

City of Milloughby Hills

Regular Council Meeting Minutes of October 25, 2018

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

The Regular Council Meeting was called to order on Thursday, October 25, 2018 at 7:01pm in Council Chambers. President Nancy E. Fellows presided.

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

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

DISPOSITION OF THE JOURNAL

President Fellows: The first order of business this evening is the Disposition of the Journal for the Special Council Meeting of September 4, 2018.

Vice President Plecnik: Madam President. Motion to adopt the Special Council Meeting Minutes of September 4, 2018.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to adopt the Special Council Meeting Minutes of September 4, 2018. Is there any discussion on the motion?

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

President Fellows: The Special Council Meeting Minutes of September 4, 2018 have been adopted. The next order of business for this evening is the Finance Director's Report, Mr. Brichacek.

ADMINISTRATION REPORTS & COMMUNICATIONS

FINANCE DIRECTOR'S REPORT: No report tonight.

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

CITY ENGINEER'S REPORT: Thank you, Mr. President. The Street Resurfacing Project for this year is substantially complete. They installed the surface course of asphalt earlier this week. We also submitted the

application for Dodd Road Resurfacing to the Lake County Engineer for submittal to the Ohio Public Works Commission earlier this week. We're continuing to work on the Dodd Slope Rehabilitation Project. We received a project design from the consultant which we are reviewing. And on your agenda today is the Stratford Place Pump Station Project. This would be to install a backup pump in the sanitary manhole at Stratford Place which is on the City's sewer system. The manhole is located within the right of way, it is the City's responsibility and this backup pump is only really needed during rain events. We have a backwater valve which stops water from backing into the Stratford Place and currently our Service Department has to pump out the manhole during rain events with a truck. So, they pump out the manhole, bring it down stream and just discharge it, so this would take care of that for them so our Service Department wouldn't have to spend equipment and time to do it. So, I would recommend approving that. And that completes my report.

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

Councilman Fiebig: Good evening, Mr. Di Franco. Have you had the chance to review our Street Program for next year which might project...

City Engineer: Very briefly. I did talk with Street Superintendent Grubiss today and I would like to take a little more look at it. I can get a recommendation to you in a few days.

Councilman Fiebig: Thanks. He and I spoke today. We discussed what roads could be done. We also discussed things like repaving the parking lot at City Hall which as we all know, is really deteriorating badly, but we want to see the Dodd Road Project to be done. He mentioned approximately \$400,000 of our anticipated budget for next year would go towards that. That number seemed just a little bit high, I think from what I saw.

City Engineer: I think \$359,000.

Councilman Fiebig: That's what I thought it was. We do have few other pieces of equipment to buy, perhaps a third truck for carrying their tools and equipment. We'd also need a forty-eight-inch asphalt roller, it's about \$45,000 and we did not approve buying a new plow truck yet to replace one of the deteriorating ones. So, we do need to get going on that. So, I plan to hold a Service meeting real soon, probably just after this election and hopefully we can compile all those requests together and get a look at next year's budget and what those priorities are going to be. So, we want to see if we can at least get Dodd Road, for sure, and then at least another road possible, may be two, but this front parking lot is in really bad shape, too, so...

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

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

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

Councilman Fiebig: No, Madam President.

President Fellows: And then Councilwoman Majka, for Utilities, if you wanted to comment on that.

COUNCIL COMMITTEE REPORTS/ OTHER COUNCIL REPRESENTATIVE REPORTS

Councilwoman Majka: We had cancelled this past Monday's Utilities meeting because I was lacking some financial information; the information from the City of Euclid and from the County. So, just waiting for people to get back with to me and I'll keep trying to get information and probably reschedule within the next month.

President Fellows: Anyone else have anything to say about their committees?

Vice President Plecnik: Madam President. Just under Other Committee Reports, I would say, to the best of my knowledge, the Mayor still has not signed the Joint Statement of the Noise Abatement Agreement with the Cuyahoga County Airport, so I've asked our Clerk to send him an email to see if he has touched base with the Airport Noise Abatement Council. Hopefully, we can get that done; the Resolution authorizing him to sign it was passed sometime ago, so hopefully we can proceed on that. And also, with respect to the airport, we're still waiting to see when the flyovers will be scheduled by the FAA just to check the flight paths of the new runway. So, if you happen to hear a very, very, noise day at the airport it may be without telling the City, the FAA has scheduled their flight check. Sometimes they do it without giving an advanced notice, so don't be alarmed if you hear a lot of additional noise, it's probably just a couple hours of testing.

President Fellows: Thank you.

Councilman Fiebig: Madam President. Regarding Planning and Zoning, Mr. Di Franco, if you have more information, on this, if you could share at this time. We're anticipating that's there is going to be an application for a new business that will bring in approximately 300,000 --- 300 jobs and a substantial payroll, 9-10 million dollars a payroll. And they're going to, as I understand it, submit an application or work with you to do this and that would not be at this upcoming meeting, but perhaps one shortly thereafter.

City Engineer: Correct. I did receive their application earlier this week, so I'm currently reviewing that.

Councilman Fiebig: Good. Thank you.

President Fellows: Any other Council Representative Reports? The next order of business is Public Portion.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies

(a) All meetings of any municipal body are declared to be public meetings open to the public at all times.

All meetings shall provide a reasonable opportunity to hear public opinion.

President Fellows: This evening, before we actually start Public Portion for the residents, I have two individuals, groups of individuals that want to speak. So, I'm **opening Public Portion at 7:09pm**. The first is going to be Mr. Rick Werner and Hollie Frekel from the Willoughby Hills Library and they would like to come forward to provide some brief remarks on the Levy that's on the ballot, this evening.

Rick Werner: Madam President, Mr. Vice President, Members of Council and the Administration, I'm Rick Werner from the Willoughby-Eastlake Public Library and I'm here with Hollie Frekel who is a hero, or heroin to all of you, who I know from the Willoughby Hills Public Library to ask for your consideration, for your support on Issue 6 which is a renewal and an increase in one of our two levies that will be on the ballot on November 6th. This is our first request for an increase since 2009. We're attempting to continue working on all nine of our buildings. If you had the chance to visit the Willowick or Willoughby library where you will see a complete renovation of those two buildings. Even today, we took delivery of new furniture, shelving that's going into the Willoughby Hills library, to improve the Hills' library. We've done this all through good savings that our Board has required us to have for the last five or six years. We have not had to ask voters for a bond levy, but we do feel that it's prudent decision to ask for a relatively modest increase in one of our two levies in

order to make sure that we can get through the next five to ten years with adequate services to Willoughby Hills and the six other communities that we serve. So, we're very excited about that. I would introduce Hollie just to say a few words, if she would like to.

Holly Ferkol: We would appreciate it if you would support the levy. It helps us give lots of technology training; computers for people that might not have access; homebound services; children's programs, lots of different things, activities.

Rick Werner: We're very grateful for your consideration. We'd be happy to answer any questions now or at the end of the meeting. Thank you very much.

President Fellows: Thank you. The next individual that I'd like to come forth is our former Council President Ray Somich and our Police Chief Collins. As Pete Di Franco mentioned, we do have, no he didn't talk about the Police Substation, the other "sub" sub pumps and substations, so Ray and Chris if you could come over and share the information that you've been working on diligently on with Mr. Scott Scheel to improve the Shoppes of Willoughby Hills area, we'd be grateful.

Ray Somich: Thank you very much Madam President and Council, good evening. Chief please join me whenever you'd like to. Yes, we have an opportunity. I think everybody in this room knows and certainly everyone on Council knows that for the twelve years that I was on Council, I talked with a lot of people down in that area, business owners, residents, and everybody agrees that safety, at least, is a misperception of a problem. Even if it isn't really a problem, the Chief will say. There are a lot of people that will say that there is a problem in that area. And we now have an opportunity, as everybody here knows, we have a developer that has invested millions of dollars in the property. He has worked very hard to bring in new businesses, a couple of which are already open. A major fitness center with a swimming pool and a gymnasium is in the works, is going to open at the year or early next year. And you've just heard of another new business that is being proposed to come in the old Sam's building. So, there are a lot of great, positive things happening. So, this is a great opportunity because this developer is also willing to give the City free space. Free space for a community Police Substation that Chief Collins is 100% behind, I'll let him tell you that, to confirm that. I believe that most, if not all of you are, I know the residents are, I know the existing businesses are and the reason that it's a little bit more timely, to try to ask you to please pass this, this evening, is that we do have business that are looking at signing leases, we have some businesses looking at renewing leases and they are concerned about this factor. Because whether it's a misperception or a reality, people do think that there's a safety issue there. And to have the presence of a Police Substation will be great for that area, for the existing businesses, for getting new businesses, for the residents of the area and I believe also for the Police Department in terms of rushing up and down Chardon Road and filing the paperwork back here. So, with that, I'll turn it over to the Chief, but I urge you please, please, this evening, let's get this moving. Everybody knows about it, the developer Mr. Scheels has made every change that the City has asked for, or that the Council has asked for because we want to get this done, it's free rent on the terms that the City is happy with so, please make this happen for all of us. Thank you.

