

City of Milloughby Hills

Regular Council Meeting Minutes of September 27, 2018

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

The Regular Council Meeting was called to order on Thursday, September 27, 2018 at 7:00pm in Council Chambers. President Fellows presided.

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

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

Absent: Mayor Robert M. Weger

DISPOSITION OF THE JOURNAL

Councilwoman Pizmoht: Madam President. Move to adopt the Regular Council Meeting Minutes of July 26, 2018.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Vice President Plecnik to adopt the Regular Council Meeting Minutes of July 26, 2018. Is there any discussion on the motion?

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

President Fellows: The Regular Council Meeting Minutes of July 26th have been adopted.

Councilwoman Pizmoht: Madam President. Move to adopt the minutes for the Special Council Meeting of August 16, 2018.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Vice President Plecnik to adopt the Special Council Meeting Minutes for August 16, 2018. Is there any discussion on the motion?

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

President Fellows: The Special Council Meeting Minutes of August 16, 2018 have been adopted.

ADMINISTRATION REPORTS & COMMUNICATIONS

President Fellows: The next is the Mayor's Report. I don't see the Mayor and I had no information that he wasn't going to be here. The next is the Finance Director's Report, Mr. Brichacek.

FINANCE DIRECTOR'S REPORT: I have a couple items, I would request that the property tax resolution be adopted at tonight's meeting as it needs to be filed with the County by 2nd of October. And also, I'd just like to point out that the hourly rate that's in Ordinance No. 2018-45 is not the current rate. The rate that was established by Ordinance No. 2018-13 was \$13.25.

Vice President Plecnik: Madam President. The Finance Director is absolutely right and we have touched base as well with the nominee to make sure she knows that the corrected number will be amended in the ordinance but, I did want to ask one quick question. We received from your Assistant Finance Director, I always call her Dawn, what I believe is the Mayor's nomination of Ms. Judy Kincaid. She says that the Mayor would like to nominate, can you confirm for us that he has brought her forward for confirmation.

Finance Director: That's my understanding.

Vice President Plecnik: Thank you.

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

City Engineer's Report, Pete.

CITY ENGINEER'S REPORT: Thank you, Madam President. The contractor is continuing to work on the Street Program. They've recycled all the streets which is the first step, then it has to cure for 10 days. So, next week they're coming back and will continue to do work and that completes my report.

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

Vice President Plecnik: Madam President. So, I know that we've got some questions from some residents on Red Fox Pass saying that this doesn't look like the street is finished. I'm I right in thinking then from your report, that they're going back to Red Fox Pass in about a week to complete the job with the other streets?

City Engineer: That's correct. The streets will get an additional 3 inches of surface course of asphalt so it will be a nice smooth finish when they're done.

Vice President Plecnik: And Madam President, if I could ask our City Engineer to also update us on our road repainting, road restriping because I know that we've had a couple of residents on SOM Center express some concern. I believe we have a schedule.

City Engineer: Yes, it's been our practice to restripe the roads every other year. So, this year we did not stripe them. Next year they're anticipated to be striping.

Vice President Plecnik: Thank you.

President Fellows: Any other questions? Thank you, Pete.

Next is our Committee Reports. Are there any Committee Reports from Council members or is there any information that they would like to share?

COUNCIL COMMITTEE REPORTS/ OTHER COUNCIL REPRESENTATIVE REPORTS

President Fellows: Okay. So, I had a Rules and Legislation Committee meeting on Monday and I will review my minutes and they are long. Rules and Legislation met Monday, September 24th at 6:30pm. All members of the Committee were present; myself, Vice President Plecnik, Councilwoman Pizmoht and Councilman Fiebig. Also, present were Councilwoman Lenz and Majka.

The order of business was to discuss business for this evening's meeting. The first was **Ordinance No. 2018-42**. This is an ordinance repealing and rescinding Ordinance No. 2017-63 establishing regulations and security for the Maple Grove Grange. It outlines the lockbox/key protocol and meeting regulations.

