

# City of Willoughby Hills

## Regular Meeting of Council Minutes of September 8, 2016

**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, September 8, 2016 at 7:10pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

**Others Present:** Mayor Robert M. Weger, Law Director Thomas G. Lobe, City Engineer Pietro A. DiFranco, Clerk of Council Victoria Ann Savage

**Absent:** Finance Director Frank J. Brichacek, Jr.

**President Fellows:** Before I start with any business I just want to share that our thoughts and prayers are with Chief Chris Collins this evening his father passed away. Let us take a moment of silence so that we can say

### DISPOSITION OF THE JOURNAL

**President Fellows:** The first order of business is the Disposition of the Journal for the Regular Council Meeting Minutes for July 28, 2016.

Councilman Biro moved for passage. Councilwoman Majka seconded.

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

**Motion passed.**

### COMMUNICATIONS

**President Fellows:** I will not have the Clerk read Correspondence, Notifications, Minutes or what's on File as these items will be posted in the Journal.

### CORRESPONDENCE

Email: Thomas G. Lobe to Mayor and Council, cc'd to Mayor, Finance Director and Council Office, dated July 29, 2016 re: Verizon Site #81857 – Power of Attorney/Tenant Information (Emailed: September 6, 2016)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month Ended July 2016 (Email: September 2, 2016)

WH Community Rentals for July 2016 (Emailed: August 3, 2016)

Interoffice Memo from Mayor to Christopher Collins, Police Chief dated August 12, 2016 re: Dispatch Radio Console System Upgrade Approval along with Police Department Memorandum from Chief Christopher J. Collins to Mayor/Safety Director Robert M. Weger dated August 10, 2016 re: Dispatch Radio Console System Upgrades: \$13,331.07 (Emailed: August 29, 2016)

Letter from Jeanette Nelson to Mayor Weger, dated August 16, 2016 re: Resignation along with Mayor's reply

to Jeanette Nelson, dated August 18, 2016 (Emailed: August 29, 2016)

Letter from Mayor Weger to Members of the Civil Service Commission: Thomas Majeski, Chairman, Mr. Thomas Kicher, Assistant Chairman and Mrs. Carolyn Patton, Secretary dated August 26, 2016 re: Fire Chief Robert DiSanto, Credentials (Emailed: August 29, 2016)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month Ended August 2016 (Emailed: September 6, 2016)

WH Community Rentals for August 2016 (Emailed: September 6, 2016)

NOTE: On a monthly basis, the Finance Director provides a report of the City's financial activity to City Council. The purpose of this reporting practice is to make the City's finances as transparent as possible and to keep the Council informed as to the City's financial activity. Financial Reports for 2014, 2015 and 2016 are posted on the City's Website

## **NOTIFICATIONS**

Board of Building and Zoning Appeals Meeting of August 9, 2016 (Emailed: August 3, 2016)

Planning & Zoning Commission and Architectural Board of Review Meeting of August 4, 2016 (Emailed: August 2, 2016)

Planning & Zoning Commission and Architectural Board of Review Meeting of August 18, 2016 (Emailed: August 16, 2016)

Planning & Zoning Commission and Architectural Board of Review Meeting of September 1, 2016 (Emailed: August 29, 2016)

REVISION: Change in the Location of the Recreation Commission Subcommittee Meetings scheduled for: August 17<sup>th</sup>; August 24<sup>th</sup>; August 31<sup>st</sup> and September 7<sup>th</sup> (Emailed: August 4, 2016)

Rules and Legislation Committee of Council Meeting of September 6, 2016 (Emailed: August 30, 2016)

CANCELLATION: Rules and Legislation Committee of Council Meeting of September 6, 2016 (Emailed: September 5, 2016)

Working Committee of Council Meeting of September 8, 2016 (Emailed: September 1, 2016)

## **MINUTES**

Notification that the Board of Building and Zoning Appeal Meeting Minutes of May 10, 2016 have been posted to the City's website (Emailed: August 11, 2016)

Notification that the Planning & Zoning Commission and Architectural Board of Review Meeting Minutes of July 7, 2016 have been posted to the City's website (Emailed: August 2, 2016)

Notification that the Planning & Zoning Commission and Architectural Board of Review Meeting Minutes of July 21, 2016 have been posted to the City's website (Emailed: August 5, 2016)

Notification that the Planning & Zoning Commission and Architectural Board of Review Meeting Minutes of August 8, 2016 and August 18, 2016 have been posted to the City's website (Emailed: September 2, 2016)

## **ON FILE**

Letter from Mayor to WH Residents dated August 26, 2016 re: Upcoming Resurfacing on SOM Center Road (Route 91) in Willoughby Hills from Mayfield Village border to Willoughby border

WH 2016 News Letter

WH Senior Center Newsletter for August 2016, Issue Number 100

WH Senior Center Newsletter for September 2016, Issue Number 101

## **ADMINISTRATION REPORTS & COMMUNICATIONS**

**MAYOR'S REPORT**: Update on Route 91 paving. They have started milling the road from Eddy Road to the Willoughby Hills line, White Road and they also started laying some asphalt. They're doing the center lines first and then they'll go to the outside lanes and people can drive on the intermediate course of the Route 91 center lanes. Please be patient with them, it's going to be short-lived and they will...they may be some delays if you get in that but please be careful and safe when you're driving in that area.

Worrell Road, the asphaltting of Worrell Road will be happening. There's an ordinance on tonight's agenda. There was only one bidder for the job but ah it was below the Engineer's estimate and we would appreciate it being passed tonight.

The Mayor's budget message has been mailed to all residents it includes notification of the upcoming, the new Road Levy Project and then the upcoming one on Worrell Road as well as some recreation notifications as well.

Thanks to Hayden Pasko of WH Troop, Boy Scout Troop 562 on his completion of his Eagle Project at Roemisch Field. He constructed a porta-potty shelter near the back ball fields and football field. I plan to publicly acknowledge him at a future meeting.

My sympathies to the Police Chief on the passing of his father this afternoon. My sympathies to SOM Center resident Irene Mascaro on the death of her son and also to Andy and Gus Garner who are longtime residents on the loss of their mother Marianne Gardner due to a recent illness.