Vice President Plecnik: Thank you Chief, thank you, Ray.

Chief Police Collins: I would echo those concerns. I've been the Chief here for over 18 years and we've been trying to have this type of a substation area down there not only for the safety of the community in that section of town, but also for our officers. As you know, with the number of our officers we have on shift, anytime there's a call for service, we're not sending these police officers by themselves. So, often times, if they are on post here, doing paperwork or follow up work, phone calls or meeting with residents, and we have a significant call down in that area, which is expected, someone had mentioned, 5,000 residents and apartments in a condensed area, the business that we have there and the access to the freeway, it causes our officers to leave here, travel down Chardon Road. So, we cover over 13-12-1/2 square miles of the interstate that gives us a good location in the retail area of the City as well as access to the freeways and of course, the high-density

population that we have there. So, we're looking for operational effectiveness, safety for the officers, and our ability to respond quicker and more diligently to calls in that area of the town. Often times, if you look at our statistics it will show high volume of calls for the east end, but that's mostly traffic stops on the freeway. So, when we look at our assaults and burglaries, and robberies, domestics and other things, you'll see the larger percentage in that area of the town. So, again we're looking for some operational effectiveness. I've supported this for over 18 years. It's certainly something that we can put on the table and try and reevaluate as the program goes forward and look at the effectiveness of that program. Thank you.

President Fellows: Thanks Chief and thanks, Ray. Appreciate it. So, at this time, Public Portion is open to the residents. You are welcome to come forward. Please state your name and address for the record.

Ken Farley – 3046 Rockefeller Road. I have a question for Council and the City. Do we belong to NOPEC which is supposedly a discount on your gas bills, and utilities? Because I don't remember seeing that on my bill and I wanted to make sure that I take advantage of it, if we are. We are part of it, okay, good. And then basically, that's it. Thank you much.

Fritz Marinko – 28802 Eddy Road. I'm fully in support of the substation. As a family and a business owner in the City for a number of years they talked about it for years. To make this happen now, I think, would be the right thing for all businesses, so I fully support it and hope you all do.

Doris Dodge – 37881 Milann Drive. I have a question for the Mayor. Why are you not attending these meetings? You have a City in turmoil. You have a City that is being viewed through local news channels. Where are you? You are suing your own City. The least you can do is to be here to answer a few questions. Since you are not here, I have no choice but address the empty chair. Mr. Weger, I have watched your interviews on TV and I will quote you and this is what you said when you removed our Council and this is a quote:

“They did things that were illegal and they continue to do those illegal acts, so we had no choice but to release them. We thought, I thought that to make our residents whole and businesses work, while together we had to release them”.

I want to know who is “we”? Are these person(s) employees of Willoughby Hills? The term “we” was used throughout your interviews in a number of times, so it can not be considered a figure of speech. I want to know who is “we”? In Willoughby Hills we want to see our Mayor and Council working together. Mr. Mayor, your presence at these meetings gives some assurance to the residents that you are considering our concerns and want to be a part of the solution in moving our City in a positive direction. Please start working with our Council. Council is here, they have said that they are willing to work with you. I know that I have expressed my concerns to Council. So, please let's work together and I would feel better seeing you at these meetings. Thank you.

President Fellows: Thank you, Doris. And we'll be sure that the Mayor gets the transcript so he can answer your questions.

Dave Lastoria – 31000 Eddy Road. I'm glad to hear about this substation because I had heard about this a while ago from the Mayor, I know that it was brought up a while ago, and then last Council meeting, Councilman Fiebig brought it up again. I specifically came here tonight to bring it up. I'm glad that the Chief of Police and everybody else brought it up because I'm fully in support of it and I think that it is a good idea. Thank you.

Tony Miller – 2857 Hayes Drive. So, not the last speaker, but the speaker before that, again mentioned that the Mayor is suing the City. All right and that's as far as they go. But tell the rest of the story, why is the Mayor suing the City? Why did the Mayor have to bring litigation against the City? He had to bring litigation

against the City to straighten out illegal ordinances that were passed by six of these Council members. So, he's straightening things out that they messed up. So, that's the rest of the story. It's always the Mayor suing the City, the Mayor suing the City without the rest of the story. The Mayor is suing the City to straighten out illegal ordinances that this Council passed.

Chris Welch – 38801 Chardon Road. My house supports the Chief and his Department. They're overworked. They need whatever help they ask for, they should get. We also support the Council. It's a broken subject, the Mayor's not here, but the Mayor's not here. If he cared that much, he'd be here. I see the whole Council here, except him, again. Keep up the good work. Thank you.

Cheryl Ota – 2960 Marcum Boulevard. I just wanted to ask the Chief. I understood, he and I had a conversation quiet awhile ago about the police that will be stationed down there at Loehmann's Plaza will not be coming into the neighborhoods, they're mostly for west of Bishop Road. Am I wrong to think that?

Chief Collins: Not at microphone. Not audible.

Cheryl Ota: Are they coming as far as 91? Will they be on call?

Chief Collins: Not at microphone. We cover the whole City. What we're trying to do is give an operational point in that part of town rather than coming all the way back to here. The majority of the efforts will ----- we cover the entire City with all of our patrol zones. It's just that we have certain officers assigned to specific areas as a priority during their shift coverage.

Cheryl Ota: Okay.

Chief Collins: Not at microphone. But anybody that needs help if there's a traffic stop on the freeway, domestic, we're all going. There's no call today, really that we send one or two officers, we're going as a group based on severity of the call. So, you could have everyone on the shift if it's a drunk driver, a domestic. We had a domestic last night that involved ----- This is going to give them an operational point there rather than have everyone in the City on duty here to do other duties, paperwork, rather than have everyone here and then have to -----

Cheryl Ota: Okay, so there would be some here and some there. And if there's a call for a bad situation you may all go.

Chief Collins: Absolutely.

Cheryl Ota: Okay, thank you.

Linda Covert – 2978 Rockefeller Road. Is there any plans to bring back the thirteen workers that were released so that we have some people at City Hall? And who is taking care of the Community Center across the street? I'd like to know that. And I also very much support this station down there. I've been here since 1967 and have owned and do own four houses in this community. So, I want to know if I come to City Hall and I go over there, is anybody going to be there?

President Fellows: There's three people there.

Linda Covert: What about, what was the need to dismiss thirteen union people? Anybody have an answer?

President Fellows: We'll finish Public Portion and then address questions, Linda.

Linda Covert: Thank you. And I have one more question. This little thing out, where it says Willoughby City Hall, it's never had any flowers, any---it looks terrible. And if you want me, next year I'll be glad to come up here and plant some. I was going to do it, but I thought that I would get in trouble, but we need something out there. All the other communities put flowers all over, we have nothing. It looks nice across the street, but it doesn't look nice here. And we need painting on the front building.

Jenna Bing – 36951 Beech Hills Drive. I was really hoping that the Public Portion would be after the Unfinished Business on WHISPER. I look forward to hearing more about it then just what's in the news. I will say that when I was talking with the Mayor, when one of the reasons was why he fired Council was for nonfeasance's and I was like, what did they not do? And he said, well, they shut down WHISPER to do an audit and we've not heard anything more. Well, I'm glad Council did the audit or whatever you all did and something has been completed there. Because now he doesn't have that reason to say that you all aren't doing your job because obviously you were doing your job and following through on what you said was gosh, I was remembering at that meeting, was like, questions were asked of the Administrative Assistant at the time, who's not there now, and that she was not forthcoming with information. And that's not acceptable. I don't think that Council thought it was acceptable. They were innocent questions, like how does this program work and who are the volunteers and how do you vet the volunteers because you're dealing with a difficult group when you're dealing seniors and children. So, seniors are a problem. But those answers weren't coming forward and to me, Mr. Mayor's chair, that's your responsibility, is to be able to make sure that your staff answers questions. Mr. Brichacek answers my questions every time I ask. He's very intelligent and he has very much explained to me how the City's finances work and I think that's great. He takes—I try not to take much time of his. I know Mr. Di Franco and his team is out there working hard. They are always so nice when they are on my street doing things. But, that's not the case in all of Mayor Weger's Administration and that included Gloria who was his assistant, who I don't know. I know a lot of people who do know her and think very highly of her, but I think that it was very disrespectful of her who was the lead on WHISPER to not answer the questions which sparked shutting it down and having an audit and now putting us once again in the news. And if Channel 8 is listening, because I don't know who is here today, you all showed her, Gloria Majeski, whatever her last name is, as the Mayor's Administrative Assistant, she is not employed by the City right now and may be that's a good thing. Sorry, you know.

