

City of Willoughby Hills

Regular Meeting of Council Minutes of October 26, 2017

Policy No. 2: All Council Meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened wherever possible.

The Regular Council Meeting was held on Thursday, October 26, 2017 at 7:00pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

Councilman Hallum moved to excuse Councilman Christopher L. Biro. Vice President Plecnik seconded.

President Fellows: Any discussion on the motion? I have not received notification nor has the Clerk's Office for his absence.

Councilman Hallum: Maybe you want to call him.

President Fellows: Any Councilman that cannot come to a Council meeting has the responsibility to either notify the President of Council or the Clerk's Office and I have not received any. There's a motion on the table to take a vote.

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

Motion PASSED.

President Fellows: Motion passes. Councilman Biro has been excused from this evening's meeting.

Others Present: Acting Law Director Stephen L. Byron, City Engineer Pietro A. Di Franco, Clerk of Council Victoria Ann Savage

Absent: Mayor Robert M. Weger, Finance Director Frank J. Brichacek, Jr.

CORRESPONDENCE

President Fellows: First order of business is correspondence. The correspondence is listed in the Clerk's office.

DISPOSITION OF THE JOURNAL

President Fellows: The next is the disposition of two journals. The first one is the minutes of the Regular Council Meeting of September 28th and the minutes of the Regular Council Meeting of October 12th.

Vice President Plecnik: Madame President. Motion to adopt the minutes of the Regular Council Meeting of September 28th.

Councilman Fiebig: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to adopt the Regular Council Meeting Minutes of September 28th. Any discussion on the motion?

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

President Fellows: The meeting minutes of September 28th have been adopted.

Vice President Plecnik: Madame President. Motion to adopt the minutes of the Regular Council Meeting of October 12th.

Councilman Fiebig: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to adopt the minutes of the Regular Council Meeting of October 12th. Any discussion on the motion?

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

President Fellows: The minutes of the Regular Council Meeting of October 12th have been adopted.

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR'S REPORT: There was no report given as the Mayor was absent.

FINANCE DIRECTOR'S REPORT: There was no report given as the Finance Director was absent.

President Fellows: The next order of business would be the Law Director's Report. Acting Law Director Steve Byron.

ACTING LAW DIRECTOR: I have no report.

President Fellows: Are there any questions for the acting Law Director this evening?

Councilman Fiebig: Madame President. Just to follow up to if there's been any information or any developments regarding litigation against the City? Or...

Acting Law Director: The legislation Ordinance No. 2017-75 has been drafted to address threats that have been received from the Mayor's legal counsel. And that's probably the appropriate time to discuss what the City's position would be on that matter.

Councilman Fiebig: Okay, that would be find. That's one of the reasons that we can go into executive session to discuss matters and strategies, so if you do wish to have us do that, please ask and we'll certainly make that motion to go into an executive session to discuss it. Thank you.

President Fellows: Thank you. Are there any other questions? Thank you, Steve.

The next one is the City Engineer's Report, Mr. Di Franco.

ENGINEER'S REPORT: Thank you, Madame President. The Pleasant Valley Bridge was closed indefinitely last week following a routine inspection by a consultant hired by ODOT. Our Street Superintendent Mark Grubiss has contacted a bridge contractor and will be meeting with him on Tuesday to access the situation and provide recommendations for repair. And that concludes my report.

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

Vice President Plecnik: Madame President. I would just ask, is there any anticipation on when we might be able to reopen the bridge. Because I can tell you when it snows it can be very difficult to exit the Pleasant Valley Road from the more easterly end to the road. And a lot of residents rely on the bridge to safely exit. So, do we have any sense, even a rough timeline?

City Engineer: Unfortunately, no. We need to meet with the contractor and a lot will be contingent upon his schedule.

Vice President Plecnik: Thank you.

Councilwoman Pizmoht: Mr. Di Franco. On September 14th at the meeting, you had mentioned that we didn't get any bids for the bridge because we didn't have enough appropriated. Do you think that we needed to have more appropriate to get a bid? Do you think that was the issue?

City Engineer: Um, that was one of the issues. We based our estimate on a small local contractor getting the project. And the feedback we received from larger contracts was that in order for them to mobilize from a further distance, the estimate was too low. The local contractor that we hoped would bid on the contract, just weren't interested. So, I think that we need to reevaluate if the City's willing to spend a greater amount to get larger contracts involved or if we want to take another route such as working with the County to hire a smaller contract.

Councilwoman Pizmoht: Did we, or have we had the same repair done in the past? Something similar?

City Engineer: Not that I'm aware of. At least not since I've been involved with this City.

Councilwoman Pizmoht: Okay. So, why did we choose that contractor for the amount to appropriate.

City Engineer: They were recommended by the County. The County uses them for their bridges. And they also are a certified contractor through the paint supplier who offers the warranty.

Councilwoman Pizmoht: Okay. And then the last question, who is...

President Fellows: This is, that project was for painting, correct? And now this is repair.

Councilwoman Pizmoht: So, this is a separate issue.

President Fellows: Correct.

City Engineer: Yes. However, our intent was to have the repair contractor piggyback on to the paint contractor because the paint contractor would have his scaffolding installed so we wouldn't have to pay for two contractors

to mobilize scaffolding. So, we were going to hire the painting contractor and while he had his scaffolding up, the repair contractor would be able to come in and make the repair.

Councilwoman Pizmoht: So, the hundred and ten thousand, the hundred and twenty thousand was for painting but not for, the repair is in addition to.

City Engineer: Correct.

Councilwoman Pizmoht: And do we know how much, about what that will cost?

City Engineer: Um, without the scaffolding, he gave us an estimate of around ten thousand dollars.

Councilwoman Pizmoht: Oh, okay. And do we have a contractor to do that?

City Engineer: It's this contractor that we're meeting with on Tuesday.