Councilman Fiebig inquired about other groups being included, identifying which organizations may be onsite, such as the Friends of the Maple Grove Grange. Vice President Plecnik indicated that Friends of the Maple Grove Grange are not active at this time. Mr. Fiebig also asked how rates would be determined for use of the Grange. Council President Fellows indicated that he was placing the cart in front of the horse. That even the past Recreation Coordinator had not visited the Grange and that there were many other things that would need to be considered, especially concerning or addressing handicap entrance and internal facilities such as the restroom. This ordinance is a starting point for the City to begin to integrate use, with hopes that a Landmark Commission will be created to support and enhance the benefit of the Grange to the City and beyond. This ordinance would be on 2nd Reading.

The next is **Ordinance No. 2018-43**. This is the expenditure of the engineering fees and construction costs for the Stratford Pump Station Project. There're still many questions aligned with this project. Council President Fellows shared thoughts and questions asked of our City Engineer Pete Di Franco concerning the pump station being created for an independent community within Willoughby Hills, where previous resolutions did not remedy the flooding issues; that the community was built on a swamp, marsh type area; that the property drains to the south; yet, the City has a responsibility to maintain the sewer system. After the implementation of the interceptor sewer system some years ago, it was identified that the flow to Euclid came from larger pipes to smaller pipes, causing backflow and flooding towards Stratford and beyond. Previous plans were drawn up for retention basin behind Giant Eagle to help eliminate this problem, however, it was too costly to implement. Rules and Legislation suggests that this Ordinance be on 1st Reading and placed in the Utilities Committee, and Councilwoman Majka is the Chair of that Committee.

Ordinance No. 2018-44 is an ordinance directing the Mayor to enter into an agreement with Richard L. Bowen and Associates for City Engineering Services commencing February 1, 2019 – January 31, 2020. This will be on 1st Reading.

Ordinance No. 2018-45 – this is an ordinance fixing the compensation for the position of part-time Recreation Coordinator, long awaited. The Ordinance identifies \$12.13 an hour which was marketed on the City website. Ordinance 2017-72 when the last Recreation Coordinator position was presented to Council stated the wages to be \$12.49. Vice President Plecnik had reached out to the Mayor inquiring what this individual was offered, was it from the ad or something else. And we found out that he had offered her \$16.97 and he said that those were union rates. We were budgeted at the beginning of the year for \$13.35. We had questions; had this individual been introduced to the Recreation Commission as she would be working closely with them. Rules and Legislation would like to see Council move forward with the confirmation of this appointment, but some questions need to be answered especially aligned with wages.

Resolution No. 2018-14 – a resolution urging the Mayor to fully utilize the services of BackTrack, a background screening company to expediate the vetting process for potential candidates seeking employment in the City. Councilman Fiebig "cautioned" us not to use just one company. Vice President Plecnik shared that at this point if we begin to research other companies to assist with vetting, this would not help to expediate the process especially since the Mayor had already entered into a contract BackTrack in 2016. Backtracking, I

looked up some minutes from the July 26th Council Meeting and I quote Councilman Fiebig: “Mayor any process on the other applicants for the firefighters and paramedics?” Mayor: “We have three pending and they’re being reviewed and may be in a week or so, we’ll have those”. Councilman Fiebig: “Okay. We’d like to do what we can to get them quickly”. Mayor: “Right”. Councilman Fiebig: “There’s a bit of an urgency with vacations and some other issues. So, anything that you can do to push that along we’d appreciate it.” And the Mayor responded “okay”. Councilwoman Lenz mentioned that BackTrack utilizes other professional organizations to assist in gathering information in an expeditious manner. The average amount of time it would take BackTrack to vet an individual using the Civil Service Commission checklist is three days. It has taken several months for the City to process individuals. This is on 2nd Reading; however, Rules and Legislation recommends to Council that the resolution be waived and adopted so that we can get out firefighters in place.

Resolution No. 2018-16 – a resolution authorizing the City of Willoughby Hills to accept the amounts and rates for the year 2019 as determined by the Budget Commission of Lake County. This is a necessity and the Lake County Auditor has set a filing deadline of October 1, 2018 which our Finance Director has already mentioned to us. This is 2nd Reading but because of the deadline, Rules and Legislation recommends waving the 3-Reading Rule and adopting.