Upcoming Events: The Quilt Show Reception at the Art Gallery is scheduled for this Friday, September 9<sup>th</sup> from 7 to 9pm. Vendors made a great basket drawing which will be included at the reception and this just shows...it's a showcase of all our fine work that our Willoughby Hills Quilt group did.

The 9/11 Unity Day featuring the 9/11 Memorial Services planned by the Recreation Commission for Sunday, September 11<sup>th</sup> from 11am to 6pm at the VFW Post 4358 on White Road. Plenty of activities for our first responders to show our appreciation.

And then finally, Saturday, September 17<sup>th</sup> is our annual Touch-A-Truck. This another family event and all are welcome to come.

**Councilman Fiebig:** Mr. Mayor, how long do you anticipate the project to last?

**Mayor:** On 91? It will be completed the 3<sup>rd</sup> of November. But our side from Willoughby Hills to the freeway roughly will be done first and then the Willoughby section will be completed.

**Councilman Fiebig:** Have you assigned additional personnel to divert traffic or to patrol traffic?

**Mayor:** They were out today, they are paid by the contractor and there were two policemen out there today. It was particularly problematic because they milled across Chardon Road.

**Councilman Fiebig:** Alright, so that was just today, a day or so. All right. And when the Mayor's Report went out did you give Council President or give Council the opportunity to write an article in there or to speak to it at all?

**Mayor:** No. No I didn't.

**Councilman Fiebig:** And you were asked by Council to do that and you had agreed to, did something change?

**Mayor:** It's my prerogative to do what I feel is right and to get the budget message out I had to do it.

**President Fellows:** And if I may add, I did ask and the Mayor's secretary told me this was only going to be for the Mayor, none of Council on it.

**Councilman Fiebig:** In the past, as far as I remember Mayor's Reports or this kind of City Report ever going out to communicate to the residents there's always at least been the names of Council and their contact

information like a phone number and I would encourage you to still include that because we are elected officials and we are an important component to what makes the organization run here. If someone is may be more familiar with say, Chris Biro or Chris Hallum then they are say with the Mayor's office or perhaps they have a problem with the Mayor's office it's important to be able to communicate with those that they have elected to serve them. So I would encourage you, if in the future you don't include Council the opportunity to at least make a comment or a letter to at least include their names and phones numbers or emails or both so that people feel comfortable with who their elected officials are and where their tax dollars are being spent. Because we are all paying for that Mayor's Report to go out. Okay?

**Mayor:** Okay.

**Councilman Fiebig:** Thank you.

**President Fellows:** Any other questions or comments for the Mayor? The Law Director's report is next, Mr. Lobe.

**LAW DIRECTOR'S REPORT:** Two matters. One I'll be requesting an Executive Session involving litigation matters inviting all of Council, myself and the Mayor for a maximum of 15 minutes do not expect any action thereafter and number two is again, is Ordinance No. 2016-36. I forwarded on, I didn't do it, Vicki did of course, Vicki does the work around here, she forwarded to you that letter from American Tower. I had discussions...I had a long discussion with her at the beginning of August and I had one just again now. It comes down to money and I asked her for copies of all the co-location leases so that we could have those and she is baulking at it, and she says well that's proprietary information. Just so you know part of my conservation was how do we know with the shrinking market of the number of people in this industry that those co-locator fees which are pretty good are going to continue and what's the length of them and things of that nature. And I said listen it's very simple, you're giving us a signing bonus, there's a...the monthly payments and there's the co-location and as it adds up, we just did one for another cell tower and we're getting more and they have to construct it which is what I discussed with Ms. Majka and Mr. Plecnik during one of those committee meetings. And I said we're looking for some of the money, I'm not arguing the terms, the terms are always consistent in those things. And the way I still see it, we're not getting as much nor do we have any confirmation of the co-location, how viable they are going to be into the future. You've got to remember these contracts are 25 or 30 years. So now that I've rumbled on, I'm basically asking you to keep this on 3<sup>rd</sup> reading until this Council can get a number better and I told her...she sent me the email just so you have conformation that we talked and I said you better answer those questions because our Council has questions about the money and how much money are we going to get and how long are we going to get it in the future. And if she answers that...and I also told her that you may be invited by our Council to come in and answer those questions directly because I don't want to be the sole intermediary even though I think I know what the message is. But I think sometimes when other people ask question it comes across a little better. So I'll ask you to keep it on 3<sup>rd</sup>-reading temporarily and see what comes back to me and as soon as I have everything I'll forward it on to Vick who I'm sure will forward it on to you. But I think that you may want to invite her here or a representative, like you did last time. Okay, to get the bottom-line answer so that you are more comfortable so someone can say do it or don't do it. I'm open to questions.

**President Fellows:** Questions for the Law Director? Finance Director is not here Bob; do you have any message from him?

**Mayor:** There's no report.

**President Fellows:** Okay. Mr. DiFranco, City Engineer's Report.

**CITY ENGINEER'S REPORT:** As the Mayor mentioned we took bids for the Worrell Road Project and only received the one and it was under the Engineer's bid estimate so we request that you pass that, waive the 3-reading rule under an emergency clause so that we can get started right away. It is a collaboration with the City of Kirtland so the contractor that we are selecting will do a milling and chip seal. Willoughby Hills will be managing the project and purchasing the asphalt and the City of Kirtland will actually be during the paving operation so it does require some coordination.

We also took quotes on the Stark Drive Sanitary Force Main. We received two quotes and the lower contractor was Longo Construction and they were under the Engineer's estimate so we also ask that you pass or approve that contract today by waiving the 3-reading rule and under an emergency so that can get started also.

**President Fellows:** Any questions from Council Table for the Engineer this evening? Seeing none, we'll move on to Committee Reports. Councilwoman Majka would you like to start this evening.

And finally we're working with Lake County on their Plan for Health Program. It's to promote health throughout Lake County through fitness and nutrition. We made a presentation to the City's Recreation Commission last night proposing some paths connecting Manakiki to North Chagrin. And we'll be making a follow-up presentation to the Recreation Committee in October. And that concludes my report and I'm open to questions.

**Councilman Fiebig:** Just to elaborate a little bit more on the path from Manakiki to North Chagrin, what kind of path?