Councilwoman Pizmoht: Okay, great. Thank you so much.

City Engineer: But now the price that he's going to give us now will include the scaffolding. So, it will be more.

Councilwoman Pizmoht: Okay.

Councilman Fiebig: Madame President. And by more, I think your estimate to me was like eighteen thousand, approximately, maybe, give or take.

City Engineer: Yeah. I said under twenty.

Councilman Fiebig: Under twenty, right. Because we're paying for the scaffolding to be there. But, we weren't able to attract a bidder because of the small scale of that project. And I think, maybe after you know, what has it been, maybe fifteen, twenty years, we've owned that bridge; maybe we should revisit is it prudent for the City to be the owner of a bridge? When it's the only bridge that we have and it's not something that we're experts in and let's say, as a community. So, it might be prudent to look at that in Utilities and see if that's the right way to go. In the future, not this week.

President Fellows: And then, Mr. Di Franco, in terms of painting, that may become problematic in terms of the temperature, now.

City Engineer: Correct.

President Fellows: Okay. Thank you very much. The next is committee reports. Councilwoman Pizmoht, would you like to share information on your Recreation Committee?

COMMITTEES OF COUNCIL

Recreation Committee Meeting of October 23, 2017

Councilwoman Pizmoht: Sure. Okay. I called the October 27, 2017 Recreation Committee of Council meeting to order at 8:01p.m. to discuss security at the Maple Grove Grange. Specifically, any issues related to the implementation of Ordinance 2017-63 which was passed as a temporary security measure, and to begin the discussion on what to do with the Grange going forward.

I recapped a conversation I had with Police Chief Collins who said after a rocky start, where the Mayor initially gave the Police Department the wrong keys, he said dispatch now has the right keys and is having no trouble at all managing them. The only issue he was mildly concerned about was that the Mayor's office ordered the Police Department to send an officer to inspect the building daily, which isn't ideal for a department currently strained.

Councilman Fiebig had stated that Scout leaders are happy the keys are in dispatch and not in the hands of random people. He said he also heard from a Scout leader who said he was told to keep the thermostat extremely low and that he had to come two hours early for meetings to turn the thermostat up to heat the building before meetings. Both the issue with the police maintaining the building and this issue with the thermostat could easily be addressed by the administration with this feedback.

On the issue of the Scouts who are the only ones currently permitted to use the building at this time. I suggested we consider whether the ordinance is working for them or if we should consider any modifications to facilitate their use. I said that the implementation of the ordinance had a rough start because a week after the ordinance became law the police discovered that the Mayor had given the Police Department keys that did not work, which was only discovered after the police interrupted a Scout meeting because there was a report people were meeting at the Grange and no keys had been checked out. The Scout leaders had, to that point, not been advised of the new ordinance. I indicated that I heard from a Girl Scout leader that she moved her troop to a new meeting location and she said she believed all Girl Scout Troops had done the same.

Councilwoman Majka inquired whether the Scout leader left because of the ordinance and whether their move was temporary or permanent.

I related the email exchange I had between the Scout leader who first contacted Council because she was upset that Gloria Majeski called her late in the evening and demanded she turn the keys she had been given by Tom Majeski to the WH Police Dispatch immediately. She was very upset by this treatment and had no problem with checking the keys out from dispatch. I followed up with her before this Committee meeting and she indicated that this treatment was what caused her and others to move their troops.

Councilman Fiebig explained the history behind Council's involvement in the management of the Grange. He explained that Section 941 of our Administrative Code grants Council the power to set policies for public property through ordinance. The purpose of this provision is to make policies clear to the public and to ensure fairness to our residents in access to our properties. Councilman Fiebig detailed how he worked on public property ordinances when he was Chair of the Recreation Committee in 2008 and planned to do the same with the Grange, but the Mayor told him to leave the Grange out because he wasn't sure what he wanted to with it at that time. Until the cell tower issue arose in early 2017, there was no indication the Grange was being used for anything other than Boy Scouts or Girl Scouts. But then it was discovered that some people were using the Grange and had keys, while residents were being denied access. He said we need to decide what to do with it and asked me about insurance coverage.

I responded that the latest policy I've seen classifies the Grange as a "visitor's museum" which is not accurate. To know whether this was problematic we will need to contact the City's insurance provider. I also said we should inspect the deed to the property to make sure there are no restrictions. I asked the acting Law Director if he had any other legal issues we should consider before going forward and he said there weren't any at this time.

I said that I think we need a lot more public input before we could make a decision about the best use of the Grange.

Councilwoman Majka asked whether dispatch was ok with the situation and I responded that Chief Collins said everything was well and that he even drafted a policy and procedure for the Grange for dispatch that he hopes to use as a template for blanket policy for all the keys to public property managed by dispatch, like Campbell Park.

Police Dispatch Directive – 056 has been provided.

POLICE DISPATCH DIRECTIVE – 056

TO: All Personnel

FROM: Chief Christopher J. Collins

DATE: September 26, 2017

RE: **Grange Key Access & Control**

1. The purpose of this directive is to establish a police department procedure for key access and control for the Grange as established by Ordinance 2017-063 below:

***SECTION 1:** The use of the Maple Grove Grange, hereby known as the “Grange” shall be subject to the following regulations:*

- (a) The only organizations to be able to be on site of the Grange are the Boy and Girl Scouts of America;*
- (b) There shall be no overnight activities and/or sleepovers held in the Grange.*
- (c) No keys to the Grange are to be in permanent possession of any person. No exceptions.*
- (d) Key(s) to the Grange are to be signed out at the Police/Dispatcher Office with ID, date, time and purpose with a 24-hour limit for a key to be signed out at one time.*
- (e) Any repairs or alterations to the Grange shall require the proper building permits and must be done by licensed contractors registered with the City building department.*
- (f) Management of the property must be done by employees of the City under the supervisor and the approval of the Mayor.*