Linda Fulton – 2990 Marcum Boulevard. I wanted to say something about WHISPER also. I have taken advantage of WHISPER for may be three times. In the beginning, it was for seniors 55 and older. I was not aware of any stipulations that qualified you for any kind of work, but I did have my gutters cleaned out twice and another small job to do which I was not able to do physically. I qualified for being a senior, but it was really nice and that was probably, almost, when the program started. And I recall that they were all volunteers, that there was a luncheon that was presented to and gave awards to these people who did the work. It was really nice. My question is, why does WHISPER, if it's a volunteer program, why do they need this money? And how much money is in it? What do they use it for? Is there anything out there for WHISPER qualifying people and again, volunteers, they need to be vetted. I'm with Jenna, that's a very important thing. If WHISPER every comes back, it's a good program. It was meant to be good, but I think, again I will use this word, greed. Greed got in the way. Thank you.

Joann Motuza – 28752 Chardon Road. I moved into the City for the first time in 1955. I had been very activity in the City, worked for the City, had accumulated enough time to receive a small pension from the City. I sat on all the Boards as a Clerk and was very familiar with what was going on in City Hall. Yes, WHISPER started out as a very good program. A good idea, and there were volunteers, but then something happened and there were no volunteers. But it was being done, I don't know how it was being done, but it was being done and I used them to rack my leaves. Once a year, we blow our leaves to the middle and I just had double knee surgery, of course, I'm 83 because I lived here this long, my husband is 85, we cannot pull those leaves to the street. And so, once a year we blow them all into the piles and the people come, WHISPER, which really wasn't WHISPER, it was the school, but through WHISPER, and they would pull the leaves to the street and I was very grateful for that. And I never used them, I donated \$200.00 cash check one time and then I was very

surprised as a WHISPER project and donation, listed a donation of working, dismantling of a pool and donating money to the Boy Scouts, that is so wrong. Yes, we did dismantle our pool, in its entirety. We piled it up and it was not a WHISPER event, which WHISPER claimed it to be, it was the Boy Scouts were going to pickup the metal, the aluminum which they did. The Boy Scouts parents and the Mayor because he's interested in the Boy Scouts, came and picked up all that metal or the aluminum. They turned it in and we donated it, over hundreds of dollars to the Boy Scouts. And I was a little bit miffed, WHISPER took credit for that. It was nothing to do with WHISPER, it was a deal, the Boy Scouts needed the money and they had the ability to pick up rather than selling it to a scrap dealer, they had the ability, and then WHISPER puts it on their thing, that they donated it. Okay, I don't feel that they did, I feel that I did and it wasn't even WHISPER, so going back to WHISPER, WKYC 3, Lake County, I'd like to commend them. I read their Facebook account and it's an article, Lake County Prosecutor recommends criminal investigation of Willoughby Hills Mayor's Senior Program. They printed the program without any bias, without any spin, they actually picked, I was amazed, they actually printed facts, facts that could be substantiated and it's under, if you lookup WKYC and look up that thing and lookup Willoughby Hills City Council report on WHISPER by WKYC and it's on something called **scrip**, click on that and you will view the Council's report of twelve pages on what WHISPER has been doing. And I, as an employee here I can vouch for the fact that there were things on there that I know for a fact were true. I observed them. I discussed them. So, it's a basically honest report and it's all substantiated with attachments, but I didn't know, I don't know if you can pull up the attachments. But, on an end note, last year, again with these knees and an old husband, we needed help. So, I knew early that we would need help and I said, early, please put me on the list for the leaves. And the time would go, and the time would go, and the time would go, and we didn't get any help. I would call and say, hey, and all I heard was that I was still on the list. Well, this was at the time of the election and I don't know, I try to keep quiet, but I think it was known who I supported, and come snow, the next day the snow fell, I called and said is anybody going to be coming for my leaves and the message was, gee, Joan, feel free to go anywhere you want to get it taken care of and I had been calling for the two months, so I personally, feel that was a action by a person because I wasn't supporting her in the election and I just think that this is truly wrong. It's a good program, if it could be managed properly, but it is not. Thank you.

President Fellows: Thanks, Joan and of course I let Joan go over because she had a lot of good information to share. She has been a WHISPER recipient...

Joan Motuza: And a resident for over sixty some years.

President Fellows: So, thank you.

Barbara Belich – 29480 Eddy Road. I had no intention of speaking, the only reason that I'm speaking out is because I had the pleasure of working with Gloria Majeski a couple of weeks ago on the 4K program that came out of Lexus and the Clinic across the street and I feel that it would be unfair for me to leave without saying something wonderful about her. She is a good person, she is highly intelligent and I enjoyed the time we spent together volunteering. As far as volunteers go, it's important that everyone here knows that there aren't that many volunteers in this world. It looks like it, but there's not and the minute that you put together a volunteer program you get very few hands that go up and I noticed from that thing too, there was hardly anyone who represented other than myself from St. Noel and Gloria from the City and Ann from the Clinic. It doesn't seem like a whole lot of folks, but anyway, I just wanted not to let it go and leave Gloria hanging that way. It's not fair.

Joan Mazi – 2837 Stark Drive. Gloria was the best thing that happened to Willoughby Hills. The WHISPER Program was great and I don't know what happened to it, but I love her and she is the best person anybody could know. She would do anything for anybody. Thank you.

Vicki Miller – 2857 Hayes Drive. I also want to speak to the WHISPER Program. My parents were highly involved with it since it's inception. They have been a recipient of it in their later years in getting some work

done. They were also involved in the volunteerism. I do agree that volunteerism has gone down. It's harder to get the volunteers to come out mainly because I think at the beginning of this program there was a lot of younger senior citizens which I would consider myself one now at this point, they were able to do that, and these people now have become in their 80's and unable to volunteer. My parents spent a lot of time, you know, giving back to the community, they've also received some help. I do not know a lot of the specifics about the WHISPER Program in itself, but I do see the benefit that it has brought to my family and to my neighborhood; of the twelve houses that are on my street, Hayes Drive, six of them include elderly seniors. On a regular basis she has helped one of our neighbors down the street who does not have family that is supportive. Many of them do have family that are supporting them and I do also try to help this neighbor when she comes for help, but she has spoken very highly of the things that Gloria has done for her; looking out for her; giving her guidance on different things. The WHISPER Program has been a great part of the community, I'm not sure what happened to it, but volunteerism had dropped off, I know that as well and at this point, I'm glad to see that they is an investigation of it although it seems the Council members acted hastily as in the letter from the Lake County Prosecutor, to quote it, it says: *"it's in the form of unsubstantiated allegations with little or no specific facts"*. So, I kind of feel that may be this was kind of rushed by them and I would love to see the results and also get some information and I'll probably be visiting Mr. Brichacek to try to get details on finances as well. Thank you.

President Fellows: All right, I will close Public Portion at...

Councilman Fiebig: Nancy, I think that there was one more.

President Fellows: Yeah, there is one in the back...there might be two more.

Dale Fellows – 2812 Fowler Drive. Somebody mentioned the rest of the story, so I thought that I would do a "rest of the story" to, on a whole bunch of things. Somebody had mentioned working as a team and working together and I know for a fact that Council has tried to do that with the Mayor, but it takes both sides. All one has to do is to talk to one of the County Commissioners who tried, and in my view, was disrespected by the Mayor. The Mayor sent out a letter and I wish he was here to address these, he makes these statements in this letter that as I'd mentioned at a previous meeting, would have gotten five pinocchios from the Washington Post, I think. It talks about the Mayor's Court, it always talks about revenue and the revenue post projections were from some years ago, but never talks about the expense side. Never talks about the fact that there were positions that were appropriated for and there's even somebody, I guess, in a position that is not actually functioning in the Mayor's Court. So, the Mayor's Court was not shutdown by anybody but the Mayor, himself, for political reasons obviously. The newsletter, he states that he was censored. Well, Council asked to be part of that, he said absolutely, we'll let Council be part of it and never did and then that changed start sending it out under the Mayor's report, if you will and with statements that certainly are questionable as was the letter he just sent out. Then he mentioned in the letter, two Council representatives, or two resignations because of Council. I find that intriguing since one moved out of the City and one just left after two meetings that were fairly inconspicuous meetings, I don't know how you could make that statement. Again, another question for the Mayor. The Building Commission left because of Council. I find that interesting too. I think that this is the same person that told people at a public meeting that somebody's barn was nicer than their homes. So, interesting statement from a Building Commissioner. And then he had a nominee that really had no qualifications, didn't even live in the City and yet, that's what he was nominating for a Building Commissioner. And you wonder why Council doesn't approve of those. Same thing when it gets to the Fire Chief. You had that whole debacle where he picks somebody out of a field of 18 very highly qualified folds, Council trusted him, gave him the authority to hire him and then to found out that the gentleman lied three times on his applications. Then he was going to name himself, the Mayor was going to name himself the Fire Chief which was interesting. Then you talk, I hear a lot of people talk about the Law Director and the lack of a Law Director. Correct me if I'm wrong, but I understand that the Mayor with the last two, especially had the nominees actually sign a pledge of allegiance or what I would call a pledge of allegiance to himself. So, I will end there since my time is over, appreciate it.

