the Willoughby-Eastlake Public Library. It is not a tax increase; it is a renewal. The Willoughby-Eastlake Library serves 7 communities of Eastlake, Willoughby, Willoughby Hills, Willowick, Timberlake, Lakeline, and Waite Hill through the 4 libraries located in Willowick, Eastlake, Willoughby and right here in Willoughby Hills. Some numbers that support the health of our library system, in 2018 we circulated over 1-1/2 million books, eBooks, DVDs, computer games, WIFI devices and tablets. We held over 17,000 programs that educated, enlighten and entertained over 70,000 patrons of all ages; 1,350 of those programs were for children and families. We provide 84 public computers at our four libraries that provide free computer access to almost 75,000 users on a yearly basis. In addition, we've provided scores of technology training sessions that assisted patrons, many of whom were senior citizens, in learning and improving their computers skills. We completed the renovation of the Willoughby Hills library in 2018 and after finishing the renovations of the Willoughby and Willowick libraries in 2017. We are planning to start the renovation of the Eastlake library in 2020. In order to better serve our communities, we've increased our service hours by adding 2 more months of Sunday services at all four libraries. And this is on top of opening the Willoughby Hill's library on Fridays, a change we made in 2016. Our Board working closely with the library's fiscal officers and staff have carefully managed the library's funding with a focus on a long-term fiscal sustainability. Using that approach, the library has been able to weather 10 years of uncertain funding and flat local funding. Issue 3, is the second of two 1 mill operating levies that expire at the end of 2019. The first one was approved by voters last year. Issue 3 is the renewal of the library's second 1 mill levy and will not raise property taxes if it is approved in November. Based on the best forecasting that the library can do, the passage of Issue 3 in November in combination with the other major operating levy that was approved last year will sustain the library's financial position for the next 7 to 10 years. When Issue 3 passes in November, the library will be able to continue its investments in knowledgeable and responsive staff and enhance programing to serve children and families, teens, job seekers and adults including senior citizens, continuing to improve the 4 libraries comfort, convenience and safety and expanding the libraries state of the art in-house circulating technology. Please remember to vote for Issue 3 on November 5, it will not raise your taxes and it will improve our library.

**President Fellows:** And your guest, Sue.

Eric ----- I work with the library. I live in Wickliffe. We are excited to be here and to serve our community. Please vote for Issue 3. I have postcards for anyone who wants them.

**President Fellows:** Absolutely. And there may be some residents in the audience that would like to have a card as well.

**Chris Welch – 38801 Chardon Road.** The 800,000 number everyone is jacked up on, part of that was wages that would have been paid anyway and correct me if I'm wrong, the Mayor shut down Mayor's Court so that doesn't count. And there's a quote from Albert Einstein, "stay away from negative people they have a problem for every solution". I urge everyone to come out and vote to keep things right the way there are.

**Vicki Miller – Hayes Drive.** My question is basically for Mr. Brichacek. I've looked at the numbers and you have been reporting on how we've seen an increase in our income tax coming into the City. I've had a couple of people come to me and ask about Laura Pizmoht saying that she is going to reduce our taxes and I was just wondering how a tax cut such as that would hurt the City and how the revenue would be made up?

**President Fellows:** Thank you Vicki.

**Jenna Bing – 36951 Beech Hills Drive.** I'm sure whether it's Mr. Brichacek or Mr. DiFranco that can tell me about how much it costs to pave a street in Willoughby Hills? To repave a street? Gosh, I've heard that is like \$50,000 a street. Basically, 15 streets for \$800,000 and I don't believe it. So, I thought that may be you guys could set the record straight on what's an average cost to repave an average street in Willoughby Hills.

**Anthony Camino – 2972 Lynn Drive.** I just wanted to ask a question about the levy. I think we all understand the connection between healthy communities and healthy schools. But I was wondering if this body had every talked about coming out publicly in favor or against, but hopefully in favor of the levy. Or if any of the individual members have thought about coming out publicly in support or against the levy. That's all, thanks.

**Steve Thompson – Superintendent of Willoughby-Eastlake City Schools and Bill Parkinson is our Treasurer.** I will say, I hope that you are right about your road. I've heard things, even confidence boosting things that our schools would open and were two weeks late. We are grateful to the community here in Willoughby Hills for support of our 2015 bond issue which built three new schools in the district to include South High School, so thank you very much. We are on the ballot. We just want to inform the Council, obviously we know you are already aware, we are seeking to replace approximately 8.3 million that we lost in tangible personal property tax and I also know that impacted to some degree the City of Willoughby Hills as well. So, this levy is 4.99 mills and it is to simply keep us status quo of where we are financially. Not to increase services to our students but certainly not to decrease them. Thank you, very much.

**President Fellows:** Thank you Steve. Anyone else tonight for Public Portion?

**Linda Fulton – 2990 Marcum Boulevard.** Two things, I wanted to know if there is anything on the status of the signs that I had asked about at the last meeting. And the other is, I don't know how true this is, I don't know if it's a rumor or it is actual, but I would like to know, I've heard that the Fire Department is trying to hire additional part-time people and that the Mayor will not approve that because he says that he doesn't have any money and I thought that was in the budget that was passed. So, I would like to know what is going on.