**City Engineer:** It will be an all-purpose path, walking or bikes and we met with the MetroParks because they have a Master Plan and the intent is to connect Manakiki with North Chagrin. They would like to set up a trail head at Manakiki where people can park and possibly, eventually add concessions at Manakiki. From Manakiki it would cross Eddy Road through Campbell Park and the City Hall Complex and cross Chardon Road to the North Chagrin entrance on Chardon Road. And we're also hoping to put paths within Roemisch Field for circulation.

**Councilman Fiebig:** Thanks. What's the emergency at the Stark Road Sanitary...what's the emergency there?

**City Engineer:** To get it done this year. It's going to take the contractor you know, probably a month or so once he can fit into his schedule so we just want to make sure that he can get it done before winter.

**Councilman Fiebig:** Okay.

**Councilwoman Majka:** I have a question Mr. DiFranco. Has the City had experience with Longo Sewer before?

**City Engineer:** Yes. They actually did the Lamplight Culvert Replace last year.

**Councilwoman Majka:** Thanks.

**President Fellows:** Any other questions for the Engineer? Thank you Pete.

## **COMMITTEES OF COUNCIL**

**President Fellows:** So we'll move on to Committee Reports. I believe on August 1<sup>st</sup> Councilman Hallum you had a Planning and Zoning Committee Meeting.

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## Planning and Zoning Committee Meeting of August 1, 2016

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**Councilman Hallum:** I did and we just basically started to review what other cities are doing in the area.

**President Fellows:** And did I miss minutes?

**Councilman Hallum:** I had not put minutes together yet. No, I'll get them to you. But basically we just started to review the minutes...we started to review the ordinances of other cities and we basically came to the determination that at this point about vacant property we just wanted to focus on being notified. Having people register when vacant property is being foreclosed on so that our Building Administration knows who to contact if the grass is getting long or there's a break in or what have you if there's no one living there. So we put some preliminary ordinance together, it was supposed to be sent to just me to review, it's really not ready for the Council.

**President Fellows:** Yes, I was going to get to that.

**Councilman Hallum:** I think our Council Clerk in abundance of concern, jump the gun a little bit and provided it to Council but nonetheless, it's not done yet. We're not finished with it yet.

**President Fellows:** When an Administrative individual or Council Member gives information to Vicki to creates an ordinance, Vicki creates the ordinance and if she's not told it's to be held or to be given to some people she won't have known.

**Councilman Hallum:** She was told. She was told to send it to me, only to Chris and maybe even back to Fred prior to once it was typed up. Because we wanted the Law Director to look at it, wanted me to look at it one more time before it was ready and for my committee to get a chance to look at it again so...

**President Fellows:** Well let me, I'll speak to that when we get to the ordinance.

**Councilman Fiebig:** Madame President I had a meeting too.

**President Fellows:** Yes, Safety.

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## Safety Committee Meeting of August 1, 2016

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**Councilman Fiebig:** Safety Committee met on August 1<sup>st</sup> as well at 6:00. The members were myself, Ms. Majka and Ms. Greer was absent. Mr. Biro, Hallum, Plecnik, Mr. DiSanto, Mr. DiFranco, President Fellows were also there. There were basically three things that we discussed. One was the cost /benefit analysis of a traffic light being installed at Bishop and White. The \$50,000 that we received for the temporary replacement of that was not reached in time to have another discussion about that issue which has been on and off again for a number of years. I had asked the Administration to give us a report and it showed that there were 41 incidents over twelve years there with 22 hours of service for our Police Department for those. The Police Chief concurred with the Mayor's assessment that we all received a memo on that a light was not warranted and so seeing that Administration has a duty to report to Council and request those items that are needed we took that to heart but we also asked some questions and we vetted this out. Mr. Biro specially asked about traffic flow, Mr. Hallum about stop signs and the removal of them. Ms. Majka reported on the ODOT publication that sometimes signals actually increase the amount of traffic and have a detrimental impact. Mr. Plecnik talked about the flexibility that the signal affords and that the basic issue was about merging the funds to be able to see if that made sense at this time. But after discussing it with several residents, I also came to the conclusion that it really wasn't a major impact and that we would recommend as a Committee to Council not to move forward with this issue.

Next was to give the opportunity to our Fire Chief Bob DiSanto the opportunity to report to Council since he had been appointed. His initial impressions had been great. The personnel he worked with were the best ever. There were simply minor issues. He thought personnel should be increased and was looking for part-time help to do that. He reported to us that the fleet of vehicles was excellent so that we were pretty well set there. Over his three-year plan would be to increase or I'm sorry to add an ambulance and to use that ambulance re-chassis like we did with our previous ambulance recommended way to go. He felt that might be in the 2017 or 18 budget. Training was real important because of the consist change that happens in firefighting and so forth and as well as the medical department. People have been wonderful in the transition, he appreciated...I said that I had appreciated leadership and vision and asked about commercial inspections which he said that he had a plan for part-time fire prevention program to be installed which had fallen to the wayside over the last few years in our business in that community. A Fire Prevention Officer with existing people is possible but the minimum right now is four he would like to see it increased to six; however, agreed that five would be good and he would fight for that. The Chair, myself also brought up the cancer issue. We asked to receive copies of the Cleveland Clinic Report how turnout gear and how increased cancer with our firefighters is becoming epidemic and you all have been copied on that as should be in your email box by now. Also we discussed the laundromat issue that the turnout gear we had been told it was going to be taken down the street to a laundromat but I guess that never happened instead Mayor bought a residential extraction machine is what he reported that day, I know that you weren't here but that's what he had reported that day and he wasn't real comfortable with that and was never real comfortable with using the laundromat. So by the way, we did want to ask you about that. Perhaps you can bring that up to light here in "Unfinished Business". We discussed using neighboring equipment, neighboring firefighter equipment from let's say Kirtland and things like that but that wasn't practical. So Mr. Biro asked some questions about that machine. Mr. Plecnik also talked about the cancer concerns and as well as the ISO rating and what we needed to get to that next step to lower the insurance costs for those in our City. You said, Chief DiSanto said it would be a few simple things in his opinion that we could get that certification down which would lower fire rates and obviously improve safety in the City so we're looking forward to seeing if that could happen and get that incorporated into a plan. And again, that ISO rating I had asked for a copy of that and that was also disseminated to all of Council and it's a public record anybody can request that.