President Fellows: Was there someone else besides Dale that wanted to come forward?

Laurie Feltham – 2605 Timberline Drive. With all the fertilizer and the leaves and WHISPER, and the this and the that, can anyone enlighten me on the Leaf Pickup Program?

President Fellows: Mr. Fiebig, the Mayor said at one of the last meetings, the program will be in effect. So, I would suggest that you contact the Road Supervisor Mr. Grubiss, but yes, there will be leaves picked up.

Laurie: Okay.

Councilman Fiebig: I can answer that too in Unfinished Business.

President Fellows: Okay, **I will close Public Portion at 7:46pm** and thank you everybody. All right, the next order of business is Unfinished Business. Mr. Fiebig, did you want to talk about leaves.

UNFINISHED BUSINESS

Councilman Fiebig: I can because I spoke with Mr. Grubiss today and we prepared three trucks that are ready with the leaf pickup machine and another truck that is ready to pull behind the collector. So, there's also three plows that are setup, ready for snow, if we have a snow event, we're pretty well in good shape to start with leaves and if there's enough of them, and also if there's a snow event we're ready for that as well is what he reported to me today.

Madam President. Can I address another unfinished item from public portion here? The substation was brought up here today and I fully support that. We had several meetings with the Safety Committee about it and I've spoken personally about it with Scott Scheel, a few times talked with Ray about it, Somich, and so we're all on board with that. I've had the opportunity to review the changes that Mr. Plecnik wrote up and agreed with them that they were good and thank you for review, but I also on my own, took it to a commercial real estate attorney over the last two weeks for a thorough review because I had a few concerns as probably the only one up here who has some commercial leasing experience and there were somethings that were pointed out that we should probably address. So, what I was going to propose tonight under New Business, is that since Council can hire an attorney for a very specific reason, that we appropriate approximately \$1500, no more than, and hire a commercial real estate attorney, preferably someone with municipal law experience as well, and let's just review this over the next two weeks and then this is the second reading tonight, and then we would pass it then on third reading next time because there were a few concerns, the dollar amount \$700,000, I really think that we should review it thoroughly and have somebody do that for the Council, for the City to protect our interests. There's a little bit of language in there we just need to cleanup and make sure that we're protecting the City's interest.

Vice President Plecnik: Madam President.

President Fellows: Wait, wait, Mr. Fiebig are you finished?

Councilman Fiebig: Yes.

President Fellows: So, Councilman Fiebig, Mr. Scheel's attorneys have review this document.

Councilman Fiebig: Right.

President Fellows: And they've accepted the contract. Correct, Ray?

Councilman Fiebig: Well, they have, yes. But, we haven't.

Ray Somich: Everything that Council has presented to them, has been agreed 100%.

Councilman Fiebig: Up to this point.

Ray Somich: Correct. Everything that you've asked for, up until this point. Now what you're coming up with is brand new, but everything up to this point that as a body and individually suggested has been agreed to.

Councilman Fiebig: Up to this point, right. What I'm saying is that we have real estate attorney on the City's behalf review this for several issues that I've reviewed and also on my own, I had a commercial real estate attorney look at and said yeah, there's a few things in here, we should clean that up before we move forward with it. So, I'm all on board with doing this, but prudently, let's do it right and in two weeks, we'll get it right.

President Fellows: Vice President Plecnik.

Vice President Plecnik: Thank you, Madam President. I do want to share with the public that we're very grateful to J. Scott Scheel, the owner of the Shoppes of Willoughby Hills. Repeat after me, the Shoppes of Willoughby Hills. Hopefully, we'll be calling it after it's true name going forward as we see new businesses return to the plaza as well as our former Council President Ray Somich who has been very closely working with J. Scott Scheel and his attorneys to try to economically develop the plaza and we brought all of the concerns that Council had from various committee meetings and Council meetings and I was really impressed that Mr. Scheel and Mr. Somich both were ready to work with the City on every concern that we had, I did my best to add all the changes that the various Council people had suggested at our meetings and Mr. Scheel universally accepted each one. He didn't pushback. We even had to add one last minute change because there was a confidentially provision saying that we can't disclose the contract. Well, as a public body we can't even attach it to an ordinance to adopt it with a confidentially provision because each and every one of you have a right to review every contract with the City is a party. They didn't even blink. You know, they said, we understand, we want to work with you. No contract is perfect. I will say that I have owned a rental business myself, I've drafted my own leases for that business. I don't pretend to be the City's attorney, but I do think that I have a good eye for reviewing a contract like this. I know that Councilwoman Pizmoht is also a lawyer, herself, and she carefully looked at the contract and frankly, I do have a lot of trust in the good faith partnership that Mr. Scheel has offered the City. We have our former Council President working with us as well. I know that he would not recommend this if he did not believe it wasn't in the City's best interest and we've heard from our Police Chief as well about how important this is to do. I'm concerned about the exigency. I agree, you can always improve a contract. We could take a year, we could take a day, we can make it a little bit tighter and a little bit better, but the reality is, that there are businesses right now the are deciding whether to move into Willoughby Hills. There are businesses right now deciding whether or not to renew their leases. So, while I certainly respect Mr. Fiebig's concern and his desire for caution, I truly believe from meeting with Mr. Scheel that he is a good faith partner with the City and this only goes forward and continues given that there are many options in the contract for the City to actually end the lease prematurely. So, if we found out that there was some horrible hole in the contract, we could backout of it pretty quickly and I think that Mr. Scheel would say if we found a problem with the contract, let's go ahead and amend it, but the important thing is that we show our commitment to this project and that we move forward so that the businesses who are making their decision right now, is Willoughby Hills the right place, I want them to say yes. And I can tell you, I do all my shopping in the Shoppes of Willoughby Hills, sometimes I walk there and I'm sadden when I see a business move out. I'm sadden when I see my neighborhood loose it's economic vibrancy and we have a real opportunity with someone who lives just one city over, who views this as his home, to work with him and to develop it, this is something where everyone agrees. I'll tell you, the very first thing that I asked Mayor, when he handed us the keys to City Hall, was do you still support the substation? Because this is so important, it was more important to talk about than the controversies that our City is going through. This is the business of the people and even the Mayor and I agree, and I'd say that's about the rarest thing that you will ever see, the Mayor and I agreed this substation needs to go forward now. So, I don't want to disrespect Mr. Fiebig's concerns, but I think that the contract is ready, and I think we stand to lose a lot more than \$1500 in legal fees if we don't show our commitment right now to moving forward

in developing the plaza. And I'll just close by saying I'm the Councilperson who lives closest to Loehmann's, the Shoppes of Willoughby Hills, even I'm doing it, the Shoppes of Willoughby Hills, and I want to see that plaza full and for our former Council President Somich, our District Councilwoman Janet Majka who live almost as close, they can walk there too, it's time to move forward. Thank you.

Councilman Fiebig: May I? I agree, yes, no lease is perfect, or no contract is perfect, and I do have good faith that we could do this and if it's the Council's wishes to move ahead, I don't think we have, you know, something that's going to put the project on hold if we were to wait for a review. But, again, if this is a body and no, my concerns were not given to you, and in your review, so when you said we gave the review, or the City reviewed this, that's not accurate. So, in the last two weeks, knowing that this was on second reading, that's why I went ahead to fully review it and even on my own, seek out an attorney with experience with this type of thing. So, it's my hope that if I would make that motion to do that review, would that motion pass, to you know, to direct, and oh by the way, I spoke with the Mayor last night, who said yes, he would be on board with having a real estate attorney review this and then be passed in two weeks. So, what I could do is make a motion to have Council appropriate funds for a legal review and then we can see if that motion passes. That would be an appropriate way to move forward, Madam President?