2. The Mayor’s Office provided the following names associated with the Boy Scouts and Girl Scouts who are authorized access to the Grange:

John Krauss, Scoutmaster, BSA Troop 562
Keith McClendon, Asst. Scoutmaster, BSA Troop 562
Michelle Henderson & Nicole Fiorelli, GSA 71000
Daniel & Tina Raush, GSA 71012
Aubrey Quinn, GSA 70320
Heidi Cameron, GSA 70938
Dawn Riffle & Marge Zieler, GSA 762
Willoughby Hills Fire Department – Key Box

3. There will be two Grange keys placed in the Dispatch Key Box numbered Key 1 and Key 2. The master key will be kept in the Mayor’s Office.
4. The Dispatcher releasing a Grange key will make a copy of the driver’s license of the person requesting the key and mark the following information on that copy: key number issued, phone number for that person, date and time issued and date and time returned. The copy of the DL will be placed in the Grange Key Release File for that year, i.e. 2017.
5. The Lead Dispatcher will create and maintain the Grange Key Access File.
6. Further, Mayor Weger has directed the police department to have an officer check the Grange **daily**. This will require officers to check the basement for water and make sure the interior and exterior of the building is safe and secure. The

security check of the Grange will be noted in CAD/RMS with a PD# Building Check number assigned as well as the officer conducting the check. This check will be conducted by an officer assigned to night shift.

7. All employees are responsible for complying with this Directive. Supervisors will ensure employees under their command are adequately trained, fully understand and comply with this Directive.

Councilman Fiebig asked if Police Dispatch now has all the keys for all the locks. I answered that they now do – there are two sets of three keys with Dispatch and Chief Collins believes that the Mayor has a third set.

I then opened public portion at 8:21 p.m.

Resident Frank Cihula asked if we were aware the Boy Scouts have moved their troops to Mentor.

Scout Leader John Krauss responded that they have not.

I asked Mr. Krauss if he's planning to move his troop to Mentor and he said he is debating whether to merge with another troop which would require a move to Mentor but hasn't decided yet.

Resident Jenna Bing wanted to know when the Boy Scouts meet at the Grange because she likes to play a game on her phone and there's a good spot to play that game in the parking lot. So, she doesn't want to disturb the Scouts when she does that. She also said that she'd really like the Recreation Committee to consider opening the Grange to residents for limited use for smaller gatherings. Finally, she said that it is imperative that we engage the Grange in whatever our plans are.

Resident Linda Fulton asked if the locks need to be changed again because we don't know who has keys. She also asked where the TV and the poker table went. She suggested the City better communicate the Grange procedures more clearly to the scouts.

Resident Sharon Samman said we should restore it and use it as a community gathering spot for small groups as the Grangers had before.

John Krauss said the Boy Scouts meet on Wednesday night from 7-9. TV still on the wall and there was never a poker table at the Grange. He and his co-leader turned in their keys to Dispatch. He said they sometimes go into the Grange during non-meeting times to get items out of storage in a closet that has a lock on it. He then asked why council gave him a memo asking for background checks for some of the Scout Leaders, but not others.

I asked Mr. Krauss when he received that memo and he replied about a month ago. I explained that the Mayor said he did background on people who had keys to the Grange at the Rules and Legislation Committee meeting and Council meeting in early September. I advised Mr. Krauss that Council does not have authority to send memos demanding background checks to anyone.

I asked Mr. Krauss how it was for him to pick up the keys from Dispatch and he said it was no problem at all.

Resident Tom Marsh said he has reviewed the deed back during the cell tower issue and it's a simple quit claim deed. He also said he's glad we're having hearings and discussing with the public about what the best use of the Grange is for the City. He wants to look at all the facts and make a good decision.

I closed public portion at 8:37 p.m.

Councilman Fiebig said Council did not ask for background checks and asked Mr. Krauss to send him the memo he received. He also said he doesn't think there should be a charge if we open the building to residents for limited use.

I suggested that going forward, we consider whether it would be feasible to rehabilitate the building to historic standards or the national registry of historic places and discuss our options with some outside groups or agencies who are experts on rehabilitating historic buildings.

Councilwoman Majka agrees with Councilman Fiebig that it would be nice to have limited events there for only Willoughby Hills residents, but thought it should be for a reasonable fee. She said she is sad that the Girl Scouts left and regrets that they felt the need to leave and reiterated they are welcome to come back should they care to.

We then adjourned at 8:42 p.m.

President Fellows: Thank you Councilwoman Pizmoht. Are there any questions for the Councilwoman on the Recreation Committee meeting?

Councilman Fiebig: One comment to add, Madame President, to Councilwoman Pizmoht's report which was very thorough, thank you. That was your first meeting, I think, wasn't it?

Councilwoman Pizmoht: My first committee meeting as Chair, yes.

Councilman Fiebig: And you did a good job. Because it's a complex issue to deal with public property. And we wanted to make it very clear that the Boy Scouts, that the Girl Scouts are always very welcome there. And that this policy that we had to implement was basically for their protection. I was there, in fact, a week ago, on Wednesday to help and assist with one of their merit badges was to meet with a local elected official to talk about their rights and responsibilities under our constitution. And I did ask a few of them, where are you from? And actually, a majority of them were from Mentor. There was one from Eastlake and I didn't know where the other young man was from. But, that's okay. They don't have to live in Willoughby Hills. But, I just thought it was important since you had mentioned that some of them were thinking about merging with Mentor. It's not that they're being pushed. Some of them actually live in Mentor. So, in fact, the majority of the ones that were there that night, did live in Mentor. We've been sponsoring that as a City and we could perhaps look back into the records to see how that, what was the genesis of that and when that all started. I just wanted to reiterate that we never did at any time, you know, wanted the Boy Scouts or the Girl Scouts to leave. We don't want them to and the building is open to them. And they are welcome there. Thanks.