**Brian Jones – 38405 Berkshire Hills Drive.** I just wanted to follow up with Superintendent Steve Thompson, and let everyone here know, as well as Council, that there will be an informational meeting at 8pm over at the Community Center to discuss a little more about the district's finances and to answer any questions that the community may have regarding the upcoming ballot on the renewal, not the renewal, the new levy. Thank you.

**President Fellows:** Thanks Brian. I will close Public Portion at 7:22pm.

## **UNFINISHED BUSINESS**

**President Fellows:** Unfinished Business.

**Vice President Plecnik:** Madam President. Two things, first I'd like to thank School Board member Brian Jones and Library Trustee Sue Roseum as residents, for their services to both our public schools and our public libraries. As the former Trustee of Willoughby Hills to the library, I am very excited to see the great work that Sue has done along with Deputy Director Eric Linderman. I've worked with him personally as well. They are incredible public servants and we're grateful to them for working so hard this year without putting a tax increase on the ballot, so we're very much in support of our public libraries. And second, I would like to say with respect to Mr. Nichting's comments there has been a lot of misinformation put out, it's obviously political. As the Chair of Finance for the City of Willoughby Hills, I'd like to put to rest along with a lot of this nonsense, just going back to the numbers, Mr. Welch began to answer the question but I would like to be a little bit more precise. The rough figure of \$800,000 wasted and I would personally agree, that it was wasted but it's a person's perspective of whether it was well spent or not, it is the result of various lawsuits brought by the Mayor of Willoughby Hills, the Mayor's secretary, as well as various other employees and former employees of the administration. So, those were the cost of those lawsuits. I personally opposed them, there may be people, in fact, I know there are people in this room that supported them and they may have viewed that money as well spent. I personally, did not. Whether it was a waste or not is subjective. The rest of the money as Mr. Welch had said was a result of revenue from closing Mayor's Court which I might note is not called Council's Court. It is actually referred to as Mayor's Court because under the Ohio Revised Code, the only person with the authority

to open or close that Court is the Mayor. I personally disagreed with the decision to close Mayor's Court and I publicly stated so at the time and since. But once again, I'm not the Mayor of Willoughby Hills, I'm not running to be Mayor. So, never did I have the authority nor did Council have the authority to open or close Mayor's Court but we did have a voice and with that, I had expressed that I thought that it was a poor idea to close it because I had recognized that it would cost the City a substantial amount of money. So, once again, the \$800,000 whether it was well spent or not, is the cost of the Mayor's lawsuit, the Mayor's secretary's lawsuit, the former Law Director's lawsuit, the City Prosecutor, the former Prosecutor's lawsuit as well as the Mayor choosing on his own, with his authority which he had, to shut down the Mayor's Court. It's up to you as residents to decide whether you support the decisions of your officials but you should know who was responsible for those decisions so you understand who to hold accountable whether you think they made a good decision or a bad one. But as Chair of Finance, I want to put that to rest, that is exactly where those numbers came from and you may think that they were good decisions, or bad decisions but only the Mayor controls Mayor's Court and ultimately the cost of the lawsuits are the responsibility of the people who brought them. So, I think that's important to put to rest for anyone who is confused. Thank you.

**Councilman Hallum:** Madam President. I have an opposing view. My opinion of this is that the \$800,000, the personal that this Council, the majority, laid off by the budget of 2018 without any real prep which I had asked them to do prior to, caused the majority of the \$800,000. And those folks that they laid off, had every right to challenge Council and the City as far as the legality of the layoffs and as what is obvious from the decision of SERB the Attorney General of the State of Ohio, it was found to be illegal and unlawful and that is why those folks were reimbursed their lost wages and benefits and yes, Mr. Welch is right, that money would have been spent but we would have actually gotten something for it which is work done which we did not have. And with regards to Mayor's Court, Mr. Plecnik is right, it is Mayor's Court however, if you don't have the personal to run it, it's not possible to leave it open. And as far as the other lawsuits, well I suppose he's right if those individuals who brought the lawsuits would have just let this Council be illegal and unlawful, it would have saved the City some money. However, paying an attorney, the Law Director four times what we were paying before and some of the other illegal actions naming Nancy Fellows Mayor for the first portion of the City's responsibilities, the Mayor's responsibilities, things of that nature, they are against our Charter and that is what the Court found and so I applaud the Mayor and those individuals within our City who had the guts to standup and say it's wrong and illegal and challenged it in Court and let the Court decide and they did. Thank you.