President Fellows: There's a motion from Councilman Fiebig on the floor, for Council to appropriate funds for legal review of the substation, Police Substation contract.

Councilman Fiebig: Can I have a second?

President Fellows: Motion fails, for no second.

Councilman Fiebig: Okay.

President Fellows: A couple of other things under Unfinished Business. Well, does anybody else have something for Unfinished Business that they want to touch base on?

Councilwoman Majka: Madam President. I know that this could wait until the discussion on the passing of the ordinance, but just since we're on the topic, I just agree, whole heartedly, 100%, with the substation. As the individuals have said tonight, it's been a lot of years of discussion; a lot of waiting, and waiting. There have already been substantial delays, I'm sure Mr. Somich could speak to the timeline of just over the summer, how long they've been waiting. There's been a little miscommunication as to whether we were ready, if they were ready, and now we're finally on the same page and I really do not want to risk delaying to the point of where we're going to lose a business or any interest at all from a business. You would have to have been here in the City a lot, a lot, of years and living in the westside to know what's been happening there and how much we've lost there and the excitement and the optimism, we can finally see something happening up there in that corner. I don't want to risk losing it. I'm satisfied that things have been looked over by the owner of the Shoppes of Willoughby Hills to his satisfaction, by his lawyer, that's good enough for me. For me, to wait longer would just be unnecessary. Thank you.

President Fellows: Thank, Councilwoman Majka. I was just going some of the notes from the people from Public Portion, and Linda Covert, to your point, the reallocation of funds for more firefighters, more policeman and roads to be paved this year resulted in some of the elimination of fulltime and part-time positions, but that is still in litigation. And the Community Center, we have a Community Center Recreation Coordinator that is employed. She's been there three weeks; Judy Kincaid is her name.

All right, the other part of Unfinished Business is the WHISPER Report that we have on our agenda.

Councilwoman Pizmoht: Madam President. As you see on the agenda, we have the WHISPER Report here and I will just go right at it and read it and it will explain itself, I think because it references why it happened and all that stuff, so:

WHISPER REPORT

October 23, 2018

On February 8, 2018, Council passed Ordinance 2018-11, suspending the Willoughby Hills Isolated Seniors Program for Everyday Relief (WHISPER) fund pending an investigation of the program. Here are the results of that investigation, which have been reported to the Bureau of Criminal Investigation, State Auditor's Office, and Lake County Job and Family Services on the recommendation of the County Prosecutor, Charles Coulson.

KEY FACTS

- The Mayor's Administrative Assistant, Gloria Majeski, and Councilman Chris Hallum among others affiliated with the City of Willoughby Hills appear to have personally profited from their involvement in WHISPER.
- Gloria Majeski appears to have had a history of profiting from her relationship with isolated senior *before* establishing the program.
- Gloria Majeski, in founding the program and becoming sole administrator of it, gave herself unfettered access to a highly vulnerable population, including multiple seniors' bank accounts.
- Gloria Majeski appears to have facilitated a WHISPER participant's divorce using attorneys affiliated with the City and then became the man's legal guardian. She also may be a beneficiary in his or other participants' wills and estates.
- Gloria Majeski has received multiple cash payments from WHISPER funds.
- Gloria Majeski received at least \$24,000 in cash reimbursements from the City that have yet to be substantiated.
- Chris Hallum appears to have a history of acting as a real estate agent for sales of property through WHISPER or other matters in which the City is involved.
- Mayor and Safety Director Robert Weger appears to have failed to oversee Majeski, Hallum, et al and afforded these and other employees and officials the opportunity to take advantage of this vulnerable population for their personal benefit.
- Mayor Weger attempted to remove council Members from office citing their vote to pass Ordinance 2018-11, which suspended the WHISPER fund.
- Weger's actions appear to be retaliatory, motivated by his desire to shield WHISPER from scrutiny, and to retaliate against the Council Members who questioned this program and threatened to uncover these apparent abuses of power.
- In line with recommendation of County Prosecutor Charles Coulson, this report has been referred to several law enforcement and government oversight agencies for further investigation.

RECOMMENDATIONS

Because of the appearance of impropriety and possible criminal activity on the part of City employees and officials related to the WHISPER program, it is recommended that the entire WHISPER program remain suspended in the interest of protecting seniors in Willoughby Hills. It is recommended that the City, including all current and former employees and officials, cooperate with law enforcement and government oversight agencies for further investigation of WHISPER. Anyone with information about possible improprieties related to WHISPER or any matter of suspected elder abuse should call the Willoughby Hills Police Department at (440) 942-9111.

FINDINGS OF FACT

In 2009, Mayor Weger and his executive assistant Gloria Majeski established WHISPER, the Willoughby Hills Isolated Senior Program for Everyday Relief. It was purportedly inspired by the City's Fire Department's discovery of an elderly resident who was living alone in a house with no working plumbing and in need of other major repairs. To address this man's predicament, the United Way sponsored a Day of Caring, where volunteers made the necessary improvements to his home. [EXH A]

Weger and Majeski announced that the WHISPER program would extend these types of services to all seniors in need through an all-volunteer workforce and with all materials or expenses funded solely through donations. Majeski reported she was the program administrator. [EXH B]

Also in 2009, the City council passed an ordinance establishing a WHISPER fund. [Ordinance 2009-10] Until 2018, no other legislation establishing, defining, limiting, or otherwise regulating WHISPER was introduced. In the City's budget, WHISPER expenses were oddly categorized as "Capital Improvement". [EXH C]

Weger and Majeski actively solicited donations, claiming "**ALL** contributed funds are to be used to carry out the mission of assisting those in need." [EXH D] Majeski solicited donations from individuals as well as organizations like the Cleveland Clinic, who sponsored an annual 5k that raised money for WHISPER. [EXH E]

LACK OF OVERSIGHT AND FALSE CLAIMS

Upon a cursory review in 2017, it appeared that neither Weger nor anyone else in his administration established guidelines or rules for the administration of the WHISPER program, and there were no mechanisms for accountability or oversight. Further questions were raised, when, after the 2017 Council elections in which Majeski was an unsuccessful candidate, at least two residents advised Council Members that they felt they were denied services they were once provided because they did not support Majeski in her bid for a Council seat. Finally, it became clear further investigation was warranted when Majeski either failed to adequately answer questions about the program and its administration or reacted disproportionately defensively to simple questions about the program.

For instance, at the January 25, 2018 Finance Committee meeting, a Council Member asked the Finance Director for details about an abnormal entry on a recent purchase order report. The entry indicated the City created a purchase order for a payment to local business, New Moons Rising, Inc. for "WHISPER Donation for Therapeutic SR Gardening". [EXH G] At the meeting, Finance Director Brichacek said he didn't know any details about the payment and suggested the council Member contact Majeski. [January 25, 2018 Minutes]

After the meeting, Brichacek emailed Council a copy of the purchase order. Majeski then sent an email replying to all:

Frank: Thank you for sending this to Council for clarification. I planned to do it first thing this morning, but came in to your email.

The point I wanted to make was that this was not a donation, but rather payment to provide transportation to many seniors who can take advantage of New Moons Rising opportunity for Art Therapy at a WH business site. Studies show that Art Therapy is very helpful in seniors in that it promotes self-expression, facilitates socialization and communication, reduces boredom, improves motor skills, cognitive skills and intellectual stimulation, as well as decreased stress and depression. I could not imagine that anyone, young or old, would perceive this as an expenditure that would not be worthwhile. Council President Fellows previously requested voucher cards for seniors to provide transportation through Lake Tran. I would imagine this could be perceived in the same manner, but enables many more individuals, while promoting a WH business site.

[EXH H] Majeski's odd and defensive response coupled with an expenditure that was not in line with the stated goal of the program, a Council Member submitted the following records request to Majeski:

I'd like all the following documents for WHISPER from its inception to the present:

Detailed documentation of all services rendered:

Including: Name, address, age, date of service, services provided, name of volunteer providing service, expenses paid

All resident applications requesting services

Any documentation related to application approval or denial

Any documents detailing eligibility requirements:

Definition of "senior"

What criteria is assessed when making determinations if someone is eligible for services

Is there an appeal process if denied? If so, what is it?