President Fellows: Anything else for Laura? Thank you. Are there any other reports or information that anybody wants to share on their respective committees?

OTHER COUNCIL REPRESENTATIVE REPORTS

President Fellows: The next order of business would be any other council representative reports this evening? Seeing none, I would entertain a motion to amend the agenda to address legislation at this time.

Councilman Fiebig: So moved.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to amend the agenda to address legislative issues at this time. Any discussion on the motion?

Councilman Hallum: Madame President. Why are we doing that?

President Fellows: Just because of the nature of the legislation, I'd like to put it into this slot at this time.

Councilman Hallum: Should, don't we normally let the public speak on the agenda in case they have questions with regard before we discuss legislation?

President Fellows: We do. But many years ago, we use to have public portion after legislation because people had questions about that. And then it got changed because Council didn't want to address questions about legislation. So, they put public portion above it. As I recall.

Councilman Hallum: Okay.

President Fellows: Any other discussion on the motion?

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

Motion PASSED.

President Fellows: The motion to address legislation at this time has passed. So, our first ordinance is number 2017-67.

LEGISLATION

Ordinance No. 2017-67 – 3rd READING

1st Reading: **September 28, 2017**

2nd Reading: **October 12, 2017**

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

President Fellows: This is on third reading. Mr. Brichacek isn't here this evening. I would, I don't want to make any assumptions; but, I would assume that he would recommend that we adopt this as this is actually mandatory. This will be the temporary budget for the first three months of 2018. We do it every year. It does have to be into the County by the end of December.

Councilman Fiebig moved for passage. Vice President Plecnik seconded.

President Fellows: I have a motion from Councilman Fiebig and a second from Vice President Plecnik to adopt Ordinance No. 2017-67. Any discussion on the motion?

Councilman Fiebig: Madame President. The only, perhaps change would be, probably a wash based on the Finance Director's email from a few hours back about how we received a refund from the Ohio Bureau of Workers' Comp in the amount of about sixty-six thousand (66,000). And the Fire Department received a grant. He also gave us an update on the OPENCHECKBOOK project. And said that it should be up and running, available for all citizens to look at some time next week. So, we're excited about that since we had asked him to do it in April of 2016. So, we're glad that's finally happening. But our Police Department is guarding the shooter from that incident at Classic Park, so we're accruing some overtime because of that. And now, I don't believe we know how long that will be. But that certainly will be, that refund that we got from, you know, from the Bureau of Workers' Comp is going to probably end up being a wash in our overall budget. So, this is still prudent to pass at this time. I don't think that it's going to be out of whack or anything like that. And we must pass it before the end of the year.

President Fellows: My communication with the Finance Director some months ago when I was looking to have this ordinance prepared, is that he said it would pretty much be what it was for 2017. And Councilman Hallum you had comment?

Councilman Hallum: No, I'm good.

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

President Fellows: Ordinance No. 2017-67 has been adopted.

Ordinance No. 2017-71 – 2nd READING

1st Reading: October 12, 2017

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

President Fellows: This ordinance is on second reading. This is mandated by their contract.

Ordinance No. 2017-72 – 2nd READING

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

President Fellows: This ordinance is on second reading. And I don't know if everybody has had an opportunity to review the packet for the individual that the Mayor wants to confirm. But, one thing that I did notice, and Councilman Hallum, if I remember correctly, after the Unity Day, you had made a suggestion that when the Mayor was looking for a Recreation Coordinator that he, you would hope that he would look for someone who that had some social media and marketing experience.

Councilman Hallum: Or at least, get the training for it, so that they would more...

President Fellows: So, I just want to say, on this individual's cover letter she says that she is proficient in Microsoft Office Tools and experienced in the event management system which was the scheduling software that the university used that she was currently employed at before she retired. So, it's just something to think about.

So, this is second reading.

Councilman Fiebig: Madame President. For further discussion and to review the other applicants, can I suggest that we move that into a Personnel Relations Committee or any other appropriate committee for further review and discussion.

President Fellows: Yes. But I will discuss that with the Personnel Relations Chairman.

Councilman Fiebig: Thank you. I just wanted to put it out there. Thank you.

Ordinance No. 2017-73

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.

President Fellows: This is first reading. But, I can't find my note. I wanted to share with all of you that after we had received this information from Gloria, on October 18th, that I called the insurance company because the information that we received had the renewal date for the last year, the third year of this contract to be October 1st

and now it was October 18th. In the course of the conversation, the individual shared with me that they sent the information to the City for their renewal application for this last year of the contract on August 18th. And that the City did not respond back to them until September 28th. And so, by the time they got all their ducks in a row, and sent everything back to the City it was October 17th. And in Gloria's memo, if I can quote it correctly, she said "I'm sending this to you because this is when we just got it back". But there was a very long lag time. One of the questions that I had asked the insurance company was could they send their notice to Willoughby Hills administration in July instead of August. This Council has had a lot of information shared by residents about suspending three-reading rules. We have had a week to review this. We have to pass this. The renewal date for this last year was October 17th, it is now October 26th. So, we have no opportunity to put it into committee to review it, to ask questions. And I think administration needs to be a little more proactive on the duties of some of the City's things that we need to have, such as insurance, so they can do their job and Council can do our job efficiently as well. So, I just wanted to share this information with all of you since I had called the company.

Any other questions? Then I would entertain a motion to waive the three-reading rule.

Councilwoman Pizmoht moved to suspend. Vice President Plecnik seconded.

President Fellows: I have a motion from Councilwoman Pizmoht and a seconded from Vice President Plecnik to waive the three-reading rule on Ordinance No. 2017-73. Any discussion on the motion?

Vice President Plecnik: Madame President. If I could just say, it's obviously imprudent for the City to continue without insurance, so, I concur with your conclusion that we have to pass this legislation tonight. While it would have been ideal to have more time to review it. We need to make sure that our City is properly insured.