**Councilwoman Majka:** Madam President. I'd like to throw my comment in on this also. Going way back to the beginning of all this, I think that we can all agree, that a lawsuit was not necessarily the best form of communication between a Mayor and Council. What I'd like to ask the Mayor but unfortunately, he is not here tonight, is why he didn't communicate with this Council and bring the team together and work together. Why he chose a vehicle in the form of a lawsuit as communication with Council, there is a domino effect that happens after you throw out the first lawsuit and it kept going and going and going. Unfortunately, here we are a year and a half, two years later, trying to still make sense of what happened. And I'm telling you, that I appealed to the Mayor many times, to communicate with this Council, to work together, to not be antagonistic, to not go this route with lawsuits. And for whatever reasons, he chose, may be it was Council, he chose to sue his City and subsequently, along with Councilman Hallum, tried to get rid of our City Council which was elected by the Willoughby Hills voters and was found to be illegal, you can not remove elected officials and that ball keeps rolling too. Another suit too, recently, he tried to get rid of us once more and was found not be conducted properly. So, I'm looking way forward to the next administration. Hopefully, we will be able to get a team together, that works well together and respects each other and is not going to go after each other with lawsuits. I find it very ironic that Mr. Nichting did not stick around to even listen to the results of his question. I find that a typical thing that goes on between people who complain and bring up negativity, that they like to throw it out but they don't stick around for the answers. So, once again, I just made this comment today, that we all, all of us who are running, for re-election or for office for the first time, that we have our contact information, we have our phone numbers out there, we have our emails listed. If you have questions, discussions, call us, contact us, we're easy to talk to, we'll call you back. Don't just accept something at face value without hearing the other side. There are always two sides to the story. Thank you.

**Councilman Hallum:** Madam President.

**President Fellows:** Let's see what other...

**Councilman Hallum:** I just want to follow up on one thing, she made a comment that was inaccurate and I want to comment on it.

**Councilwoman Pizmoht:** Madam President.

**Councilman Hallum:** It was directed at me.

**President Fellows:** I would like others to have an opportunity to speak should they like to do that before we start going back through the Councilmembers again.

**Councilman Hallum:** Fair enough.

**Councilwoman Pizmoht:** Madam President. If we are discussing inaccuracies, I think that Councilman Hallum saying that he warned us about anything related to the 2018 budget, can't be true because he didn't show up to any of the meetings when we discussed the budget in 2018. He missed three meetings in March of 2018 when we discussed the budget, every single time. In addition, the 2018 budget cut the Mayor's Court staffing to the level that is was in 2010 when the Mayor's Court brought in 1.25 million dollars in revenue. In 2017, which is the year right before the 2018 budget, we brought in \$770,000 from Mayor's Court. Why did we have 50% more administrative staff for a Court that is bringing in almost half a million dollars less. That is what the budget did. It put the staffing back inline. Why would we spend more in administrative staffing that is bring in half-a-million less? So, I think that we have beat this horse well beyond the point that is necessary here and I think that I would like to address Ms. Fulton's comment, or her question about the part-time firefighters. And it is my understanding, I think Mayor Weger discussed this, two meetings ago, and he had said that we have hired six part-time firefighters who are currently in training.

**President Fellows:** So, based on that, Chief Gandee, if you would come forward please and just share since you are the Department Head and you are living and breathing the staffing issues, if you could just share some information about the staffing and what I believe is the critical nature of staffing and how we can resolve this moving forward.

**Fire Chief Gandee:** Madam President and the Members of Council, just to give you an update that we are continuing to work to try to get additional firefighters; however, as we go through this, our financial state as far as the staffing budget is a huge concern. Obviously, working with the Mayor and Frank Brichacek related to that there are a number of things that are associated with that, one of those being the cost of hiring, rather training part-time firefighters. And in my short tenure here so far, we finding it to be roughly \$5,000 a part-time firefighter and that's probably a little bit on the lower end. Currently, we do have 3 part-time firefighters in training and we've got another 4 on deck ready to hire; however, our concern at this point is, that we don't have the staffing funds to support to get them in training and we have another 6 on deck. Realistically, we're probably looking at another \$50,000 just in training staffing funds and that's not counting personal protective gear which we're looking at another \$25,000 and uniforms. So, unfortunately, the cost of providing fire protection and EMS protection is very expensive. But, looking forward into the next year and talking with Mr. Brichacek as far as trying to forecast some of these additional needs, so, next year, we should be in better shape. We are running at rather a reduced staffing. We're trying to make sure that we're not breaking the bank although it is kind of projected at this point, it indicates that we're going to be over budget in our staffing which one aspect is, obviously a concern to myself. But the other aspect is that we are trying to maintain a level of service to the community. As far as the number of calls, currently our stats are that we are currently running around 49% of overlapping calls, so we are a very busy fire department. Yesterday, I was late to the Civil Service Commission meeting because I was driving a fire engine back from an EMS call that we had, so the only

thing that I can tell you is that we are trying to work within the confounds of our budget in our staffing and do the best we can. We are running at some reduced staffing at times. We are trying not to go lower than 4. There has been sometimes on weekends that I've come in to help in staffing because under the Ohio Administrative Code, that we cannot commence a fire attack unless it is a rescue situation if we don't have a minimum of 4 people. So, we're trying to do everything we can within our power to try not to let that happen because we want to make sure that we are providing the best possible service we can based on the funding that we have from the City.

**President Fellows:** Thank you, Chief. So, Mr. Brichacek, has \$75,000 from the Police Department been moved over to the Fire Department?