Finally, the deer issue. We discussed, the reiterated that we had had many discussions with previous committees about that, it's not really that much of a safety concern as it is a nuisance. Homeowners can use, Mr. Biro pointed out, homeowners can use ODNR and the resources there to be able to cull the deer population. Council Chair Fellows mentioned that there was a program in Parma that she and Councilwoman Greer and Chief Collins had attended to help with the nuisance problem but it is part of living in a rural environment. There is to be noted that there have been no fatalities; however, shrubs and landscapes is certainly a nuisance. It was encouraged that people don't use strychnine or electric fences.

Public Portion: Linda Fulton – backup on roads talked about that and it should always be a 4-way stop, reiterated that. Deer culling by the Metroparks that's a good thing, you kind of said, tongue-in-cheek, well look you live in the country just live with it, so. I think that we took that to heart. John Lillich was here and also mentioned that Metroparks and Hach-Otis will be adding land. Obviously that is what attracts more deer. Audubon Society which is a part of is open to culling and he knew people involved with strychnine poisoning, he reiterated how bad that was.

It was a forty-one-minute meeting and that adjourned. I'm open to any questions that anyone may have. And this copy of the report will also be in your email boxes.

**President Fellows:** Thank you Councilman Fiebig. Any questions for...

**Councilman Biro:** Just a comment for Mr. Fiebig. I think that he is wrong in the sense that we're...it just in the rural area. It's in the City too.

**Councilman Fiebig:** True.

**Councilman Biro:** I drive up Monticello every morning and I'm dodging deer so it is a problem within all communities it seems in this area so you know I just think that we have to be diligent and kind of look at options. You know, ODNR is one option but that's you know you have to have a minimum of a certain space, you have to get all kinds of approvals but we'll be diligent about finding what our options are and how we can mitigate this problem because it is... White Road is just like a freeway for them and through my yard too so it's definitely something that we are going to have to continue to look at. If you heard of anything just relay that to the public.

**Councilman Fiebig:** Mayor, how many calls do you get to your office about deer in a month?

**Mayor:** I haven't gotten any this month but there were four standing in my yard this evening when I got home.

**Councilman Fiebig:** Were they eating your geraniums?

**Mayor:** They were.

**Councilman Fiebig:** Okay. Well, stop buying geraniums.

**Mayor:** Stop buying everything.

**President Fellows:** Jennifer, well and Pete too, I was going to ask...we did pass an ordinance for the trails for the Metroparks to connect the Assisted Living to the Metropark, I don't know where that is or where are we with that process or is that still or is that roundup as part of the next section? A nature path.

**Councilwoman Greer:** Didn't we just pass an ordinance to study it? Isn't that what it was? I don't believe we passed an ordinance approving anything, we were looking for a grant.

**Councilman Biro:** A grant for funding.

**President Fellows:** I was just wondering where we were with it, if any...

**Mayor:** It's part of a plan, Phase III.

**President Fellows:** And the other one is the grant for the tennis court. Whatever happened to that one?

**Mayor:** It's going, but they say they're going to do it in the fall.

**President Fellows:** I kind of didn't want to lose sight of those.

**Mayor:** It hasn't been awarded yet but they say it will be in the fall. We're still waiting.

**President Fellows:** Okay, thank you. Any other questions on any of the Committee Reports?

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### **Working Committee of Council Meeting of September 8, 2016**

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**President Fellows:** I'm just going to give a couple bullet points on the Working Committee of Council Meeting that we had this evening because Vicki is going to produce the minutes on that so that will all be available to everybody. But we had three topics, one was to discuss the attempted Chase Bank robbery. Chase Bank over on the other side of Giant on our west side of the City. The FBI is the primary agency investigating



this robbery and our local Police Department will assist as needed but this is a rash of robberies that have been happening in a lot of the banks and the Mayor had indicated that in some respects it's gang related as a rite of passage for a member to join a gang and to use a gun. Thankfully no one was hurt there, there is bullet-proof glass at that bank.

The second one was the Shoppes of Willoughby Hills just next to that. The information that was shared was that this property is in receivership right now a bank owns it and some of the points that were brought up was that possibly looking to have a police substation there which were have talked about for years. I think that one of reasons that we didn't do it was because, I think as I recall, some of the reports that were produced that there wasn't any more or less crime that happens there than anywhere else and then that becomes a cost issue to have a substation there. But I think that it's a good thing to come back to. The Mayor had indicated that there are always two police cars patrolling the west end of the City and also Councilwoman Greer brought up having an outside consulting firm to help us on how we can revitalize that property. Then lastly, maybe we need to get a representative from the bank here and have a Town Hall Meeting on that property with all of us and the residents to show the owners of this property that we really want this property to be improved for our residents and the safety of them as well.

And then the last one was to discuss some falsification of information on an application. Any other questions, concerns?

### **COUNCIL REPRESENTATIVE REPORTS**

There were no other Council Representative Reports presented.

### **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 opened Public Portion at 7:39pm.

**Robert DiSanto – Fire Chief.** Councilman Fiebig in regards to the Safety Committee Meeting I'm not sure if the information that you gave is correct who I thought bought the washer that exist in the Fire House today. Through my research over the past couple of weeks and the subsequent purchase of an extractor washer I know that it was not the Mayor that bought that washer. I am not sure if we had discussed that in that meeting or that's what I had alluded to or not but since then I've learned that it was, if I'm not mistaken, Mayor you can correct me, you didn't find out about that washer till after it was purchased. So a correction, a quick correction.

**Councilman Fiebig:** Just to clarify, but at that time that is what you said, in fact you were specifically asked that question by Mr. Biro if my notes are correct and I do have the audio of it too.