Next, we had a discussion/review of the lease contract for a police sub-station at the Shoppes of Willoughby Hills with J. Scott Scheel; between Checkmate LLC and the City of Willoughby Hills. These are some of the points that came up during that discussion:

- Will request a word version of the lease to make changes, i.e. grammar, misspelt words, update from 5 years to 10 years with the City not being responsible for rent, delete sections that are not applicable
- Determine amount of time if need to, to break the lease; 2-year out?
- The entire police station is not moving; this is a sub-station, there will be some City costs to make the move
- Perceptions good to have a sub-station in the area, other think it makes it look like we have crime there
- New businesses would like to have a police sub-station in that area
- Question aligned with abating property tax for the building since it is used for a municipality
- And we would like to coordinate a time for Mr. Scheel to meet with all of Council

Mr. Fiebig brought up the issue of compensation for the Police Chief and the Road Superintendent. He stated that these individuals have been “passed over”. It has been one year since their last raise. Most employees receive raises annually, unless there are promotions involved; as an example, I had communicated to Councilman Fiebig that this is more than just the Police Chief and Road Superintendent but also the part-time Police, part-time Fire, Finance Director, Assistant Finance Director, the part-time Road Worker(s), part-time Field Maintenance Worker(s) and the Clerk of Council. The topic of raises is already in the Personnel Relations Committee and will remain on their agenda. It is unfortunate to have these valuable employees wait for their raises, but with the on-going AFSCME issues, our last legal recommendation was that we needed to wait till the union issues are resolved.

Public portion opened at 7:50pm. Mr. Cihula addressed two points: concerning property tax, that the auditor could reassign a subset to the property; and with the police sub-station– in terms of moving the station, if the landlord bumps us, and we have to move back to City Hall, then they pay us, the tenant for the move back.

Mr. Miller – using BackTrack, we’re already under a contract, expanding should not be an issue. We can go out to bid when this contract is up.

Concerning the nine Charter Amendments – why were they provided to the Board of Elections before they became law? Councilwoman Pizmoht reviewed the three different ways that Charter Amendments can be placed on the ballot. One being by Council. Council President Fellows shared that with the last amendments presented by the Charter Review Commission appointed by the Mayor, while they were presented in an

ordinance format, Council could not reject the request, just as council's amendments cannot be rejected (unless there is less than a 2/3 vote); they were just presented in the same fashion as before.

Concerning the necessary signatures required for a recall petition. The Lake County Board of Elections follows the Charter that states "such petition shall comply with the provisions of Section 8.32 and the required percentage of electors signing such petition shall be at least twenty-five percent (25%). Electors are defined as those registered to vote. It was reminded that it is not just the number of signatures that are needed but also that the petition shall state facts, in which allege said officer(s) to be guilty of malfeasance, misfeasance or nonfeasance in office.

Public portion was closed at 8:04pm and I stand open to questions.

Councilman Fiebig: Madam President. I have one, point of clarity, on the point that you made regarding what I said about the services of BackTrack. What I stated and my intent in why I brought that up for was to say in the resolution, is that I don't believe it's imperative that we use the term the services of BackTrack. I think if we just simply eliminate BackTrack, we're not putting the City in the position of where Council is apparently choosing one company without going out to competitive bid. And if we just said the services of a background screening company, I think that we would be in a better position to make it look like we not picking one company, but I'm fully on board with using the services of BackTrack or whoever it is to expediate the services of getting our Police and Fire Department staffed fully.

President Fellows: I made that notation and I'll change it in the minutes, David. Any other Council Committee Reports/information?

Vice President Plecnik: Madam President. I would just remind the public that the construction at the Cuyahoga County Airport is nearly done and I've had a lot of residents ask me what's happening at the airport. The Noise Abatement Council hasn't met in a little while, but we were told that the construction was hopefully going to end with the end of the month in September. So, you usually don't finish quite on time, but the work is nearly done and it's certainly slowing down.