**Finance Director:** Yes, it was. From the police part-time budget to the Fire Department's overtime budget.

**President Fellows:** So, I know that's not enough, but it helps.

**Chief Gandee:** Absolutely. And we're very appreciative from the Fire Department's perspective. I can tell you, professionally, I can't thank Chief Collins enough. He's been a prenominal fellow Department Head to work with and has been a huge support of public safety and we work hand-in-hand and I just called him yesterday, running with two of his officers, on a patient, we sit in that residence for over an hour trying to convenience him to go to the hospital, ultimately he needed to go. It's a team effort by everyone, obviously within this City. We're very thankful for Chief Collins for doing what he did to try to help us out in the situation of trying to provide EMS and fire protection for the City of Willoughby Hills.

**President Fellows:** Thank you. Are there any questions for the Chief?

**Chief Gandee:** One other thing I want to mention, we are still looking to proceed with hiring two additional fulltime firefighters. We just had our Civil Service Commission Meeting yesterday to certify the list and I can tell you, we've got a number of great candidates for that to continue in providing the best support. Being a small department, we have a very heavy reliance on very qualified and competent people as there is a very good chance that they could be in charge of a fire or a very serious accident or any other number of things. So, we take this very seriously. Unfortunately, we had to exhaust the list, so we have this new list. We've got some great candidates, we done some great marketing to get some good people. So, hopefully, we'll be able to fill those spots. The only reason there is a little bit of a delay, I anticipate, and again, our staffing situation and the money available, that our priority is providing emergency services to the community. And some of those, as far as interviews, and even processing has to be put on kind of a second string because we have to prioritize what our heart and soul is providing a level of service when people call 911.

**President Fellows:** Thank you, Chief.

**Councilwoman Pizmoht:** Madam President. So, the reason that we are in this situation is because we did not hire enough part-time firefighters and we weren't able to hire those two other fulltime firefighters because we didn't have an updated test until basically very recently, correct. So, we're blown through the money that should have been used to hire new people, on overtime. Is that correct?

**Chief Gandee:** Yes, that's correct.

**Councilwoman Pizmoht:** Okay. So, if he had hired more part-time firefighters last year, earlier this year, we would be in a much better position.

**Chief Gandee:** That is correct. Unfortunately, part of my aspect of coming in and assessing the different aspects of hiring and learning the processes and so forth, and also in light of taking on the added responsibility of working on the hiring process that's all been involved, in addition, we've made a lot of cuts to try to get us

through to end of the year, but unfortunately, this is a situation, since the department has not had additional part-time higher in sometime that we have a rather large slug of people that we need to hire that we need to bring up to speed in roughly about 3 months to get people trained to be acclimated with our equipment, the response area and everything that is associated with it. So, unfortunately, in looking forward into 2020 that we are going to need to facilitate and have some additional funding to bring these other part-time firefighters on and up to speed. And again, the delay of having us to give another test, September 21<sup>st</sup> and avoiding summer, we may not have gotten as many qualified candidates because of vacations and so forth. It's taken a lot of additional time to get to this point, so now we've got some very good candidates and then hopefully we'll move forward. I really think 2020 is going to be a better year because we'll be able to forecast a lot of these things and I've got a better idea just being with the department, some of the anticipated expenditures so we can have a better handle on our budget.

**Councilwoman Pizmoht:** Madam President. Just one more question. So, if we were able to fully staff with our part-timers, if we were up to where you would want to be and if you were to hire in those two new fulltime firefighters, to the three new positions that were created, would we still need additional funds over what was budgeted for this year? Or was it just that overtime caused us to have this problem, because the administration was not able to hire quickly enough.

**Chief Gandee:** Yeah, and that is definitively a result of, unfortunately, our candidate pool has been so small and this is not unique to the Willoughby Hills community, but generally, trying to find qualified candidates that are going to be able to meet the needs and the demands of our department, particularly. So, unfortunately, yeah, that delay had definitely created some issues with us of having to pay more overtime in addition of not having the part-timers. So, we've definitely paid an abundance in terms of trying to compensation for scheduled leaves, call-offs and things of those nature.

**Councilwoman Pizmoht:** One more question. So, last year, I know it was taking months to vet one part-time firefighter candidate. Has that situation improved, in your opinion, is it fast enough? We can talk about this more another time, but a just may be a quick answer of where you think that is.

**Chief Gandee:** You know, definitely we were now assuming more responsibilities as far as trying to get to that, I did talk with the Mayor about may be looking at outsourcing some of the calling for references and so forth and unfortunately, a lot of the staffing situations and me having to pitch-hit for some of the calls, has taken some of the time away from doing that, but like I had said, we're kind of in an holding pattern until the 20/20 staffing funding kicks in and then we can try to get those people but again, we need a forecast of anticipation that we are going to need some additional funds just to bring these people on and to bring them up to speed. And then from there on out, hopefully, we'll be able to sustain that and continue a fruition plan as far as replacing part-timers as they get hired in other departments and leave and so forth. But, part of the two things, my two biggest goals are to have a safe Fire Department to provide the best customer service and the other is I want people to be happy. I want them to be excited about coming into work. We want to make it an environment so that people are excited about coming into the Fire Station. We see a lot of bad things, bad calls but hopefully, we'll be able to retain some of those people because they want to come into work for us.