Report of all donations or contributions: name, date, amount

All volunteer applications

All information related to how volunteers are selected and vetted

[EXH F] Majeski acknowledged receipt of the request the next day, but did not submit any documents responsive to the request at that time. Council Members were concerned enough about the level of access to vulnerable seniors and the lack of oversight that at the February 9, 2018 council Meeting, Council passed Ordinance 2018-11 which suspended the WHISPER fund pending an investigation. During debate, a Council Member articulated all the questions that needed to be answered about the WHISPER program to ensure the safety of the City's seniors and that the City itself was protected from excessive liability risk:

I definitely think that is merely a suspension of the program until some serious questions are answered. In fact, I have written out two and a half pages of questions that I have about the program that I feel need to be answered before I feel that the program, I would be comfortable with the program in terms of City liability, in terms of fairness, and transparency, and accountability.

I want to know exactly what services are offered?

Who is eligible for the services?

What is a “senior” for the purposes of the program?
Is it for all seniors? Is it only for isolated seniors?
What does isolated mean?
And if so, which seniors get the program?
How do you determine eligibility?
What if a resident dispute a denial of service, is there a repeal procedure?
How is the program monitored?
Are there performance standards for the program? For administrators? For volunteers?
What records are kept?
Are the people administering the program qualified to identify and address the needs of isolated seniors?
What are the necessary qualifications under the program rules?
What are the best practices that other governmental programs for senior use?
Are there procedures to elevate cases that necessitate fast intervention?
Should City employees or volunteers have access to the elderly’s finances?
Medicine cabinets? Personal property?
What are the requirements to volunteer?
Are there background checks done?
What access do volunteers have to the participants’ lives and their homes?
Are the volunteers trained?
Are they supervised?
Is there a code of conduct for volunteers?
What are the sources of the WHISPER fund?
Is it only donations?
Are there recycling proceeds (I read that)
Are employees working in the WHISPER Program on the clock?
What does WHISPER provide that the Lake County Council on Aging does not?
Is it possible that anything that is overlapping with the Council on Aging could be scrapped from the program and we limit the program to just filling the gaps?

[2018-11 and February 8, 2018 Minutes] Majeski’s response to the passage of Ordinance 2018-11 was an email to the Mayor and Council:

With last night’s passage of Ordinance 2018-11, please be advised that I have suspended all tasks performed by the WHISPER Program until further notice. Automatic funding that we had anticipated as well, (bequeaths and 5K donations) will be suggested to be redirected as well until legislation is passed to take the program off “hold.”

I would suggest that wedding donations and Abitibi funds that normally go directly into that fund be reconsidered for reallocation to make the funds more readily available if the account is tied up for any length of time for the Council inquisition. Let me know how you want to proceed on that.

[EXH I] On February 14, 2018, Majeski supplied her first substantive response to the Council records request with one document: the expense and revenue reports for WHISPER. The report did little to assuage the concerns of council Members. [February 22, 2018 minutes.] It took eight weeks from the original request for Majeski to supply a few more documents. In total, Majeski’s responses to the initial public records request were, at best, evidence of severely inadequate recordkeeping. [EXH F]

However, it appears records were either withheld or improperly destroyed. In May of 2017, Majeski accidentally attached a WHISPER application to another document she gave to the Council Clerk. She also accidentally gave the Clerk a personal volunteer hour form on which Majeski documented time she spent on

WHISPER [EXH HH] Majeski was paid by the City for her time doing WHISPER activities. [EXH B] Neither of these documents was provided to Council in response to the January 2018 records request.

A resident requested WHISPER records several years ago. Majeski charged her \$.25 per sheet and printed out each and every WHISPER “deed” in large print on one piece of paper in what appears to be for the purpose of running up the bill. [EXH II] This resident submitted the records provided to her by Majeski to Council in the summer of 2018. Majeski did not provide any of these documents in response to the January 2018 records request. The “deeds” reported in these records also indicate that Majeski had access to several seniors’ bank accounts and other sensitive information that are cause for concern for the safety and well-being of the City’s senior as well as for the risk of liability to the City itself.

Some of the documents that Majeski submitted to Council in response to the January 2018 records request contradict Majeski’s claims about the program. For instance, the schedule of WHISPER revenue that Majeski provided on February 14, 2018 showed that the program was not exclusively funded by donations as she and Weger often boasted, but that City funds were indeed used for the program [EXH J].

Additionally, rather than an all-volunteer work force, many local contractors were paid from the fund to perform tasks that appear to be favors for chosen residents – like cosmetic enhancements to homes, computer repairs, moving expenses – rather than “everyday relief” tasks meant to keep isolated seniors able to live independently at home [EXH K and EXH L]. Moreover, a large proportion of payments out of the WHISPER fund were payable directly to Majeski herself. [EXH K]

According to one employee with knowledge, Majeski and Weger ordered City employees to do favors for senior residents while on the clock for the City, like removing old appliances or electronics from seniors’ homes and taking them to the dump.

QUESTIONABLE ACTIVITIES PUTTING SENIORS AT RISK

While Majeski did not submit them in response to the records request, she uploaded annual “Deed Reports” to the City’s website. A review of these reports also indicate that Majeski had access to some senior resident’s bank accounts among other things that were of concern.

Majeski self-reported numerous concerning entries about helping residents with vague “legal issues”, as well as things like will preparation, car rides to appointments, and help with voting. In Majeski’s 2012 WHISPER Deeds report, she said “paperwork was filed” for an 80-year-old woman to “receive her Railroad Pension”. In a 2012 Plain Dealer article, Majeski is reported to claim to have helped an elderly woman with her finances who was unaware she was eligible for social security and then experienced a windfall when Majeski found 30 years of uncashed paychecks from the woman’s career working for the railroad. [EXH M and EXH L]

A City employee with knowledge reported that this woman’s name is SENIOR 1 and that he or she witnessed Majeski with this woman’s checkbook in her office at City Hall. Majeski also reported that SENIOR 1 made in-kind contributions of postage stamps and envelopes to her 2017 City Council campaign. [EXH Q]

In 2015, Majeski reported she helped an elderly resident of Trailard Drive displaced from a spring flood. Specifically, she said, “[w]e assisted him to file insurance claims, receive assistance from Red Cross, paid for shelter for one month while we searched for a new place to live, facilitated his acquisition of used furniture...moved him to his new apartment, assisted with bill pay education and budgeting and helped him seek legal advice to facilitate the sale of his home.” [EXH L]

Looking at sales records, the house at 2403 Trailard belonging to SENIOR 2 was sold in December of 2015 for \$25,000 to 20/20 Rehab, LLC. [EXH N] The home and riverfront property at 2403 Trailard is valued around \$100,000. [EXH O] 20/20 Rehab, LLC was formed by John Scott Barich. [EXH P]

A search for the real estate listing produced a listing from City Councilman Chris Hallum's real estate agency and says, "please contact Willoughby Hills Flood Pain Manger, Fred Wyss for details." [EXHB R] Fred Wyss was the City's Building Inspector, the head of the City's Building Department, at the time of the listing. A photo taken by a resident in July of 2015 shows a for sale sign withy Hallum's [picture, name and contact information in the front year. [EXH S]

The "legal help" that WHISPER provided may have been SENIOR 2's divorce. A search of court records shows that, between the March 2015 flood and the December 2015 sale of the home, SENIOR 2's wife filed for divorce. Apparently, the couple had no children. [EXH T] SENIOR 2's attorney was the then Willoughby Hills Law Director Tom Lobe's associate, Todd Cippollo, who was also at that time working as the City's Mayor's Court prosecutor and occasionally filled in for Lobe at Council meetings. SENIOR 2's wife's attorney was Stephanie Landgraf, who is one of six attorneys working for the Willoughby firm Wiles and Richards. Another one of the six Wiles and Richards attorneys is Willoughby Hills City Prosecutor Michael Germano. [EXH U] SENIOR 2's divorce was granted in May of 2016, less than five months before SENIOR 2's wife died in hospice care. [EXH V]

Ten months later, in August 2017, Majeski petitioned the Lake County Probate Court to become SENIOR 2's legal guardian citing incompetency. [EXH W] The City of Willoughby Hills paid for the background check she submitted to the Probate Court. [EXH X] Majeski was granted the guardianship, including access to SENIOR 2's finance. [EXH W] It appears from the docket that Majeski was compensated by SENIOR 2's estate, so it is possible that Majeski was paid by both SENIOR 2's estate and the City for the same hours.

On February 22, 2018, Ordinance 2018-10, an ordinance hiring a forensic auditor to review the excessive reimbursements to Majeski among other matters, went into law. [2018-10] On the very next day, February 23, 2018, Majeski petitioned the Lake County Probate Court to transition SENIOR 2's guardianship to another person. [EXH W] According to one law enforcement source, while Majeski relinquished guardianship of SENIOR 2, she may still be a beneficiary or executor of his will.