President Fellows: Thank you. One other point as I was reading my minutes, I wanted to remind everybody and especially those who are listening, that the official minutes, the official minutes for the City Council meeting is the audio and our Clerk post the audio immediately after the meeting. Written minutes will be available as the Council Clerk can fit it in with all her other duties. So, the official minutes are the audio and I just want to make people aware of that because sometimes they think the paper one is and it's not.

Councilman Fiebig: Madam President. In our Planning and Zoning Commission we had a report and a presentation from those that are involved with the Willoughby-Eastlake School of Innovation restoration concept for Euclid Creek and if our Engineer wants to weigh-in on this at all, I'd welcome him to, but they discussed and had a PowerPoint presentation of what will be going on in the development over there to alleviate invasive species, failing coverts, road and stream, oh the degradation of the stream there and it also will have an education component that will tie into the School of Innovation. So, it's a fairly sizable project, it's going to be a very nice project here. It's going to help the school over there. Pete, if you have anything to add to that...

City Engineer: No.

Councilman Fiebig: Okay. Those slides, I did ask that they present it to us, send it to us. I don't know if our Clerk has received those? No?

City Engineer: I can follow up.

Councilman Fiebig: Okay. Thank you.

President Fellows: Okay. Next, we'll go to Public Portion.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies

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

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

President Fellows: This is an opportunity for the public to come forward and share their thoughts and concerns. Sometime we can answer the questions if we have the information and sometimes, we cannot. Sometimes Administration can. We ask that you have your comments to three minutes and that you also state your name and address for the record, so **I will open Public Portion at 7:19pm.**

Jenna Bing – 36951 Beech Hills Drive. I just wanted to thank Mr. Brichacek for being very responsive when I asked him about information about our finances for the City. He provided it within like a day of me dropping off a little thumb drive. And so, he's been very helpful. It's been very useful. I've learned a lot about our finances and I think that we're probably in pretty good shape, and that was nice to know, so thank you very much for being very responsive in doing that.

President Fellows: Thanks, Jenna.

Chris Welch – 38801 Chardon Road. Who is responsible for picking up dead animals on the road?

Councilman Fiebig: The Service Department.

President Fellows: I've called the Service Department in the past.

Chris Welch: Well, there's a grave yard on Route 6. On a side note, if I know that the City of Willoughby Hills, the School Board's separate, but if the report card for the State came out, Willoughby-Eastlake has a "C" which is average, which is lower than what it was when we moved out here. The schools aren't really a selling point anymore to move here. The Mayor's not here, so I'll ask this question to the Council, what would you do or how would you sell Willoughby Hills to a young family? Thank you.

President Fellows: Thanks, Chris.

Councilwoman Lenz: A growing community.

Doris Dodge – 37881 Milann Drive. I have one question. I realize the situation on Dodd Road where the river is kind of encroaching on the road, something is supposed to be happening. I'd like to know what's going to happen and is it going to be done before winter? I'm afraid that it is going to propose a hazard. I've walked down there myself, so I want to know what is the update and as far as any of you being absent or anything of you elected people here, I expect you to be up to date on everything and I do expect you to be at meetings and that sometimes, this is a commitment that you made when you ran for office or you took an oath. I do expect you to be caught up. I don't want hear that the dog ate your homework or you weren't prepared or any of that stuff. I took an oath when I took my job. I can't tell you how many Christmases I have missed with my family because I've been in with emergency surgeries in the middle of the night and everything else, on weekends, on-call. My own appendix ruptured when I was on-call. So, I missed taking my son to college for the first time too. So, I realize what commitment is and I do expect you all to be caught up with the program.

President Fellows: Thank you.

Joann Majeski – 14085 Sperry Road, Novelty, Ohio, in Geauga County, Newbury Township. I have a letter to read:

Dear Willoughby Hills City Council Members,

On February 8, 2018, you passed Willoughby Hills Ordinance 2018-11 with a 5-1 vote suspending the Whisper Program for the Senior Citizens of Willoughby Hills, Ohio. Councilman Chris Hallum voted “no” while Councilwoman Laura Lenz “abstained”. This temporary suspension of the Whisper Program has already lasted almost eight months.

As trustee for the Gulick Family Charitable Unitrust, the Whisper Program has already received, so far, a total of \$5,699.71 in the past two years.