**Vice President Plecnik:** Madam President. If I could just follow off of Chief Gandee in saying that this really is an issue that was caused by the inability to fully staff the Fire Department. I think he is being very modest and humble in the efforts that he has put forth. The reason why we've seen a little bit of acceleration in hiring part-timers in the last couple months is because Chief Gandee and his firefighters have actually volunteered to do a lot of the vetting themselves in between their calls which is above and beyond their responsibilities, they are not paid to do it. I know this, as Chair of Finance and having met with him, and worked on the budget with the Chief, so they have been really burning the midnight oil to do this work. It's technically not their job, the Civil Service Commission should be processing these applications and these candidates faster and that is something that we need to work on and Council President Fellows has suggested outsourcing in the past. The Mayor was resistance to do it because he didn't want to spend the money. But unfortunately, we're finding that our

employees are doing it one way or the other and the hourly rate of a firefighter is actually a lot higher than the hourly rate of an external vetting company, so at the end of the day, I think that we are robbing Peter to pay Paul. I think that we need to have a faster, more efficient process. But I think part of the reason that we were caught off guard is the Civil Service Commission hasn't been used to hiring firefighters. When we created the three fulltime firefighter positions, they were the first fulltime positions in the Fire Department in 28 years. So, I understand, no Civil Service member has ever had the problem of hiring on new positions and frankly, the reason we're seeing such an interest in our part-time staffing is because our Chief immediately came in and worked with the Personnel Relations Committee to reset the pay scale to be more appropriate, more competitive with other cities to give a bonus for people who have EMS certifications to make sure that we are getting the most valuable people in the Fire Department. So, I really think it's a reflection of the Chief and the Fire Department's work that we have this great interest and I think that the Civil Service Commission simply wasn't prepared to vet it. I think that we need to do a better job of helping them whether it's putting some new people on the Commission who have more experience in vetting or getting an external vetter to assist them because when the Chief comes with a great candidate that many of the other cities are interested in, we want to hire them as quickly as possible. And as the Mayor even agreed with me, two years ago, as we started to work on the budget then, and as the Chief has expressed to us tonight, we are not saving money by not hiring people. The cost of paying overtime to a fulltime firefighter who is tired and doesn't even want it, they are doing it as a service to the City. They would much rather someone else who is fresh and ready to go to take it on, is much higher than hiring a new fulltime firefighter and even higher than that, then hiring a part-timer which is a real blessing and bargain for the City when we have someone who is highly qualified and wants to serve us, so I would be remised if I didn't thank the Chief and the Fire Department for their hard work. You've apologized, but unnecessarily so, you are doing the best with what you have and we thank you.

**Chief Gandee:** I would be remised if I didn't recognize the men and women in my department. Recently in our payroll, a number of our members ended up having to work due to some other type of event that essentially required some overtime to be paid, but ended up taking some compensatory time and that was probably around 60 hours this last pay period and I think it speaks volumes of the members of the department that when we talked about our staffing situation and the diminishing funds, is that everyone is on deck, this is, everyone has got some skin in the game, we all have had to make some sacrifices because as I've explained to them, I certainly don't want to see us running at 3 come December when the roads are getting bad and we're getting multiple accidents on the interstates and so forth, so from the Fire Department's perspective, we appreciate all of your support, Frank Brichacek and Mayor Weger, as far as, we try to transverse through our budget and keep things afloat.

**President Fellows:** Thank you, Chief. Pete, the average cost to pave a road?

**City Engineer:** \$100.00 a linear foot. It varies based on the width and the length of the road and what type of road it is, if it is asphalt or concrete. In Willoughby Hills, they're mostly two-lane roads of asphalt. So, a good round number is about \$100.00 a linear foot. To put it into perspective, the average property is about 100 feet wide. So, if you have 10 properties, that's 1,000 feet, so a 1,000 x 100 is \$100,000. Dodd Road, as another example, is roughly a mile long, so that's a little over \$500,000. And in response to Ms. Fulton, I believe she is talking about signs at the boarder of....

**President Fellows:** The snow...

**Councilwoman Pizmoht:** Snow emergency...

**Resident Fulton:** The snow and the county line.

**City Engineer:** Okay, regarding the county line, on White Road between Lake and Cuyahoga County, those are county signs. They are not regulatory signs such as speed limit and things like that, so those are put up by the county at their expense. They are similar to the Metroparks who put up signs telling you where the parks are or

Lake Tran also puts up signs telling you where their routes and bus stops are. Those are put up at their expense. They are not a city expense. So, if one is missing at the border, that would be up to the county to replace it.

**President Fellows:** Thank you, Pete.

**City Engineer:** The snow signs, I didn't follow up on that one.

**President Fellows:** I think that the Mayor had a statement about that. I don't recall what it was, I would have to go back and look at the prior minutes.