Weger oversaw the use of City funds to purchase the home of a deceased WHISPER recipient. In 2011, Majeski reported WHISPER's crowning achievement for the year was helping an elderly woman with a "major clean up [of her] home and to have items transported to the church to be donated or to trash." [EXH L] A resident named SENIOR 5 who lived at ADDRESS passed away in December of 2010. In November of 2011, the City purchased the SENIOR 5 property for \$80,000 via ordinance 2011-58. [2011-58]

CONCERNING PATTERNS

Another concerning aspect to WHISPER relates to a pattern in which Majeski personally and financially benefits from her relationships with unrelated isolated seniors, like SENIOR 2, who have no surviving children.

In May of 2007, SENIOR 3, age 86, designated his neighbor Majeski as the trustee of the SENIOR 3 Trust. [EXH Y] In March of 2008, SENIOR 3 died and Majeski inherited his home. [EXH Z]

In November of 2007, SENIOR 4 of Euclid, Ohio then 85, designated Majeski as the executor of her will. [EXH AA] SENIOR 4 is Majeski's husband's aunt and had not surviving children of her own. SENIOR 4 died at the age of 93 in a nursing home in Mentor, Ohio where she was being treated for Alzheimer's disease. [EXH BB] The only asset that went through probate was an annuity and Majeski was the beneficiary. The amount of the annuity was \$33,260.77 payable over five years, or 6,652 a year for five years. [EXH CC]

Beginning in 2016, Gloria's sister-in-law, Joanne Majeski, who's husband is Gloria Majeski's brother, announced that a trust, called the SENIOR 4 Family Charitable Remainder Unitrust, was donating \$2500 to WHISPER and \$2500 to Willoughby Hills Corn Fest, Inc., a corporation solely owned by Gloria Majeski and not affiliated with the City of Willoughby Hills [Dec. 8, 2016]. Joanne Majeski claimed that SENIOR 4

personally loved WHISPER and the Willoughby Hills Corn Fest. In 2017, just three weeks before the City Council elections, in which Gloria Majeski was running for an at-large seat, Joanne Majeski once again came to a Council meeting to declare this gift to WHISPER and Corn Fest [Oct. 12, 2017 Minutes]. On September 27, 2018, Joanne Majeski once again came to a Council Meeting to discuss the bequest, but claimed the amount was between \$2500 and \$3100 and claimed the City might not be entitled to the funds because the suspended the WHISPER program. No motion was made of the Corn Fest bequest at the September 27, 2018 meeting.

Hallum also has a history of appearing to personally benefit from his office. In 2015, a wrongful death suit was brought on behalf of the children of a victim of a murder in Willoughby Hills. The plaintiff's attorneys included Landgraf and Michael Lucas a partner at Wiles and Richards. [EXH U] The plaintiff's attorneys motioned to appoint Hallum as real estate receiver for the family's home. [EXH JJ] While this tragic situation is not related to WHISPER, in conjunction with the SENIOR 2 case, this case creates the appearance of a concerning pattern wherein Hallum personally profits from his office.

QUESTIONABLE FINANCIAL PRACTICES

Besides potential improprieties related to her access to the City's vulnerable senior population, Majeski also used WHISPER for questionable financial activities. Since the beginning of her tenure as an employee of the City of Willoughby Hills in 2008, the City has paid Gloria Majeski almost \$24,000 in cash reimbursements from the WHISPER and other City funds, allegedly for expenditures she personally made on behalf of the City. [EXH DD] The City's Finance Director Frank Brichacek and Mayor Weger have allowed these cash payments of City funds to Majeski despite Section 115.05 of the City's Administrative Code which designates the purchasing policy of the City which is limited to City credit cards which are available.

Furthermore, when the Council Clerk submitted a resident's records request to Brichacek asking for the receipts or other records substantiating these reimbursements on September 22, 2017, Brichacek failed to comply with the records request.

On October 3, 2017, Brichacek submitted a schedule of reimbursement payments the City made to Majeski and said about the supplying the substantiating documentation for these reimbursements:

As the list is made up of approximately 170 checks, many of which are stored in dead storage and will have to be retrieved, it will take quite a while to assemble the records that you are requesting without it taking a considerable amount of time and incurring significant overtime expense. If possible, I would hope to avoid that.

On October 5, 2017, the Council Clerk reiterated the requestor wanted the supporting documentation. There was no response from Brichacek to this email and the council Clerk followed up on January 29, 2018 and stated that the resident requestor was waiting and that Council Members also wanted to review the documents. There was no response to this email, so the Clerk once again emailed Brichacek about the records request on March 12, 2018.

Finally, on March 13, 2018, Brichacek responded:

I was just going to update you on this. We just finished pulling all of the records that were requested. It amounts to about a one-foot stack. I estimate that it is about 2,000 pages of copying (which at 5 cents per page will be \$100 per request). Since we were not asked to do the record pulling or copying on overtime, Sharen will be doing the copying in between her other duties.

By the way, do you know who the requestor is and if you do, who is it?

The Clerk responded on March 14, 2018 that the requestor wanted the documents in electronic format and wished to remain anonymous as allowed by Ohio law.

Brichacek responded:

The charge will still be approximately \$100.00 plus \$1.00 for each disk produced. In order for us to transfer the information to a disk, each record must first be copied, then a PDF file will have to be created and then the PDF files will have to be transferred to a disk. This will be very time consuming for us. As the ORC allows the City to charge the cost of copying the record in the format being request, this would include the interim step necessary to create the disk.

Please provide me with the requestor's contact information so that I can notify them when the copies are available for pickup and what the final cost will be.

As of October 2018, Brichacek has not made the "one-foot stack" of records available for inspection or provided the disk to the anonymous requestor as required under the law. The first request for these records was submitted in September of 2017 and as of October 2018, no records have been provided. [EXH EE] Viewed in the best possible light, even if these reimbursements can be substantiated, if it is this difficult for the Finance Department to demonstrate they can be substantiated, then the competency of the Finance Department is questionable. At a minimum, these facts further indicate that the City's systems of accountability and transparency are severely inadequate and the City is being put at substantial risk of liability.

KNOWLEDGE OF WRONG-DOING AND RETALIATION

On December 19, 2017, Council passed an ordinance authorizing the acting Law Director to investigate potential Ohio Ethics Law violations of certain employees and officials and to file complaints as warranted. [2017-64] On January 5, 2018, an attorney who specializes in public corruption defense sent Council an email demanding the City pay for Majeski's defense and indemnify her. [EXH FF]

On October 3, 2018, Mayor Weger illegally attempted to remove six of seven Council Members. The only one he did not attempt to remove was Hallum. Weger cited several baseless grounds, including Council's passage of Ordinance 2018-11 which, which suspended the WHISPER fund.

NEXT STEPS

These findings have been submitted to law enforcement agencies, including but not limited to the County Prosecutor's office. Upon review, County Prosecutor Charles Coulson recommended the WHISPER program be thoroughly investigated, referring the matter to the Bureau of Criminal Investigation, State Auditor's office and Lake County Job and Family Services. [EXH GG]

I just want to add that I do think the idea for this program is a good one. I think that may be in the beginning it was intended to be a good program. I think that from my research, it looked like it was much more well run in the beginning. There were a lot of volunteer organizations being utilized. There did seem to be more records being kept. It did seem to be more organized, but I don't know what happened over time. Something happened over time where things just got a little "loosey-goosey" here and we're where we are right now. I also want to add that a lot of good things have been done, I know that it's helped a lot of people and I think that part of it is great; sometimes, there are good things about something but there is also bad. The fact that at a minimum, the fact that it could look this bad; there's no accountability metrics, there's no guideline or standards that we can go to at this point, I think that is the problem in and of itself. The City shouldn't be having one person do whatever they want in administering a program.

President Fellows: Thank you, Councilwoman Pizmoht. We're taking the time to read that so that there would be clarity and understanding to it.