**Chief DiSanto:** Maybe at that time.

**Councilman Fiebig:** Who did buy it then?

**Chief DiSanto:** It was purchased by the former Chief.

**Councilman Fiebig:** Former Chief, then out of our budget.

**Chief DiSanto:** Correct.

**Councilman Fiebig:** He purchase it from a residential supplier.

**Chief DiSanto:** He purchased it Lowe's.

**Councilman Fiebig:** From Lowe's. Right I remember that discussion.

**Chief DiSanto:** I spent quite a bit of time tracking down the purchase order, the receipt, the day it was purchased, so on and so forth. And so subsequent to that meeting is probably when I figured out it was not...

**Councilman Fiebig:** My follow up question that I don't know if this was appropriate is why would he have purchased that knowing what he knows about the importance of an extraction machine.

**Councilman Hallum:** That would be a question for the other Chief.

**President Fellows:** Absolutely.

**Chief DiSanto:** May I answer.

**Councilman Fiebig:** If he knows. Yes.

**Chief DiSanto:** He's given me the information on that. That washer is categorized as a commercial washer. It says it right on it, commercial washer. Through my research through Maytag, I think, they told me it does say that on there but it says that because it had the ability to be programed to a commercial grade washer and it is not, especially buying directly from Lowe's, it does not. That's where the difference is, and is it a extractor washer which only by the specs from an extractor washer to this washer uh so I'm not a 100% sure if the Chief believed that was an extractor washer or held the specs but according to Maytag that washer says commercial only because it has the ability to be programmed as a commercial washer.

**Councilman Fiebig:** Okay, thank you.

**Mayor:** Tell them what you are going to get.

**Chief DiSanto:** We've since purchased a commercial grade extractor washer which will be in by the middle of September. Probably by the end of not next week but the following week. And its...finally got the extractor washer.

**Councilman Fiebig:** You purchased then the correct one and what are we doing with the old one?

**Mayor Weger:** It will be used for the regular wash.

**Chief DiSanto:** The old extractor or the old..

**Councilman Fiebig:** The one from Lowe's.

**Chief DiSanto:** The one from Lowe's we had since February...

**President Fellows:** No what is it going to be used for, that's the question.

**Councilman Fiebig:** I think that he just answered it.

**President Fellows:** Just a washer.

**Councilman Fiebig:** Regular washing machine, right.

**Mayor:** Rags and things that can't be washed.

**Councilman Fiebig:** Just a washing machine. Okay.

**Vice President Plecnik:** Two quick questions, first of all could you make sure that Council gets an email with the specs on the new washer so that we can review it as well. I know that this is something that we've been very concerned about since last December when we heard it was broken so whenever you have those available we would like to see it. And second, if I'm not mistaken, safety guidelines and instruction manuals in the Fire Code generally say that once you've used a washing machine for the turnout gear you should never use it for regular gear so have we used this residential washer for the fire gear yet? Because if we have it wouldn't be prudent to use for regular use.

**Chief DiSanto:** I cannot say that for sure, if any of the firefighters have used it for turnout gear. We know from the beginning that it wasn't...I shouldn't say that we knew from the beginning, we speculated that it wasn't a good enough washer to wash our gear and I am not sure if they used it or not.

**Vice President Plecnik:** So could we please confirm that or not because I would hate for them to be put at risk by using a machine that might have been contaminated.

**Chief DiSanto:** Absolutely.

**Vice President Plecnik:** Thank you.

**President Fellows:** And Bob should I request from the Finance Director the purchase order for that machine? He'll have it?

**Mayor:** I can get it.

**President Fellows:** Okay, thanks. Any other individuals? Linda.

**Linda Fulton – 2990 Marcum Boulevard.** In regards to the substation, would that mean that you would have to hire more people to man that substation? And I noticed...it's probably a dead issue but I've always noticed that over at Loehmann's the lighting is really poor. It's dark over there. And speaking of lighting, there's a number of street lights that are out and not being reported and I'd like to know why. Just like over at 6 & 91 there's at least two lights that are out and we need the lighting, it's for safety for one. And over there on Chardon Road at Loehmann's it's very dark there and I've mentioned this before there needs to be a sidewalk there for people to walk to Giant Eagle or whatever they want to go to over there. And I do agree that the consulting firm for Loehmann's should be revisited. It would be cheaper to hire a consulting firm than it would be to hire someone as an Economic Developer. And why hasn't the City been talking about it? No meetings in regards to it so what happened? After our Economic Developer is deceased why hasn't anyone picked this up, like the Mayor. It's your City. Why haven't you done anything? And concerning the employment of the Fire Chief, I'm very disappointed, very disappointed that, that application has been falsified. Thank you.

**Mr. Babuder – 2275 River Road.** I have some questions about the deer population and the deer problem. On my little farm they destroyed a lot of my Christmas Trees which is my main harvest on the farm. And I am a hunter not in Willoughby Hills but is there a way where they could be hunted. And if I did hunt one or two, I eat them by the way. I don't throw the meat away. And what instrument would you be allowed to be used

meaning a bow, a canon or...if that was allowed. I am an experienced hunter and I know how to handle firearms, etc., etc. but I don't think firearms are necessary really, bow would be fine, thank you if that's possible. Or should I go to the Department of Natural Resources and ask; however, they don't control the use of weapons whatever they are in the City so what would be the answer?

**President Fellows:** Well the answer is that we have an ordinance in the City that says there is no hunting in the City. It's a safety issue.

**Mr. Babuder:** I have seventeen acres and I think that it would be at all unsafe for me to stand on a stand up eight to ten feet and shoot down with a bow at an animal.

**President Fellows:** There have been other individuals...residents, Mr. Babuder that have come forth with more acreage than you with the same concerns. We don't have a process in place or laws to permit hunting whether it's by bow, rifle or cannon for any animals.

**Mr. Babuder:** Again, I'm not demanding anything. I just want to be informed here.

**President Fellows:** That is the answer unfortunately.

**Mr. Babuder:** So the answer is no.

**President Fellows:** The answer is no.

**Mr. Babuder:** Thank you very much.

**President Fellows:** Anyone else? Cheryl.

**Cheryl Ota – 2960 Marcum Boulevard.** I have one question and then I have one remark. My question concerns the Chief. If you so desire to keep him and he goes to school for these certifications I would hope that he would not be getting paid while he's gone for these two or three days whatever it takes, that's number one. Number two is a remark concerning my Councilman. My Councilman has sat over here all through this whole meeting and has looked at his computer the majority of the time. I think that he at least owes you the people the courtesy to listen to your reports, to at least make eye contact. I don't care if he doesn't get along with anybody or he has important business to do that should be done some place else. This is Council time. Thank you.