**Councilman Hallum:** I just wanted to respond. Councilwoman Majka had brought up about the Mayor working with Council. The mechanism for that is called a veto, in which Mayor Weger did in every instance of those illegal ordinances stating his position and that really was the time for this Council to take it seriously and discuss it with him but they chose to, instead, just to blatantly override his veto and move forward. There was also a comment she made about me trying to fire this Council. I had nothing to with that, it was strictly the Mayor's office. I was left behind to have to try to comment about it, but I did not have a hand in firing this Council.

**President Fellows:** So, Mr. Camino, I'll comment about your question about the school. So, while there are seven members on Council, we are a body of one. So, I would probably find it challenging for seven individuals as a body of one to make that statement. So, more than likely, should you have an interest in what an individual Council member may think about that, they should have that discussion with you, in all fairness.

## **LEGISLATION**

### **ORDINANCENO.2019-67**

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

**Vice President Plecnik:** Madam President. I would motion to waive the 3-Readings for Resolution 2019-67.

**Councilman Fiebig:** Second.

**President Fellows:** I have a motion from Vice President Plecnik and a second from Councilman Fiebig to waive the 3-Reading Rule for Ordinance No. 2019-67. Is there any discussion on the motion?

**Vice President Plecnik:** Madam President. Our Chief of Police has been working with the Council Clerk on this ordinance for some time. We've known it was on the agenda and it really relates to treating Police Department members, police officers who are also military reserve in equitable fashion. If they are called up for a long tour of duty the City would agree to pay the difference the salary that they are receiving for their service to the federal government and the salary that they would ordinarily receive as an officer which makes it financially feasible for them to handle both responsibilities both of which involve protecting and serving all of us. It's actually very common, Police Officers are also military reservists. There are actually several candidates right now, our Chief has informed me, that were very interested in good, lateral candidates from other cities that expressed that the only way they would be willing to consider Willoughby Hills as a destination to serve, if this ordinance is passed because they can't afford if the President calls them up for 3 months of duty to take that pay cut. Now, obviously, this is some expense to the City, but it's about treating our service men who double as our officers equitably. It's also about getting the best police officers to serve us, their experience in the military reserve makes it even more valuable to us here which is why our Chief is actively recruiting them. So, I think that this is urgent given that we have candidates who we want to hire now, who we are interviewing with that

will only consider this city if this ordinance is passed. It's also worth noting that this conforms to Ohio State Law and there are some interruptive issues with our union contract which would suggest that we are obligated to pass this and give these benefits to a police officer in our various patrol and sergeant unions. So, if we didn't adopt it, and we were to hire an officer who was also a reservist and denied them this benefit, they would have a pretty strong argument that they were not being treated fairly under the union contract and both for that reason and I think it's good policy for our City to be supportive of Police Department and our military and those who serve, I think that it is a good ordinance, I also think that it is urgent because we might lose great candidates if we don't act tonight.

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

**President Fellows: The 3-Reading Rule on Resolution 2019-67 has been waived.**

**Councilwoman Pizmoht:** Madam President. Motion to adopt Ordinance No. 2019-67.

**Councilman Fiebig:** Second.

**President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilman Fiebig to adopt Ordinance No. 2019-67. Is there any discussion on the motion?**

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

**President Fellows: Ordinance No. 2019-11 has been adopted.**

#### **ORDINANCENO.2019-68**

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR GENERAL LIABILITY INSURANCE COVERAGE FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY

**Councilwoman Pizmoht:** Madam President. I think that the policy, basically the administration has already advised that we are going to accept this. So, really, it's just Council ratifying that the policy start date would be October 17, 2019 which is already in the past. So, I think that it might be wise to waive the 3-Reading Rule. So, I'll waive the 3-Reading Rule on Ordinance No. 2019-68.

**Councilwoman Majka:** Second.

**President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Majka to waive the 3-Reading Rule for Ordinance No. 2019-68. Is there any discussion on the motion?**

**Vice President Plecnik:** Madam President. For the reasons that Councilwoman Pizmoht has stated, I will support this motion but I find it troubling that year after year, we are given the insurance policy either slightly before or even slightly after the deadline so that Council is never in a position to compare alternative bids to ensure that the policy covers everything that's important to our residents, to make that they are well protected. As we've discussed tonight, some people sue the City from time to time, it's very important that we have active insurance coverage to protect the City. So, I can't imagine not passing it tonight. But the fact that it was brought to Council for a vote after the policy had expired is very troubling to me and this is not the first time since I've been on Council, it's happened almost every time. And I think this gets to Councilwoman Majka's point of communication. If the only communication that you have with your Council is suing the City and the residents, and you choose not to bring important legislation forward, it is very hard to work together. Now, I think that there has been an extraordinary effort made and I'm grateful for everyone at this dais, both Administration and

Council who have made the effort, but this is just the highlight of people who have grandstand and talked about how they are standing up. Well, how about we standup and do the boring stuff and get that right. Let's have the legislation on time so that there is no argument that the City is operating without an insurance policy. I'll vote for it, but this should have gone through 3-readings. We should have had an opportunity to compare it to other companies and policies. We should have been assured that this policy covers all the risks that the City is involved in and the fact that we don't have time to do that is troubling and no resident can be happy about that.