As Fiduciary for this Trust, I have serious questions and concerns about this year’s donation of between \$2500.00-\$3100.00 since this program is still in suspension mode.

I have listened to each Willoughby Hills Council meeting “audio” since February 8, 2018 and have not heard one word mentioned about the Whisper Program, namely the so-called Forensic Audit and the vetting process for Whisper volunteers. What was the result of this audit and what “vetting” processes have you worked on?

What really confuses me is that the Whisper Program began in 2009 and was never questioned until 2018 (nine years later) by two sitting Council Members, President Nancy Fellows and Councilman David Fiebig, as well as another sitting Council Member Vice-President John Plecnik for five years, and lastly Councilwoman Janet Majka for two years.

On a personal level, as a daughter, a niece, a neighbor, and Registered Nurse for 42 years, I have assisted the elderly with their needs and concerns, and especially the desire to remain independent in their own homes. I am so disappointed that the Whisper Program for the Senior Citizens of Willoughby Hills has been halted and I am sure that the Senior Citizens are disappointed as well. Our precious Senior Citizens need nothing more than a smile and an occasional “helping hand” and this has been taken away from them.

In closing, I have no choice but to contact Attorney Mr. Joseph Kampman of Ziegler Metzger LLC to see about how to proceed with the Gulick Family Charitable Unitrust annual donation for the Whisper Program. Thank you for your time with this matter.

Sincerely,

Joanne Majeski,

Trustee for the Gulick Family Charitable Unitrust

14085 Sperry Road, Novelty, Ohio 44072

President Fellows: Thank you, Joanne. Anyone else this evening?

Linda Fulton – 2990 Marcum Boulevard. Has anybody listened to the proceedings of the Kavanaugh issue today? Isn’t it disgusting to ruin a person’s life like that? So, it started with that and then I come here and I kind of listen to a little bit of bickering between all of Council. I understand the proceedings, the Charter Amendments. I, for one, am for them. As far as I know, all of them. I haven’t read through all of it, but this nonsense, I’m sorry, it’s nonsense now, that people were not advised of this, people, the residents weren’t advised, it was rammed through, maybe it was rammed through, maybe it wasn’t done correctly, but it was done and now it’s time to vote, yes or no. And I think the residents are getting a lot of information before they do vote. If they watch it at home, if they read what they received in the mail, when they come here, there’s a lot of information out there and you might not agree with it and that’s okay. But, it’s time to work together, it’s not time to be against each other. I think that you should work together, work out the circumstances that prevail in it. It’s time. Thank you.

President Fellows: Thanks, Linda.

Vicki Miller – 2857 Hayes Drive. I just want to thank our Service Department for the last couple of weeks we had some real good improvements on the road, on River Road and also clearing the brush on Hayes Drive and it

looks nice and the clearing of a couple fire plugs which was very much needed. Also, one question that I do have, I've been asked by others in the public, is why do we not have a Law Director? Thank you.

President Fellows: Thank you, Vicki. Anyone else this evening? Okay. **I will close Public Portion at 7:29pm.**

UNFINISHED BUSINESS

President Fellows: Chris, I guess, give Mark Grubiss a call about the cemetery.

Chris Welch: Okay.

President Fellows: Doris had a question about Dodd.

City Engineer: So, our consultant just completed a report. They reviewed several options to see what's going to be the most cost-effective and get the slope stabilized. Once we select the option, they'll proceed with the design and then we need to go out to bid and get a contractor. So, it won't be repaired until the spring at least of next year.

President Fellows: So, let's see. Joanne, the Whisper Program, going back a few months now, so there were some questions for clarification of how the Program was being managed. Those questions have not been totally answered at this time. I am compassionate about our seniors as everyone, I am a registered nurse, as well as Doris. There are other services in the community and in Lake County for our seniors as well to aid and assist. And as far as the audit, the Mayor did not want that to be done, the Forensic Audit. So, that's all I have at this time on it.

And Vicki, in terms of the Law Director, my conversations as the Council President, one-on-one with individuals, there was not a majority of Council to confirm the last candidate. And if you have concerns, you can contact them individually to discuss their reasons.