**Patty Heller – Rosewood Trail, 26-year member of the Fire Department.** Chris I love that you are my Councilman. I appreciate you keeping calm and collected and behalf of the Chief, I am not going to argue that he missed up on his application. I am not going to argue...I am sorry, I'm so nervous up here, that the vetting didn't go appropriately. But I have to tell you that in the last few months this guy has got more done for us than in the past 10 years. And I don't know what that means for you guys. Mr. Plecnik is the only one that's come over to visit us. I know that created all kinds of problems.

**President Fellows:** I've been there too Patty.

**Patty Heller:** To come over and say hi, have you ever spent the day with us?

**President Fellows:** I've not spent the day but I've visited.

**Patty Heller:** But you haven't spent a day with us. Mr. Plecnik has gone on calls with us and I know that caused problems, my bad. But he got to see what we did. And I don't know what's going to happen tonight with Chief DiSanto but he's the best thing that's happened to us in fifteen years.

**President Fellows:** Thank you Patty, thank you. Anyone else? Alright I will close Public Portion at 7:51pm.

**Chief DiSanto:** President Fellows, first of all, a public apology to everybody here. It's disappointing and embarrassing and I apologize. Chris, Chris, David, Jennifer, Dave, I said David twice, I'm sorry John, Janet, Nancy. Bob I embarrassed you, I put you in a horrible position, Tom, the same and there's nothing that I could say or do. I apologize. There is only one thing that I do well in life and that I love doing and that's being a fireman and now over there running that Fire Department. As Patty said, it's been three months of fixing and planning and making better in what has gone wrong. No offense to Rich, absolutely none. But has gone wrong over the last ten years it's not an easy thing to do but I'm good at it and I like doing it. Mr. Mayor, I'm sorry that I put you in this position and please above everything else, don't use this as something to hate the Mayor about or for the Mayor to hate Council about. For you guys to continue with this. People talk about the Willoughby Hills politics and it's a freak-in punchline, they use it as a punchline. Everywhere I go, you know, I mean I set us back, I'll admit that I set us back quite a ways. But please don't let that enhance and bolster the animosity, the anger, the dislike, whatever you guys want to call it. Please let me continue running that Fire Department.

**President Fellows:** Thank you Chief. Public Portion is closed at 7:54pm.

**Vice President Plecnik:** Madame President. If I could first respond to Mr. Babuder just to follow off what our President shared, we don't have a hunting ordinance in Willoughby Hills but I would be remised if I passed on the opportunity to say that I've always pushed for a limited hunting ordinance along the lines that Mentor's had where properties 5 acres or bigger or a combination of properties 5 acres or bigger would allow for downward bow hunting as you had described but to date we have never had any such law on the books so please don't pull out your cannon because we're not allowed to as of this point, although I do think that there are strong arguments to be made as we look at the problem with the deer we need to be more creative in working with it and if there is an opportunity to partner with Hach-Otis and our other preservers to perhaps have some hunting or culling done there at low or no cost to the City, I think that it's something that we should explore in the future.

There was a comment about Willoughby Hills politics and I'll admit I am one of the newer members of Council. I've lived in Willoughby Hills for about six years but it was astounding to me when I goggled to see that there is an article fifteen years back entitled Machiavellian and Mayhem in Willoughby Hills it's certainly been a tradition that extraordinary things have happened in the City and sometimes extraordinarily bad. But I wouldn't use the word anger or hatred. I think that misplaces the very legitimate concerns of many residents myself included have had with the way the City has been run in the past and one of the reasons why many of us have decided to run for Council to try to set those things right. And there obviously needs to be things set right when you see a vetting process done array like this. If Willoughby Hills is the punchline well this kind of vetting process where the Charter requires us to do what at least McDonald's would require and we don't do it that's why it's a punchline. It's not because there's some person who's trying to fight with another person, it's because there are legitimate concerns that need to be dealt with and some people don't want to deal with them.

And I guess the last thing that I'd say is well a couple of things were said to push back and say this is not about our former Fire Chief I think the record needs to reflect that I've worked with Chief Harmon while no man and no leader is perfect I think that his record speaks for itself and I think that he did honorable service for our Fire Department and I would hesitate for anyone to say that were enormous problems that need to be fixed and could be fixed or changed in three months, I'm not saying that there aren't issues that need to be dealt with but I think that it's a little unfair to Chief Harmon's legacy three months in to say that he is so inferior. I would push back on that. I would once again thank Chief Harmon for his service. Thank you.

**Councilwoman Greer:** I second that last point. Regarding Chief Harmon.

**President Fellows:** We're done. We're done. I'm not going to get into...Public Portion is over. We're done. We are going to Legislation...Unfinished Business. Legislation, alright.

## LEGISLATION

### **Ordinance No. 2016-36 – 3<sup>rd</sup> Reading**

An ordinance authorizing and directing the Mayor to enter into the first amendment to lease agreement by and between the City of Willoughby Hills and New PAR d/b/a Verizon Wireless.

**President Fellows:** So Mr. Lobe spoke to this a little bit it's called American Tower. We had an ordinance prepared way back when it's really probably not applicable because we don't have a contract with them in terms of money so we can leave it on 3-Reading or we can vote this one down so it's gone away and create a new one when everything we have in the contract is correct.

**Law Director:** Ms. Chairman. I don't know if the contract is incorrect, the point is, is it good for the City. I think that's what it is so I hope that you don't just vote it down tonight. I think what you have to do is to try and get the representative here to try to talk to you and explain to the Administration and this Council about what's the value of it. Cause my simple math on it, I think that I talked with Ms. Majka and Mr. Plecnik about this, it didn't seem consistent with what we had signed before and may be with all the bells and whistles with the co-locators it is a great contract but they don't want to give us those documents so I have hesitations to say go ahead and do it especially when it is a twenty-five-year lease. So my recommendation would be to have them come here so that everybody can ask them questions because I know that I've asked the questions on your behalf and I hope to get a good written response back but I think that's what I think we should do in my opinion.