**Councilwoman Pizmoht:** Madam President. I did have a chance to review the documents that we were provided and it is essentially the same policy that we've had for the last couple of years. So, if that was the sufficient for the last couple of years, this is pretty much the same thing. And with the effect of not having a policy is so much worse than having one that might not be the completely optimal, while I agree, we should have had more time. I think that if the choice is no policy or this one, I think the choice is clear that we have to go with this one.

**Councilman Fiebig:** Madam President. One other comment to go along with the others is that I also reviewed it and there was a small reduction in the premium which is a good point to bring up, too.

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

**President Fellows:** The 3-Reading Rule on Ordinance 2019-68 has been waived.

**Councilman Fiebig:** Madam President. Motion to adopt Ordinance 2019-68.

**Councilwoman Lenz:** Second.

**President Fellows:** I have a motion from Councilman Fiebig and a second from Councilwoman Lenz to adopt Ordinance No. 2019-68. Is there any discussion on the motion?

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

**President Fellows:** Ordinance No. 2019-68 has been adopted.

#### **ORDINANCENO.2019-69**

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, 2020 THROUGH MARCH 31, 2020; REPEALING ALL LEGISLATION INCONSISTENT HERewith

**President Fellows:** Per the Finance Director's report this evening, this is appropriations for the first quarter of the year and this will stay on 1<sup>st</sup> Reading.

#### **ORDINANCENO.2019-70**

AN ORDINANCE CONFIRMING THE APPOINTMENT OF JOSEPH DIEMERT AS DIRECTOR OF LAW, DEFINING THE DUTIES AND RESPONSIBILITIES OF THE POSITION OF LAW DIRECTOR AND FIXING THE SALARY AND COMPENSATION FOR SAID POSITION; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

**President Fellows:** This will stay on 1<sup>st</sup> Reading.

**RESOLUTIONNO.2019-14**

A RESOLUTION SUPPORTING AND APPROVING GRANT PARTICIPATION IN OPERATION STONEGARDEN, A JOINT LAW ENFORCEMENT EFFORT WITH THE LAKE COUNTY'S SHERIFF'S OFFICE; AND DECLARING AN EMERGENCY.

**Vice President Plecnik:** Madam President. I would move to waive the 3-Reading Rule on Resolution No. 2019-14.

**Councilwoman Pizmoht:** Second.

**President Fellows:** I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to waive the 3-Reading Rule on Resolution No. 2019-14. Is there any discussion on the motion?

**Vice President Plecnik:** Madam President. As with the case with grant resolutions, we typically do waive and adopt unless there is a serious question as to whether the City can take the grant. This is a situation where the Sheriff's Office has already done the heavy lifting. Our Police Chief has thoroughly reviewed the contribution that it would make to our department and is supportive of it. So, I believe this is an instance where we should pass the resolution this evening to take advantage of the support that Sheriff Frank Leonbruno and his predecessor Sheriff Dan Dunlap lined up for the City of Willoughby Hills.

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

**President Fellows:** The 3-Reading Rule on Resolution No. 2019-14 has been waived.

**Vice President Plecnik:** Madam President. Motion to adopt Resolution No. 2019-14.

**Councilwoman Pizmoht:** Second.

**President Fellows:** I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to adopt Resolution No. 2019-14. Is there any discussion on the motion?

**Vice President Plecnik:** Madam President. I would just add for residents who haven't had the chance to meet our new Lake County Sheriff, yet, Frank Leonbruno. He did stop in to Willoughby Hills at First Covenant Church to have a wonderful question and answer period. I know that he is open to giving tours of the jail, the dispatch center which actually serves Willoughby Hills directly and has really improved services locally while saving the City a considerable amount of money. He is such a wonderful individual, so I certainly encourage you to get a chance to meet the new Sheriff if you haven't already seen him during his visit to Willoughby Hills because he is a real ally to our City and law enforcement and I can tell you that our Police Chief Chris Collins and Sheriff Leonbruno have a wonderful working relationship. So, please take the time to meet the new Sheriff.

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

**President Fellows:** Resolution No. 2019-14 has been adopted.

**RESOLUTIONNO.2019-15**

A RESOLUTION RECOGNIZING OCTOBER AS NATIONAL BULLYING PREVENTION MONTH IN THE CITY OF WILLOUGHBY HILLS.

**Councilwoman Pizmoht:** Madam President. Motion to waive the 3-Reading Rule on Resolution No. 2019-15.

**Councilwoman Majka:** Second.

**President Fellows:** I have motion from Councilwoman Pizmoht and a second from Councilwoman Majka to waive the 3-Reading Rule on Resolution No. 2019-15. Is there any discussion on the motion?