Anything I'm missing? Okay. All right. Unfinished Business? Legislation. I lost all my paperwork because I flip them over so I can write notes on them.

LEGISLATION

ORDINANCE NO. 2018-42 – 2nd READING

1st Reading: September 13, 2018

AN ORDINANCE REPEALING AND RESCINDING ORDINANCE NO. 2017-63 – AMENDED AND IN LIEU THERE OF ENACT AN ORDINANCE TO FURTHER ESTABLISH REGULATIONS FOR THE SECURITY AND SAFETY OF THE MAPLE GROVE GRANGE LOCATED AT 2454 RIVER ROAD, WILLOUGHBY HILLS, OHIO AND DECLARING AN EMERGENCY.

President Fellows: And that will be on 2nd Reading.

ORDINANCE NO. 2018-43

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

President Fellows: This will be on 1st Reading and also will go into Utilities Committee.

ORDINANCE NO. 2018-44

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

President Fellows: And that will be on 1st Reading as well.

ORDINANCE NO. 2018-45

AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITION OF PART-TIME RECREATION COORDINATOR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Vice President Plecnik: Madam President. Our Finance Director shared that the budgeted amount for this position was \$13.25, but your minutes reflected \$13.35 and in talking with Councilwoman Pizmoht, that was the number she recalled as well. Do we know what the exact budgeted hourly rate was for this position?

Councilwoman Pizmoht: I believe in 2018-19 which has the limitations on employment for the City and compensation, Madam Chair, sorry, it said \$21,000 and then if you do the 29 hours and divide by 52 and 29 hours, you can get in the \$13.32 ballpark. But, if Mr. Brichacek says \$13.25, I trust him because I just looked at 2018-19 and did the math, so if he has a different number, it's his job to know that right now.

Finance Director: I doubled checked, unless I misread it, 2018-13 says \$13.25.

Councilwoman Pizmoht: Then I would go with that number. I looked at 2018-19 quickly before the meeting, so thank you, Mr. Brichacek.

Vice President Plecnik: Madam President. If I may, this is the ordinance to confirm the Mayor's nomination of our new Recreation Coordinator, Ms. Judy Kincaid and I would start by making a motion to amend Ordinance No. 2018-45 to reflect the rate of pay of \$13.25 per hour.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to amend the ordinance for the compensation of the Recreation Coordinator from \$12.13 on the ordinance to \$13.25 per hour which was budgeted for at the beginning of the year. Any discussion on the motion?

Councilwoman Majka: Madam President. I've had several occasions to have a conversation with Ms. Kincaid; she comes with a long history of experience, primarily at golf courses, so she is very adapt at dealing with rentals and large sums of money, much larger than what would be done over here at our Community Center. She is very, very, anxious to get started and she was even willing to accept a lower rate of pay in order to get confirmed and get started. She's been approved by the Mayor since the beginning of August. She's been applying for this job since April, so I think its long past time to get her in. In fact, hopefully, she can reverse and work on some of these cancellations that have been happening, if it's not too late. Had we had her on board sooner, we wouldn't have had these cancellations. So, I think it is well past time to get her in and let her get going.

President Fellows: Any other comments on the motion?

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

President Fellows: The ordinance has been amended to reflect a rate of pay of \$13.25 an hour.

Vice President Plecnik: Madam President. Given that we made a substantial amendment to this ordinance, it's prudent to waive the 2-Day Notification as well as the 3-Reading Rule if we wish to consider this ordinance tonight. So, I would make motion to waive the 2-Day Notification on Ordinance No. 2018-45 – As Amended.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to waive the 2-Day Notification on Ordinance No. 2018-45 – As Amended. Is there any discussion on the motion?

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

President Fellows: The 2-Day Notification has been waived for Ordinance No. 2018-45 – As Amended.

Vice President Plecnik: Madam President. Motion to waive the 3-Reading Rule on Ordinance No. 2018-45 – As Amended.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to waive the 3-Reading Rule on Ordinance 2018-45 – As Amended. Is there any discussion on the motion?