**Vice President Plecnik:** Could I ask a quick question of the Law Director. What I'd like to ask is how would you recommend, would you recommend that we table this ordinance understanding that we're not voting it down but rather it's going to have to be amended substantially. I believe that one of the clauses that you even shared with us was illegal requiring the agreement to be confidential which the City can't do given that it's a public record so it obviously has to be substantively amended which means that we would have to go through the 3-readings again anyway so would you recommend we table it with that understanding or are you recommending that we continue to leave it 3-reading perpetually even though we know that we are going to eventually go through the 3-readings again.

**Law Director:** I hope that you would keep it on 3-reading, hopefully not perpetually but that you invite her here so that you can get the answers because I'm not getting them for you. I don't feel comfortable to say it to you so I would have...may be ask the Clerk to invite her or get a representative so that you could ask those hard questions and may be even set forth the questions, the same questions that I represented to you here tonight. And then if you do have to amend it, you are going to have to delete something even though it's substantive you can waive the 3-reading rule because all the real money issues were discussed so that would be my recommendation but you can handle it the way you desire.

**Mayor:** The other thing is the signing bonus expired in March so we have to get that redone.

**President Fellows:** So might I suggest that Councilwoman Majka because this is Utilities if you can coordinate a meeting and work with Vicki and Tom to get a representative from the company to join the meeting and then once it's set we can have some questions developed, we can review the ordinance at that time so see if whether we have questions besides money but any other signing bonuses that could be reinstituted at that time. So we'll leave it on 3-Reading.

**Ordinance No. 2016-38 – 3<sup>rd</sup> Reading**

An ordinance authorizing and directing the Mayor of the City of Willoughby Hills to enter into an agreement with the Ohio Department of Transportation, District 12 for the Bishop and White Road Project and declaring an emergency.

**President Fellows:** So this ordinance goes way back when before our break and Councilman Fiebig talked a little bit about the meeting we had about safety and a light so I know people would like to have this done too.

Councilman Biro moved for passage. Councilman Fiebig seconded.

Roll call: **YEAS: Biro, Fellows, Fiebig, Greer, Hallum, Majka, Plecnik**  
**Motion passed.**

**Ordinance No.2016-42**

An ordinance accepting the bid of Longo Sewer Construction Co., Inc. of South Euclid, Ohio for the Stark Drive Sanitary Force Main Replacement Project and declaring an emergency.

Councilman Biro moved to suspend. Councilman Fiebig seconded.

**Councilman Fiebig:** On the advice of our City Engineer to expedite construction of this before the winter comes in he requested that we waive the 3-Readings on this.

Roll call: **YEAS: Biro, Fellows, Fiebig, Greer, Hallum, Majka, Plecnik**  
**Motion passed.**

**Councilman Hallum:** May I just ask a quick question procedurally. Did Mr. Fiebig make a motion and nobody seconded it?

**President Fellows:** No, Councilman Biro made the motion, Councilman Fiebig seconded it.

**Councilman Hallum:** I just wanted to make sure I caught...

**President Fellows:** And then he made a comment.

**Councilman Hallum:** Perfect, thank you.

**Councilman Fiebig:** If you would stop looking your computer all the time...

**Councilman Hallum:** I know, it's awful, right...I'm looking at the ordinance.

Councilman Fiebig moved for passage. Councilman Biro seconded.

**Council Clerk:** Fiebig and then Biro.

**President Fellows:** Yes.

Roll call: **YEAS: Biro, Fellows, Fiebig, Greer, Hallum, Majka, Plecnik**  
**Motion passed.**

**Ordinance No. 2016-43**

An ordinance accepting the bid of Specialized Construction Inc. of Cuyahoga Heights, Ohio for the Worrell Road Resurfacing Project and declaring an emergency.

Councilman Biro moved to suspend. Councilman Fiebig seconded.

**Councilman Fiebig:** This is also a bit of a safety and emergency issue to get that road resurfaced certainly before the weather hits.

Roll call: **YEAS: Biro, Fellows, Fiebig, Greer, Hallum, Majka, Plecnik**  
**Motion passed.**

Councilman Biro moved for passage. Councilwoman Majka seconded.

Roll call: **YEAS: Biro, Fellows, Fiebig, Greer, Hallum, Majka, Plecnik**  
**Motion passed.**

**Ordinance No. 2016-44**

An ordinance amending Part Thirteen – Building Code, Title One – Standards by the establishment of Chapter 1307 – Notice of Foreclosure filing of the Codified Ordinances of the City of Willoughby Hills.

**President Fellows:** So Councilman Hallum, you didn't want this on the agenda and it is but it will go back to Planning and Zoning so you have now an ordinance so that you can use as a draft so that you can vet that, amend it or do what you what to do and get your committee together and have Mr. Wyss there and look at other cities or whatever and then we can move forward. That's 1<sup>st</sup>-Reading.

**Councilman Hallum:** Sure.

**Law Director Lobe:** Councilwoman...can I just say something? I did review the penalty section with Vick today, just so you know and I'm okay with it so you don't have to add that to the list, Vicki and I went over it this afternoon.

**Councilman Hallum:** Thank you.

**President Fellows:** Thank you.

**NEW BUSINESS**

**President Fellows:** I believe that the Law Director would like a motion to go into Executive Session to discuss litigation and also to...well someone needs to make the motion.

**Vice President Plecnik:** Madame President, I think I know what you are asking. I would make a motion to invite all of Council, the Law Director, the Mayor for an Executive Session to discuss two items, litigation as well as Personnel Relations specifically the falsification of the applications for a time no more than a half-hour after "For the Good of the Community" and before adjournment. And excuse the Engineer who really doesn't want to come to this meeting.

**President Fellows:** Do I hear a second?

**Councilman Fiebig:** Second.



**President Fellows:** I have a motion from Vice President Plecnik and a second from Councilman Fiebig to go into Executive Session to discuss litigation and Personnel Relations issues concerning the falsification of an application for thirty minutes inviting the Mayor, the Law Director, all of Council and excusing the City Engineer after the “Good of the Order” and “Fore the Good of the Community”. Any discussion on the motion?