Councilwoman Pizmoht: I just have a question. When we sign on for the renewal of this policy, will we be able to make any changes to it after that? Because when I was reviewing the insurance policies for the Grange, like I had said, the classification for the Grange is something that was a little bit of a concern to me because it's not quite accurate to call it a "visitor's museum". That's not quite how it's being used. So, I'm concern that at least as it comes to, as a, you know, with Girl Scouts and Boy Scouts using it as a meeting hall basically. Calling it a "visitors' museum", it's not quite being used for that purpose and I want to make sure that it's covered. All the activities are covered there.

Acting Law Director Byron: We would have to take a look at what the policy said. It's not uncommon to change coverages mid-term. It will have an impact on rates often times. So, unless there's something in the policy, that you take a look at, that takes that away, you'll probably be able to get changes mid-term.

Councilwoman Pizmoht: Okay. Great. Thanks.

President Fellows: So, the motion is to waive the three-reading rule.

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

Vice President Plecnik moved for passage. Councilwoman Majka seconded.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to adopt Ordinance No. 2017-73. Is there any discussion on the motion?

Councilman Hallum: I do want to say that I had a conversation with Gloria Majeski about this. And perhaps part of the reason the delay is initially the renewal that they sent us was like a seventeen percent (17%) increase. And so, there were some negotiations with her investigating with what other cities were seeing as an increase and

who they were using. And she was able to get them down to, I think, a seven percent (7%) increase. So, she basically, by doing some background checking and talking with some of the other cities she was able to reduce our increase from seventeen percent (17%) down to, I believe, seven percent (7%), if, I'm not mistaken. So, that could be part of the reason why there was a little bit of a delay.

President Fellows: And that may be, but if, then we need more time to do that then we need to back up the progress a little better.

Councilman Hallum: I'm sure that she couldn't have done theoretically better than seventeen percent (17%).

President Fellows: I think it's important that, you know, Council studies this issue in committee after the first of the year and work collaboratively with administration since we'll be writing a new contract. And if it's with this company or another one.

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

President Fellows: Ordinance No. 2017-73 has been adopted.

Ordinance No. 2017-74

An ordinance engaging the legal services of Todd D. Cipollo Co., L.P.A. to perform prosecution work in the Mayor's Court of the City of Willoughby Hills; repealing conflicting legislation and declaring an emergency.

President Fellows: Our Acting Law Director had an opportunity to review the process of the Mayor's Court last week and came back with some information and a memo to the Mayor that he's stating interest in maintaining the efficient operations in the Mayor's Court that Mr. Cipollo be retained to handle the Mayor's Court duties and that his compensation be formally approved by Council. So, that's the purpose for this ordinance.

Councilman Fiebig moved to suspend. Councilwoman Majka seconded.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to waive the three-reading rule on Ordinance No. 2017-74. Is there any discussion on the motion?

Vice President Plecnik: Madame President. My understanding is that the reason why this requires immediate action is that Mr. Cipollo has been performing the duties of our representative in Mayor's Court for some time. And given that the Mayor's spending authority is limited to two thousand dollars (\$2,000), for him to continue in this service he needs to have it formally approved by Council. But, this isn't a change, Todd Cipollo is the attorney who has been handling these issues and he will continue to do so. At the same rate of pay.

President Fellows: The motion is to waive the three-reading rule.

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

Councilman Fiebig moved for passage. Councilwoman Pizmoht seconded.

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

President Fellows: Ordinance No. 2017-74 has been adopted.

Ordinance No. 2017-75

An ordinance retaining the Acting Law Director Stephen L. Byron and the Law Firm of Walter | Haverfield, LLP, to represent the City of Willoughby Hills and any public officials of the City in any litigation challenging the validity of Ordinance No. 2017-70 and declaring an emergency.

President Fellows: I would ask the Acting Law Director, Mr. Byron to give us a little background on this.

Acting Law Director Byron: Sure. After Ordinance No. 2017-70 was enacted, I received a contact from someone who said that he was representing Mayor Weger and that they were going to be suing the City because in their view, the ordinance was invalid. I had put together a seven-page letter to this attorney explaining why, in my opinion, the Charter of the City of Willoughby Hills was complied with through the enactment of 2017-70 which vests City Council with the ability to enact legislation to set the manner of exercise of the municipal authority. And in this circumstance, there's no provision. What do you do if you don't have a Law Director? How does this City get the services of somebody to do that? In response to my communication, the lawyer for the Mayor, said that there's a AG opinion that says Council doesn't have this authority, or that authority, it's invested in the Mayor. The AG, the Attorney General in the State of Ohio, only issues opinions on Ohio Law. They issued these opinions back in the last '60's early '70's that a law director of a statutory city that does not have a charter cannot be appointed by Council. The problem is we're not a statutory city in Willoughby Hills. We are a Charter City. And we follow the charter. I have been presented with no authority contrary to what my position is based on the Charter of the City of Willoughby Hills and the ordinances of Council, that would support a law suit against the City of Willoughby Hills. I have put the lawyer on notice and presumably through him, Mayor Weger, that I think his opinion is wrong. And this ordinance walks through the thought processes on that. I think that it's a waste of time to go to litigation. If he has authority, that establishes the ordinance was improperly enacted, I want to see it. I want to see it before he tells it to a judge. That's how lawyers resolve conflict, without going to court. And so, my point would be let's have this in place. If somebody presents authority to me that what you've done is incorrect, I'll advise you of such. And I have provided you with the back and forth correspondence that's from the lawyer. And you'll note that there's not authority for what he is saying. He is making, in my opinion, empty threats against the City and it could cost the City money. And in furtherance of the action of the City, I would recommend that Council adopt this and because there has been no authority presented that would indicate that the Mayor, or whoever, would file a charge would have a case. That we try to seek frivolous misconduct sanctions against the other attorney and whoever he is representing because he would be costing the City money with no valid legal claim. So, that's the purpose behind this ordinance.