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

President Fellows: Waiving the 3-Reading Rule on Ordinance No. 2018-45 – As Amended has been passed.

Vice President Plecnik: You can do the honors, Jan.

Councilwoman Majka: Madam President. I'd like to make a motion to approve Ordinance No. 2018-45-As Amended.

President Fellows: Yes, and I should have said As Amended before.

Councilwoman Majka: As amended. Excuse me, Ordinance NO. 2018-45 – As Amended.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilwoman Majka and a second from Vice President Plecnik to adopt Ordinance No. 2018-45 – As Amended. Any discussion on the motion?

Vice President Plecnik: Madam President. As former Chairman of the Rec Commission, I would just second Councilwoman Majka's hope that bring a Rec Coordinator on board will allows us to reinstitute a lot of the events that we really enjoyed and appreciated as a community. I certainly have participated in Rec events for many, many years and I know that Councilwoman Lenz is a former member of the Commission as well and we've all gone to the pancake breakfasts and parties and I'm very hopeful that Ms. Kincaid with her experience

will be able to work with the Recreation Commission to uncanceled those events and I'm grateful to the Mayor for finally nominating her.

President Fellows: Thank you, John.

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

President Fellows: Ordinance No. 2018-45 – As Amended has been adopted and we welcome Judy Kincaid as our...

Councilman Hallum: Madam President. Don't we need to actually confirm her. Like, do we have to do an actual motion?

President Fellows: That's a good question.

Vice President Plecnik: I believe that...

President Fellows: We set the compensation.

Councilman Hallum: That's all this does. We really should confirm her. I'd like to make a motion that we confirm Judy Kincaid for the position of part-time Recreation Coordinator.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Hallum and a second from Councilwoman Majka to confirm Judy Kincaid as our part-time Recreation Coordinator. Any discussion on the motion?

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

President Fellows: Judy Kincaid has been confirmed as the part-time Recreation Coordinator. Compensation has been set, so we will welcome her and thank you Chris for doing that, appreciate it.

Councilman Fiebig: May I suggest that we invite her to may be come to the next Council Meeting, so that we can meet and have a brief discussion about may be some plans.

President Fellows: And hopefully she will be at the next Recreation Commission Meeting and we can all attend that meeting and met her there as well.

Councilman Fiebig: True.

RESOLUTION NO. 2018-14 – 2nd READING

1st Reading: September 13, 2018

A RESOLUTION URGING THE MAYOR TO FULLY UTILIZE THE SERVICES OF BACKTRACK, A BACKGROUND SCREENING COMPANY TO EXPEDITE THE VETTING PROCESS FOR POTENTIAL CANDIDATES SEEKING EMPLOYMENT IN THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

Councilwoman Pizmoht: Madam President. Motion to waive the 3-Reading Rule on Resolution No. 2018-14.

Councilwoman Lenz: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Lenz to waive the 3-Reading Rule on Resolution No. 2018-14. Is there any discussion on the motion?

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

President Fellows: The 3-Reading Rule has been waived on Resolution No. 2018-14.

Councilwoman Pizmoht: Madam President. Motion to adopt Resolution No. 2018-14.

Councilwoman Lenz: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Lenz to adopt Resolution No. 2018-14. Is there any discussion on the motion?

Councilman Fiebig: Madam President. Just to go back to what was said earlier, but I just want it on the record with my warning, with an abundance of caution, it is just a resolution, not law, that to say the services of one specific company, I just caution that it may be looked as picking without competitive bidding, but I'm all for having our Fire Department fully staffed as quickly as possible.

President Fellows: So, I'll add to Councilman Fiebig, the Fire Chief, he came to me asking to use BackTrack and since the Mayor had already had a contract with BackTrack, since 2016 it seemed logical to write the resolution in that format at this time.

Councilman Fiebig: I get it.

Councilwoman Pizmoht: Madam President. And just so that the residents understand, the bidding requirements kick in when there is a fifty thousand contract and since it's about \$190 per candidate, it's going to be a long, long, long time that we might even approach that number. So, I think we're okay in that regard and as Councilman Fiebig and Council President Fellows said, this will hopefully urge the Mayor to work with BackTrack and get these firefighters approved so that we can get them in the station and we can fully staff our department once and for all. Thanks.