Councilwoman Pizmoht: Madam President. I was made aware that October is National Bullying Prevention Month through my children's school and there has been a number of high-profile bullying incidents that have been in the news and in surrounding communities. And I'm well aware, and I think that we all are, that it goes on in every community. And one of the suggestions from the Bullying Prevention Organization is that communities standup and say that they are in support of children and adolescents in combating bullying and raising awareness about this terrible problem and being good examples for our youth in our communities. So, that is why I support passage of Resolution No. 2019-15.

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

**President Fellows:** The 3-Reading Rule for Resolution No. 2019-14 has been waived.

**Councilwoman Pizmoht:** Madam President. Motion to adopt Resolution No. 2019-14.

**Councilwoman Majka:** Second.

**President Fellows:** I have a motion from Councilwoman Pizmoht and a second from Councilwoman Majka to adopt Resolution No. 2019-15. Is there any discussion on the motion?

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

**President Fellows:** Resolution No. 2019-15 has been adopted.

### **NEW BUSINESS**

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

### **FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY**

**President Fellows:** For the Good of the Order/For the Community?

**Councilman Hallum:** Madam President. I just want to say that, the official numbers are not in from the Craft Fair or the Halloween Party, but from I understand, we had, there was definitely an increase in the Craft Show which was nice. We always do an event that people enjoy coming to and the vendors enjoy as well. That was very successful. And we were packed, we had a packed house for the Halloween Party. We had people from neighboring cities, our own city and I really want to applaud our Recreation Commission and everyone in the Willoughby Hill's Service Department helped out and the Community Center helped out because they did a great job. They collected names and email addresses so that we can hopefully attach them to our Facebook page and make them more aware of events that are coming up. And I think that things in the past, we didn't do as much as we could, and they listened and they did make those changes and I expect that we will have better, and better events as we go.

**President Fellows:** I have to agree with you, I thought it was amazing.

**Vice President Plecnik:** Madam President. I'd like to repeat from the last meeting, that we have quite a few events coming up from a week from Saturday, November 2<sup>nd</sup>. We will have a Night at the Races for the Nowacki Foundation at La Vera Party Center in Willoughby Hills during the evening of Saturday, November 2<sup>nd</sup>. We have Fright Night at SNPJ, the Halloween Party for the Slovenian National Benefits Society, right across the border in Kirtland. I know a lot of Willoughby Hills residents are members of SNPJ and will be celebrating that night. And of course, we have the North Coast Lion's Club Annual Murder Mystery Dinner which will be at the Croatian Hall over across the border in Eastlake. Many Willoughby Hills residents, including people in this room, I know are members of North Coast Lions and will be there, so that will be a wonderful night. The following day, Sunday, November 3<sup>rd</sup>, our Willoughby Hills VFW is hosting their Annual Cabbage Roll Dinner, so anyone who has ever been to one of the Women's Auxiliary events knows what a great meal and what an affordable meal they cook up. I hardily recommend that you join from 3 to pm. They love reservations in advance but they do their best to accommodate. In fact, I've never seen them turn anyone away. So, I heartily recommend coming out to the VFW to support them. And I would just like to close by congratulating one of our residents Mike Tyler on his Mother's great honor, this coming Friday, tomorrow. Mike Tyler is a former member of our Planning and Zoning Commission and he lives on Worrell Road. His mother, Professor Barb Tyler is a retired legal writing professor from the Cleveland-Marshall College of Law, but she is also an alum of Cleveland-Marshall and she will be inducted into our Cleveland-Marshall Hall of Fame. And our Hall of Fame Ceremony tomorrow. So, many congratulations to Professor Barb Tyler. I know her son, Mike is so proud of her and I look forward to congratulating them both in person tomorrow night. But I wanted it on record because Professor Tyler's career has been extraordinary and it's a wonderful honor for her to achieve.

**President Fellows:** I want to remind everyone that Steve Thompson the Willoughby-Eastlake School Superintendent is across the street at the Community Center as well as with other school officials. Hopefully there were people who were listening early on and migrated over to the Community Center to engage in conversation and ask questions about the levy. So, I just wanted to make sure about that. And also remind everybody on the 5<sup>th</sup>, to vote. That's our right as free people of the United States, so we should vote.

**Councilwoman Pizmoht:** Madam President. I just want to say that trick-or-treating is October 31<sup>st</sup>, a week from day from 6 to 8pm in Willoughby Hills and whether you are trick-or-treating in Willoughby Hills and I know that there isn't a ton of them, but if you do, have a great time. And no matter where you are trick-or- treating, be safe and have a wonderful Halloween. And I will also make a motion to adjourn.

**Councilman Hallum:** Madam President. I just have one more, I just want to remind everybody that they have started going around to pickup leaves. So, if you have yard waste acceptable for that, make sure that you get it out to the curb. They are going around quite a lot now, so you know how it is around here, you never know when the snow is going to hit, so get them out there early and often.

#### ADJOURNMENT

**Motion was made by Councilwoman Pizmoht, seconded by Councilwoman Lenz to adjourn.**

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

**Motion Carries.**

**The Regular Council Meeting of October 24, 2019 was adjourned at 8:08pm.**

**APPROVED:** November 14, 2019  
Date

Nancy E. Fellows  
Nancy E. Fellows  
President of Council

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