Councilman Fiebig: Madame President. Given the nature then of this then and the threat of lawsuit, I move to waive the three-readings for 2017-75.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Vice President Plecnik to waive the three-reading on Ordinance No. 2017-75. Is there a discussion on the motion?

Councilman Hallum: Just a question, Madame President. Is this something that if something did, where we needed to act that we could then go back, I'm just wondering if we're putting the cart before the horse if we don't actually have anything at this point. Wouldn't this be something we could easily adopt at some later date should the need arise?

Acting Law Director Byron: The concern would be if some action were taken that requested a temporary restraining order you would want to be able to have the City's lawyer respond to a request for a temporary

restraining order. And that could happen at a moment's notice without the ability to call a special meeting of Council. So, this is the proper prophylactic action taken.

Councilman Fiebig: The question that Councilwoman Majka asked me, is this an appropriate time to talk about this? This is a discussion for should we waive the three-readings...

President Fellows: We do this all the time.

Councilman Fiebig: That's okay because it's...

President Fellows: We have motions on the table, the motion that's actually on the table is just to suspend the three-reading rule. It's not on the discussion of the topic of the ordinance.

Councilman Fiebig: Correct.

President Fellows: And the, but I usually let that go because those are the questions that are coming into people's heads at the time, and they crisscross over each other but, so there's validity both ways and the information comes out which is important.

Councilman Fiebig: But, for our new council people, then and perhaps anybody in the public should know that's the order of business according to Robert's Rules of Order. And that's why there's an orderly process to our council meetings.

President Fellows: Correct. So, the motion on the table is to suspend the three-reading rule. Is there any other discussion on the motion?

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

Councilman Fiebig move for passage. Vice President Plecnik seconded.

President Fellows: I have a motion from Councilman Fiebig and a second from Vice President Plecnik to adopt Ordinance No. 2017-75. Is there any additional discussion on the motion?

Councilman Hallum: Madame President. I've already stated my beliefs on what occurred with 2017-70 and as I still don't believe that it was proper, I am not in support of this.

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

President Fellows: Ordinance No. 2017-75 has been adopted. And the last piece of legislation is Resolution No. 2017-6.

Resolution No. 2017-6

A resolution congratulating Gabriel Gainar on attaining the prestigious rank of Eagle Scout awarded by the National Boy Scouts of America.

Councilman Fiebig: Madame President moved to suspend. Vice President Plecnik seconded.

President Fellows: I have a motion from Councilman Fiebig and a second from Vice President Plecnik to waive the three-reading rule on Resolution No. 2017-6. Any discussion on the motion?

Councilman Fiebig: Madame President. Mr. Gainar is going to receive this award prior to or just about near our next council meeting, so I just wanted to pass it before that if everybody's okay with that. Thank you.

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

Vice President Plecnik moved for passage. Councilwoman Pizmoht seconded.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to adopt Resolution No. 2017-6. Any discussion on the motion?

Councilman Fiebig: Madame President. I can attest for this young man who's a resident of our City, who's a fine upstanding individual who has certainly earned this meritorious award of Eagle Scout for the National Boy Scouts of America.

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

President Fellows: Resolution No. 2017-6 has been adopted.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies

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

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

President Fellows: The next order of business is public portion. This is an opportunity for individuals to come forth and ask questions or share concerns. You have three minutes. We ask that you provide your name and address for the record. This is not an opportunity to campaign tonight and this is not an opportunity to discuss political issues. That is not the forum that is appropriate in the Council Chambers this evening. That is what is being done outside in the community. So, I will open public portion at 7:41pm.

Ed McKenna – 2963 Lamplight Lane. I first thought of making this speech listing the actions that I thought Council has done incorrectly. And I remembered that I have three minutes to present, not three hours. Then I thought, the major actions are, then I thought that I would list the major actions that I thought Council did incorrectly. Again, I have three minutes, not three hours. I believe Council violated, so let me list the following. I believe that Council violated our charter numerous times. I believe that there's a question of the sunshine laws have been violated. I believe the three-reading rule has been abused. It was a low point for me when the Council asked for the law director's removal and tonight, as you just passed Ordinance 75, you're asking for the Mayor's removal. And that was kind of vaguely said and you just modified the legislation and the agenda to allow that to pass through without it being aware. You left that kind of vague. I believe it is also a low point when Council appointed an Acting Law Director in the middle of the night, a night when the Mayor was unavailable because he was in the hospital. He was in the hospital because two of our police officers were shot that day. Just as Council has had its low points for our City that, just as Council has had its low points, it was a low point for our City when this anonymous letter was mailed. I hope whoever sent this letter is caught and sued for slander. I hope that suit takes them for everything that they have including their home. They should be run

out of town. They do not deserve to be a Willoughby Hills resident. Lastly, since I have the public mic, I'd like to thank Rick Thompson for his military service and I'd like to thank his son for his military service.

Councilman Fiebig: Madame President. This is out of order. This is exactly what we talked about.

President Fellows: So, Mr. McKenna...

Mr. McKenna: I have a sincere thank you to any veteran. He's a veteran.

Councilman Fiebig: Madame President. We all appreciate his service in the military. But, this is exactly what we were talking about avoiding, campaign rhetoric. It belongs out in the street, talking to the public, not at a council meeting.

President Fellows: Councilman Fiebig, some individuals don't understand what that means.

Mr. McKenna: You're right, I didn't understand that was political talk. I thought it was just facts about Council...