Roll call: **YEAS: Biro, Fellows, Fiebig, Greer, Hallum, Majka, Plecnik**  
**Motion passed.**

### **FOR THE GOOD OF THE ORDER**

**Vice President Plecnik:** Madame President, I do have one item for the Good of the Order. One of our own volunteer members of Personnel Relations, Linda Fulton had her team win the annual Church Women’s League at St. John’s of the Cross in bocce but as we Slovenians say she won at balinanje. Congratulations Linda.

**President Fellows:** Any other for the Good of the Order or For the Good of the Community?

### **FOR THE GOOD OF THE COMMUNITY**

**Councilman Hallum:** Yes, I do the for Good of the Community. For those of you who may have seen a recent newsletter come out stated as a “Council Report”. Just want everyone to know that it might have been a little misleading, it actually was not from Council, that was a political piece put out by Mr. Plecnik and I believe Council President Fellows so I don’t want anybody to misunderstand that it is not the...does not represent the beliefs or the understanding of all of Council that, that was simply a political piece put together to...for whatever end that they may have in mind. You know...I heard some accusations of the Mayor not including Council and giving them a chance but then to put out a report, and not, you know, not ask all of Council equally guilty if maybe not providing and misleading people so anyway, I just want that to be clear. Thank you.

**Vice President Plecnik:** Madame President. If I could just add, if you look at the report that was put out it very clearly identifies that it was not paid for at taxpayer expense unlike the Mayor’s Report which did cost our taxpayers money for that colored-glossy piece that was put out without our input after it was budgeted to be a City Newsletter which we were all promised to have a chance to participate in, every member Council. My campaign decided that it was important to put out a piece along with some other Council people and members of the community and we did, very clearly showing who authored each article so I don’t think that there was any misunderstanding and I’m not the first member of Council to put out a Council or District Report and identify who wrote the articles in it. I believe you’ve put out Council Reports, Mr. Hallum and so has most members of this Council even the Mayor has put out Council Reports when he was a member of Council earlier and so in keeping with our tradition I try to inform our residents and it very clearly says “paid for by neighbors for Plecnik” and indeed it was. So I don’t think that there was any confusion to clarify but if there was I think that did it. Thank you.

**President Fellows:** Thank you.

**Councilman Hallum:** I will just say my reports actually say “District 3” so it doesn’t sound like it’s the entire Council. So, thank you.

**President Fellows:** Well Councilman Hallum and for everybody at the dais any Council individual is allowed to put out a report on their district or out of the City and your opinion about being political is purely your opinion.

**Councilman Hallum:** I didn’t say it wasn’t. I just said that’s what it is, it’s a political piece.

**President Fellows:** It's your opinion. Thank you very much.

**Councilman Hallum:** That's what it is.

**President Fellows:** Alright, we will go...

**Councilman Biro:** Nancy, can I add just one thing though. I remember a while back when Ray put a piece of literature out that a couple Council members did have issue with the fact that he labeled his Council Report even though other Council persons did not, who were not involved with that piece. And I kind of agree with Chris in a sense that those comments that were made were not reflective of commentary that I may not have, was never asked to be involved with that so it would be...I know that you can see that I wasn't...I didn't write a little blurb or whatever but I would appreciate it if they would be a disclaimer of some sort you know stating that this may not be all of Council's opinions or sentiments but I think that would help.

**President Fellows:** Well all of the information is public record that was on that document.

**Councilman Biro:** I'm just saying a couple Council persons did have a similar issue with a Council President a couple of years ago and so..

**Councilman Fiebig:** Madame President. I was that Council person that had a problem with that because that was in the taxpayer funded Mayor's Report that went out to the City, paid for at taxpayer's expense which we're all included in that and at the time Council President Somich wrote that he is expressing this on behalf of Council and he had some things in there like you know, if...there like quasi, hey if you were told to jump off a roof, may it's not be a good idea but you know you shouldn't jump off your roof. And that didn't express my opinion, he didn't ask me and so I put out a piece that said that I want everyone to be clear that I didn't have an opportunity to say this to have input on it. And it was paid for at taxpayer's expense. Clear distinction there, Chris. And I think that you know that.

**Councilman Biro:** That's fine. Once again this piece of paper, this literature comes out Council Report that the assumption by the committee, by our residents is that it reflects all of Council's opinion or all of what they say and I'm just saying that may not be the case. So I just want that to be known.

**Vice President Plecnik:** Madame President, if I could just follow on though, how much more misleading is it for a report to go out with the logo of the City of Willoughby Hills by only one person. It certainly makes residents think that this is the opinion of the City when a Mayor puts a publication with our official City logo on it. No campaign disclosure, just a City logo. So every concern that you had expressed applies ten times over to what the Mayor did but be that as it may.

**Councilman Hallum:** I'm going to say...

**Councilwoman Greer:** Council President, this is the type of thing that I don't believe belongs at the Council table and I would urge you in the future to cut these discussions off before they start. It does not do the City any good.

**President Fellows:** Thank you.

**Councilman Hallum:** Leadership would be much appreciated I think.

**President Fellows:** You started it.

**Councilman Hallum:** You didn't lead it.

**President Fellows:** Alright we are going into Executive Session at 8:13pm. And I would appreciate if no cell phones or iPads go into Executive Session so that we can all listen to our Law Director and so nothing is texted or taped.

**Law Director:** Doesn't bother me.

**Councilman Hallum:** Doesn't bother me.

**President Fellows:** I am respectfully asking that no iPads or cellphones go into Executive Session.

With all Members present, the Regular Council Meeting of September 8, 2016 reconvened at 8:55pm. Also present were the Law Director, the Mayor and Council Clerk.

**President Fellows:** This represents all of us, we take this issue of the falsification of an application very seriously and will consider appropriate action as soon as possible once we have determined our legal rights and responsibilities.

### ADJOURNMENT

Motion was made by Councilman Plecnik to adjourn. Councilman Hallum seconded.

**YEAS: Unanimous.**

**The Regular Council Meeting of September 8, 2016 was adjourned at 8:56pm.**

**APPROVED:** September 22 2016  
Date

Nancy E. Fellows  
Nancy E. Fellows  
President of Council

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