President Fellows: And one last point, we made sure that this company had the Civil Service Commission's Checklist that they use when they were doing their vetting and that was also used by the Assistant Finance Director as she began to do more and more of those duties, so that we wanted to stay in compliance with that Commission. I just wanted people to realize that as well.

Councilwoman Majka: Madam President. I'd just like to add and I think that this is pertinent because of the Town Hall we had before and the discussion about Charter Amendments is that the last round of Charter Amendments we had, one of the amendments that did pass, gave greater responsibility to the Civil Service Commission and for their background checking and vetting of potential City applicants. I don't know why and I'm not trying to throw anybody under the bus, but the Civil Service Commission was not really fully prepared for all of the additional duties that they were going to have to take on and I know this because I attended a number of their meetings throughout the year when they were just getting going. And they had a lot of meetings and their progress was very slow and that led to some of this backlog in the way of hirings and we did eventually, probably over a good year, get a Checklist out of them which is what we're now discussing. But, it's just good to go back and remind ourselves of, you know, as we're talking about Charter Amendments now, this was something that the Civil Service Commission was lobbying for and wanted increased responsibility; however, they were unprepared for it and it took them a lot of work to caught up and now we're looking at this

service that's going to essentially back them up and get the process done in a more timely manner. So, it's just something to think about.

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

President Fellows: Resolution No. 2018-14 has been adopted.

RESOLUTION NO. 2018-16

President Fellows: Although this is the 2nd Reading, it is time sensitive, as Mr. Brichacek indicated and I did also in my Rules and Legislation meeting minutes.

A RESOLUTION AUTHORIZING THE CITY OF WILLOUGHBY HILLS TO ACCEPT THE AMOUNTS AND RATES FOR THE YEAR 2019 AS DETERMINED BY THE BUDGET COMMISSION OF LAKE COUNTY, OHIO AND AUTHORIZING THE NECESSARY TAX LEVIES AND THE CERTIFICATION THEREOF TO THE COUNTY AUDITOR.

Councilman Fiebig: Madam President. Move that Council waive the 3-Reading Rule of Resolution No. 2018-16.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to waive the 3-Reading Rule on Resolution No. 2018-16. Is there any discussion on the motion?

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

President Fellows: The 3-Reading Rule on Resolution No. 2018-16 has been waived.

Councilman Fiebig: Madam President. Motion to adopt Resolution No. 2018-16.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to adopt Resolution No. 2018-16. Is there any discussion on the motion?

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

President Fellows: Resolution No. 2018-16 has been adopted.

NEW BUSINESS

President Fellows: Any New Business this evening?

FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY

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

Vice President Plecnik: Madam President. I'd just like to repeat given that a letter was sent out to their community, our community by Councilman Fiebig stating that Council could remove the Mayor under the

Charter Amendments with four votes, that, that's not accurate. And if someone reads the Charter Amendments, they'll see explicitly that it would require a vote of five members of Council. You might agree or disagree with that, but I do want to make it very clear that nothing in the Charter Amendments says four votes could remove the Mayor on a whim. It would require a two-thirds, super-majority, five votes to remove according to the standards in the Charter such as malfeasance and misfeasance. The word "whim" is certainly not used or permitted under those standards. And I would just ask Councilman Fiebig before he sends out something to the entire community that he double checks and he does the reading himself because a lot of people may be under the misimpression tonight that the Charter Amendments do something that they don't. And you could agree or disagree with what they actually say, but I think that's it's incumbent on us as fiduciaries of the City, that we accurately describe what will be on the ballot whether we agree or disagree with it personally.

Councilman Fiebig: And Madam President. To my esteem colleague, we're talking about a political piece of literature versus the actually legislation and political literature is completely different than actual words on the ballot and I would purpose to you and to the public that the words on the ballot, the ballot question do not actually reflect the full intent of each of those things as you read them. Thank you.

ADJOURNMENT

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

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

The Regular Council Meeting of September 27, 2018 was adjourned at 7:49pm.

APPROVED: December 13, 2018
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

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