Patty Hayes – 31451 Chardon Road. I apologize if I'm asking a question that I'm not suppose to ask. I too received the mailings and I'm not talking about that. I just have a question. I've worked in business all my life, and I'm trying to understand why the people are trying to unionize the secretarial position. I'm wondering, is there something that they're not getting. I mean, I'm reading about the benefits. I'm reading about the salary. I do not understand why someone is trying to form a union in this position. And I thought that maybe there's some insight as to what the reasons are. People don't usually ask for unions if they're satisfied with what they have. And I've read about all the benefits and the salaries, so I'm just a little confused. I'm just trying to understand.

President Fellows: We haven't finished public portion. We'll address that after the fact.

Michael Tyler – 2770 Worrell Road. Right here in Willoughby Hills where there is swimming pools and movie stars, Ohio. First of all, I want to apologize as I know all of you are very, very busy this time of year. However, I wanted to thank the individual that actually, I've been asking for the last five years to help me with Route 6. As we have seventy-two bumps going that way from 174 to Worrell Road and sixty-eight this way and they get worse in the winter time. And I wanted to let you know that one of you actually reached out to me and is actually doing something about it. I haven't been updated but I wanted to thank you. Thank you very much.

Tony Manfredi – 730 Pebblebrook Drive. I didn't come here tonight to criticize anybody. I came here to encourage. What I hear is rhetoric and it is not beneficial to this City. We're all members of Willoughby Hills. And when one member hurts and when one citizen hurts, we should all hurt. And I think what we all owe ourselves and each one here and in our City, is to go home tonight and search ourselves and ask ourselves are we really seeking for the betterment and the interest of the people of Willoughby Hills or are we trying to push our own agenda and be selfish in our thinking. So, think it through. And let's take a deep breath and settle back and use servility and commonsense to understand and to accept each other. Thank you.

President Fellows: Anyone else this evening? I will close Public Portion at 7:47pm.

UNFINISHED BUSINESS

Vice President Plecnik: Madame President. If this is the appropriate time to respond, I would like to first start by saying thank you to Tony Manfredi of Pebblebrook for his service in the arm forces. We're very grateful for what you've done for our County and for what you do for our City today. I'd also like to say, in response to the

question from Ms. Hays, if I'm pronouncing the name right, a Personnel Relations started work on the issues of clerical and secretary compensation back at the start of the term in early 2016. And the Mayor had purposed a pretty considerable raise for his secretary and many other individuals and we decided to do a compensation study, simply so that we could see what other cities were paying, get a sense of are we below, are we above, are we higher. We did the same compensation study for our part-time police and firefighters and many other positions. Simply an environmental scan to make sure that we're paying the appropriate amount, not too much, not too little. And when we found out that in the particular position of the Mayor's secretary, she was, if you compare to all the cities that surround Willoughby Hills, not only the highest paid, not only the highest paid by quite a bit, but the highest paid with far less years of service or experience, we decided as a Council that it wasn't prudent to give an additional raise to someone who was already so high on the scale. And in fact, the reason why the Mayor had come to Council is he had given his secretary so many raises, in fact, there were four years in a row where he had given her a five thousand raise each year that she was at the top of her pay scale and the only way that he could give additional pay raises to her was if Council modified the pay scale to raise the top and to allow for more raises. But given the environmental scan, we concluded that it wasn't appropriate to do so. In response to that, the Mayor's secretary did work to form a union because she wanted to have a way to negotiate for a raise, I think for herself. And that's where a lot of this had genesis. What was concerning to us as a Council is that when you look at the Ohio Revised Code, on public employees, people who work directly for the executive of a government subdivision like the Mayor's secretary working for the executive of our City, the Mayor, aren't eligible to be in a union. And there's obvious reasons for that. It's a position that works so closely with an elected official that if the Mayor were to change, the new Mayor would want to have the ability to hire a secretary that would work closely and well with them. Every person works differently. Every Mayor typically hires their own secretary but if the person is unionized with tenure and bumping rights you may never be able to terminate that person which is why the code doesn't allow for it. Unfortunately, our Law Director didn't advise Council that there was a fifteen-day period where we could make objections to people who were illegally in the union and as a result, the union was certified with her position and several others that we're concerned that weren't appropriately added to the union. And so, a lot of the debate that you're seeing really comes around from the Mayor's secretary asking for raises after an environmental study showed that is wasn't prudent.

Councilman Hallum: Madame President. I have a differing opinion on that. In speaking with several of the clerks and people involved in this union, my understanding from them was that it's not so much about money as it was about their concern of keeping their jobs. There had been several comments made by individuals on the Personnel Relations Committee that made them concerned for their jobs. They were worried. Here they had been very happy working and had done a great job for our City for a long time and they just felt for whatever reasons of somethings that were said, somethings that were done, that their jobs were at risk. And they love working for the City, they were worried about that. And that wasn't my understanding, directly from them, as to why they felt the need to form a union.

Councilman Fiebig: To Councilman Hallum's point, which I understand what you're saying there, however, certain jobs sometimes within an administration as a city grows, as it develops, they do need to change. And perhaps they do need to be reapportioned to be different things, perhaps eliminated, perhaps added to. Ten years ago, we didn't have community center monitors. There's maybe a dozen people there that their job didn't exist ten years ago. Ten years from now, there might not be a need for that as well or maybe we're going to need twenty or thirty. So, unionizing doesn't give the City the ability that it needs to administer itself properly. And also, to follow up on the comment of Councilman Plecnik, Council is working very hard to try to fix certain things, that's our job. Legislatively, what can we fix. So, what we did was to make sure that this doesn't happen again, is that we eliminated pay ranges that the Mayor could work within and, it's always historically been, the Mayor would come to Council and say, I plan to give a one percent, two percent raise to everybody. But, he didn't this last time and he just give three percent raises across the board without advising Council. And that's our purview. We set budgets that's what we should do working for you. We need to be able to do that. So, we eliminated pay ranges. We had a ton of legislation, probably twenty-seven pieces of legislation, setting an exact

amount for each one of the positions there. So, going forward, that won't happen again. We're working to fix these things going forward and we're trying to work collectively, we're trying to work together with the administration to make sure that we're doing the best that we can.