Vice President Plecnik: Madam President. I want to start by thanking Councilwoman Pizmoht for doing a great deal of research necessary to create the WHISPER report. You have to ask yourself why would Councilwoman Pizmoht give up so much of her time, her effort and her talent to serve her City when you're the bearer of bad news. Why the Council Members like Mr. Fiebig, Ms. Majka would vote to suspend a program that did do a lot of good things and certainly would result in some pushback. Ronald Reagan asked the same question, on the 40th anniversary of D-Day when he said, why would so many young men go to a beach where they knew the odds were that they were going to die. The reality of it is sometimes you have to do the right thing. It was never going to be easy to ask these types of questions. It's not easy to ask them now, but I have to agree with our County Prosecutor Charles Coulson at a minimum, this had to be referred to the State Auditor's Office, the Bureau of Criminal Investigation, and Lake County Job and Family Services. It's not my job or anyone's job on Council to determine guilt or innocence. We're not prosecutors, we don't put people in jail. It's our job to run City programs in a way that they are accountable to you, where the information is publicly available per the Sunshine Laws, where no one, no City employee, no City official personally benefits from those programs. And when it reaches the point where your County Prosecutor says that this needs to be referred for criminal investigation, it's well past the point that a City program should be run. This was a failure. I recognize and I thank those who worked hard to do the good deeds that were accomplished through WHISPER, but I can tell you that I was personally contacted by some of the residents who told me that they received services from WHISPER for years but when they refused to support the administrator of the program in her run for Council, they were turned down. That alone is unacceptable. You are entitled to support or campaign against anyone who sits at this dais or works at City Hall or across the street, it's your right. You can love, hate, support, campaign against anyone of us, but you're still a resident. You have exactly the same rights under a City program and the fact that I had people come to me and say that they were denied access to this program because their political beliefs didn't accord with the administrators in this City, that's absolutely wrong, it's unforgivable. I know these people, they're honest, good, they're true, some of them even work for the City themselves, but that's not the worst of it. The fact that we can't honestly tell you right here and now, where's every payment from this program were substantiated and legally, did anyone personally profit from it, the fact that suspension is raised and we can't give a direct answer because we don't have a full criminal investigation done yet. The fact that a criminal investigation is recommended by the prosecutor, that's bad enough. City programs should be held to the highest standard. You pay for each and every program, positions and salary. You're the boss and you deserve to have your public record requests answered. You deserve to have programs held to the highest standard, this is not a criticism of any individual person, but it's a failure of a program and I want to commend Councilwoman Pizmoht for her hard work on something that will never get her thanks. The bearer of bad news, the whistle blowers are never thanked except may be by one person, by me. This will be the one exception. I want to thank the Council people who were brave enough to ask the questions and vote to suspend the program because that was hard. They were literally fired by the Mayor "fired" by the Mayor because they were bold enough to ask some questions. I think that it's fair to say, that for the Mayor to try to fire Council because they voted to suspend a program pending an investigation and now the County Prosecutor agrees with Council and says at a minimum the State Auditor's office, the Attorney General's Bureau of Investigation and Lake County Job and Family Services need to research it, ladies and gentlemen, that's not a question of should someone go to jail, you tried to fire Council, now do you want to fire the County Prosecutor too? Do you want to fire the State Auditor's office because you have just as much authority to fire them as you do Council; as in none. And you have no right to make the statement that it's malfeasances to ask questions, that's the only reason you elect Council people. We're here to ask the questions for you, to represent you, to make sure that there's oversight of government programs. And thank God for the people on Council who cared more about our seniors than their own jobs. I don't care if the Mayor tries to fire me, I'm going to protect my neighbors. I'm going to protect the seniors that I live with and care about. I'm not here to criticize someone else, I'm here to say that our residents do have to come first. And I'm so grateful to the Council Members who are brave enough to stand up for those seniors enough they'll never get a thank you; they'll never get a 9% raise or a bonus, but they did the right thing. Thank you.

President Fellows: Thank you, John. Okay, legislation.

LEGISLATION

ORDINANCE NO. 2018-43 – 3rd READING

1st Reading: September 27, 2018

2nd Reading: October 11, 2018

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

Vice President Plecnik: Madam President. I would make the motion to adopt Ordinance No. 2018-43.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to adopt Ordinance No. 2018-43. Is there any discussion on the motion?

Vice President Plecnik: Madam President. I would just share, we heard from our City Engineer tonight that this is the City's responsibility, that it's in the best interest of our community at Stratford Place and that he believes it will ameliorate their flooding problems in that community and that's why I support this legislation.

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

President Fellows: Ordinance No. 2018-43 has been adopted.

ORDINANCE NO. 2018-44 – 3rd READING

1st Reading: September 13, 2018

2nd Reading: October 11, 2018

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

Vice President Plecnik: Madam President. This legislation is on 3rd Reading. I would make a motion to adopt Ordinance No. 2018-44. We're very grateful to our City Engineer and his entire firm for their hard work on our behalf. I think that they served us very well in many capacities and our residents, by and large, have come to know Peter as a friend. So, we want to keep you here.

So, I'll make a motion to adopt Ordinance No. 2018-44.

Councilman Fiebig: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to adopt Ordinance No. 2018-44. Is there any discussion on the motion?

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

President Fellows: Ordinance No. 2018-44 had been adopted.

ORDINANCE NO. 2018-46

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

Vice President Plecnik: Madam President. I would make a motion to waive the 3-Reading Rule on Ordinance No. 2018-46.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to waive the 3-Reading Rule on Ordinance No. 2018-46. Is there any discussion on the motion?

Vice President Plecnik: Madam President. I would just repeat what our former Council President Ray Somich shared with us today that there are many good businesses that are looking to come into the Shoppes at Willoughby Hills and we don't want to lose that window of opportunity. I recognize that this is a big step for the City, but I think that it's the right step and I think that we have to move now if we're going to be able to bring those businesses to Willoughby Hills and keep the businesses that we already have which is why I think this is exigent enough to move forward. I also believe that we've discussed this many more than three meetings even through this technically is only on 2nd Reading. The concept of a substation has been discussed for many years. Our Chief has told us that he has supported it his entire 18-year tenure. I know that I have discussed the possibilities since PNC Bank proposed it and I think that our residents have had sufficient time to weigh in as well, so that's why I support waiving the 3-Reading Rule to give Council an opportunity to consider this tonight.

Councilman Fiebig: Madam President. I'll just weigh in, not to beat the dead horse because I think it is dead, regarding waiving this, but I will vote no on this just because I do have concerns and you should vote your conscious all the time. I did have the opportunity to finally review the changes that you made and had some concerns. I don't believe that the concerns would be raised to the point where I won't support this because we're all in support, I believe, in this concept, but as we know, the four corners of a contract are where the rubber meets the road and to not have this reviewed by a City Law Director, by a Real Estate Attorney working on behalf of the City, I think is not the best path forward. So, I'll vote no on waiving this because I wanted two more weeks.

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

Motion PASSED.

President Fellows: The 3-Reading Rule on Ordinance No. 2018-46 has been waived.

Vice President Plecnik: Madam President. Motion to adopt Ordinance No. 2018-46.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to adopt Ordinance No. 2018-46. Is there any discussion on the motion?

Vice President Plecnik: Madam President. I would just want to say that we thank Mr. J. Scott Scheel for his investment in our community. We're excited to see the new businesses come to the Shoppes of Willoughby Hills. We thank our former Council President Ray Somich who is still our neighbor on the westside for the work that he will continue to do with the City to make sure that plaza flourishes and we most of all, thank our Police

Department because I know that they will dedicate themselves, they will redouble their efforts to the westside of Willoughby Hills as a new partner in that plaza to make sure that our businesses, our residents and our many new customers and jobs are safe.

Councilman Fiebig: Madam President. And to dovetail on that, I agree that this will be a positive development, working directly with the owner of that plaza, with Mr. Somich, with the Mayor, with the Police Chief, I believe that we've come to a very unique opportunity here in the City. We do have the option to get out of this lease, to get out of this arrangement within the first two years, so we certainly do welcome feedback from the community as we move forward. Is it a positive development? For example, there was some graffiti that was populated throughout that area. This is a good example of would a police presence down there stop that unnecessary vandalism on not only the businesses there, but the apartment buildings across the street, so this is the kind of thing that we're looking for. I know you can't use an metric to say has crime gone down, had these events not occurred, but I think feedback from the community since we are employing some of our City resources down there, not a lot, but some, so we need to get feedback from the community down there to make sure that this is going to be an effective use of the City's resources, but I'm in favor of this and have been all along, so looking forward to that next step. I'll be voting yes.

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

President Fellows: Ordinance No. 2018-46 has been adopted.

ORDINANCE NO. 2018-47

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

President Fellows: And this is on 2nd Reading.

Councilman Fiebig: Madam President.

President Fellows: This will stay on 2nd Reading.

Councilman Fiebig: The question was regarding waiving this. Is there an urgency based on...

President Fellows: No. I've spoken with Mr. Beck. There's no emergency.

Councilman Fiebig: So, there's not date....do we have a date for, what is it, November...

President Fellows: This has to do with payment and he has been paid most of this, it's just that the ordinance was at a dollar value we've just put it at an hourly rate. So, Mr. Beck has been paid, what Frank, like...

Finance Director: \$10,000.

President Fellows: Is there like \$700 left or something...

Finance Director: [inaudible] -----