President Fellows: One thing that I will add to my colleagues is that the years that I have been on Council and I'm from a different type of profession, where raises are determined and they are determined on performance, performance evaluations. In the sixteen years that I have been on Council, raises for nonunion individuals have never been reviewed in terms of a performance evaluation and where their raise should be. It's a little different world.

Councilman Hallum: Madame President. I just want to follow up on one thing that Mr. Fiebig said. While I don't necessarily disagree, or agree with the whole concept of whether a union is right for that or not, I was just simply answering the question as to why they felt the need to form a union.

President Fellows: Anyone else? And the only statement that I will make for Mr. McKenna is that your allegations are untrue sir.

Moving forward. Any unfinished business for this evening? The next is new business.

NEW BUSINESS

Councilman Hallum: Madame President. Motion to confirm the Mayor's appointment of Michael P. Germano to serve as the Law Director for the City of Willoughby Hills.

President Fellows: I do not hear a ...

Councilman Fiebig: I'll second that.

President Fellows: I have a motion from Councilman Hallum and a second from Councilman Fiebig to confirm the Mayor's appointment of Michael P. Germano to serve as the Law Director of the City of Willoughby Hills. Any discussion on the motion?

Councilwoman Pizmoht: Madame President. I have heard absolutely nothing about why Mr. Germano would be the top pick for this job and I would like to at least hear from the Mayor before I could consider confirming Mr. Germano for the position.

President Fellows: I recall that the Mayor said that there were ten candidates and that he would give us information on three of them. We've received no information on any candidates other than he asking us to confirm this one. And we have a law in place by Council that we require that Civil Service Commission provides us with a report that was provided for the Recreation Coordinator. That report has not been provided for this position.

Acting Law Director Byron: That ordinance is not yet in effect. There is a provision in the Charter that allows Council to request that information. So, it's not mandatory at this time; however, you have the authority to request the information from the Civil Service Commission.

President Fellows: Thank you.

Vice President Plecnik: Madame President. Just following on that point, even without that ordinance in place the Charter does provide that the Civil Service Commission is responsible for doing those background checks and investigations, so even through there's not currently a requirement that they submit it to Council before the vote,

there is a requirement that work be done. And I would hope that, irrespective of the ordinance being in place, they would forward those materials to us, but we have yet to receive them.

President Fellows: Well, then maybe what we need to do, through the Clerk's office, is to put a request in from Council since that ordinance is not in effect yet for that report. But, we have not received information about this candidate.

Councilman Fiebig: Madame President. I'm willing to withdraw my second if it's in the best interest to wait for more information; however, I'm willing to...

Acting Law Director Byron: You could table it. That would be another option if you didn't want to decide this evening, would be a motion to table.

Councilman Hallum: So moved.

Councilman Fiebig: Second.

President Fellows: So, I have a motion to from Councilman Hallum, a second from Councilman Fiebig to table the motion at this time.

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

President Fellows: The motion to confirm the appointment of Michael Germano to serve as the Law Director for the City of Willoughby Hills is tabled at this time and will come back around.

Okay, we're nearly done. The next is For the Good of the Order and for the Good of the Community. I see Mr. Fiebig has something over there.

FOR THE GOOD OF THE ORDER

There were no items brought forth to Council.

FOR THE GOOD OF THE COMMUNITY

Councilman Fiebig: For the Good of the Community, Madame President, there's a blood drive in Willoughby Hills that you have to go to on Thursday, November 9th. It's from 1:00 to 6:00, right across the street. So, please give blood next Thursday, November 9th. Middle of the afternoon. Come and donation and there will be a twenty-five dollar gift card raffle courtesy of Lake Health. Be there.

President Fellows: One of the suggestions that has come through from one of the residents, because our meetings have been long and there's a lot of information that needs to be shared with the community, especially if they are not here or if they are not listening to us on the channel station. The audio is the official minutes of the meeting and then the clerk transcribes the minutes verbatim and so sometimes we have ten pages, sometimes we have fifty-three pages. And sometimes when individuals get those things such as these activities are already over or have expired. So, I think one of, a good way to handle this is to take these types of important community events and have them put on our website as well. That way it's another venue for people to look for what other activities may be going on not only in our City but also in our County as well. So, if you could get together with Sharen or Vicki to see if we can get that on our City website.

Councilman Hallum: Madame President. I agree. And perhaps even, we have that little calendar that's at the bottom of our front webpage. When you click on the date and it tells you everything that's going on that date. That might be a good place.

President Fellows: A link to it or something. Yep, great. That's a good thing. Good.

Councilman Hallum: Also, Madame President. One other thing, I just want to go on record condemning the anonymous letter that did go out recently attacking a long term public servant named Gloria Majeski, implying a veteran and firefighter as a "White Supremacist Nazi"...this letter had no place in our community.

President Fellows: Chris, this is, Chris you are out of order...

Councilman Fiebig: Out of order.

President Fellows: You're out of order.

President Fellows: This is not an opportunity, I've asked this evening, this is not the venue for campaigning and political...

Councilman Hallum: I'm not campaigning, I'm condemning something that I think is wrong.


President Fellows: But it's a political issue. It's a political issue and that needs to be done outside in the community.

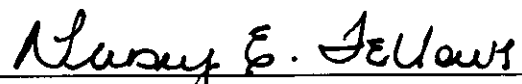
ADJOURNMENT


Motion was made by Councilman Fiebig to adjourn. Councilwoman Pizmoht seconded.

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

The Regular Council Meeting of October 26, 2017 was adjourned at 8:01pm.

APPROVED:  _____
Date

 _____
Nancy E. Fellows
President of Council

ATTEST:  _____
Victoria Ann Savage, CMC
Clerk of Council