

NANCY E. FELLOWS  
*President of Council*

JOHN PLECNIK  
*Vice President of Council*

VICTORIA ANN SAVAGE, CMC  
*Clerk of Council*

# City of Willoughby Hills

*Council*  
CHRISTOPHER L. BIRO  
DAVID M. FIEBIG  
CHRISTOPHER HALLUM  
JANET R. MAJKA  
LAURA PIZMOHT

## Regular Meeting of Council Minutes of September 28, 2017

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

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The Regular Council Meeting was held on Thursday, September 28, 2017 at 7:00pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

**President Fellows:** Councilman Biro is on vacation.

**Councilman Hallum moved to excuse Councilman Biro. Councilman Fiebig seconded.**

**President Fellows:** I have a motion from Councilman Hallum and a second from Councilman Fiebig to excuse Councilman Biro from this evening's meeting. Any discussion on the motion?

**YEAS: Unanimous.**

**Motion PASSED.**

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

**President Fellows:** Before we start business, Councilman Fiebig is going to share some information with all of us.

**Councilman Fiebig:** Thank you Madame President. It's a tragic day here in Willoughby Hills. I'd like to ask for a moment of silence in support of our police officers and firefighters. All of those that responded to the tragedy today. Thank you. I did have the opportunity as Chairman of the Safety Committee, to speak with our Police Chief just prior to this meeting and he did relay some information that I could share with you this evening. He did an interview with local media approximately 4:00 this afternoon where he released information on what happened at Classic BMW. Two of our officers were engaged in a gun fight with a, I guess this was a customer there at the store. They were called at approximately 2:18 this afternoon and they responded. Unfortunately, there were shots fired. They were wearing their armored vests that they all wear. One of our officers was shot multiple times in the leg. The other sustained some other injuries. Both are, however, in stable condition. And they are at two different hospitals, Hillcrest and Metro. The Police Chief and the Mayor are at each of those hospitals right now. Their families have been called, they're by their side. I think the word that I got was that the suspect was also shot. He is under surgery as we speak. And I believe they said that was stable condition as well. Chief mentioned to me just the tremendous response that we had from the other departments that were neighboring. He mentioned specifically the great outpouring of support from Wickliffe, from Willowick, from Waite Hill, from Euclid, from the Metroparks. Just a great coordinated effort. Our Acting Fire Chief Talcott managed the scene. He did a very good job of that. And he also wanted to commend the Dispatchers that we have working so hard here in the Dispatch Center. There were no innocent lives that were affected by this. The

suspect did have a gun and a magazine, you know, to reload. So, there was that. Jim Brown, Jr., the owner of Classic was there, was on the scene. They do have video. So, that's helpful, you know, as the investigation goes forward. It's an open investigation, so names will not be released at this time. But, it's good to know that both of our officers, both career, police officers here are in stable condition and hopefully are expected to recover fully. So, just wanted to share the information that I got, just less than thirty minutes ago, okay. Thank you, Madame President.

**President Fellows:** Thank you, Councilman Fiebig. And I'm sure that we are all so grateful for our safety forces. They put their lives on the line every day for us. And we certainly would never expect this to happen. But, our thoughts and prayers are certainly with them for a quick recovery and with their families as well.

## **CORRESPONDENCE**

**President Fellows:** All right, our first order of business this evening is going to be Correspondence. This is in relation to three ordinances that the Mayor returned to Council. I will read his memo, it's dated September 21<sup>st</sup> to the Council President, Council Members and the Clerk. And these are for Ordinance 2017-47 which is Conformation of Mayor Appointments; Ordinance 2017-63 which is the Maple Grove Grange property and Ordinance No. 2017-65 which is Methods of Purchase. And I quote: "On September 18<sup>th</sup>, the Council Clerk presented me with the ordinances passed at the September 14<sup>th</sup> Council Meeting. I will not be signing the above three ordinances, but rather expect that they will be considered law after thirty days. I do not want my name to appear on these documents in any way for it to be perceived that I support these actions". When the Mayor returns ordinances that are not signed, these are considered as a veto and they need to be treated as such. So, I want to read from the Charter just a little bit: if the Mayor does not approve, the Mayor shall return to Council within fifteen days or prior to the next regular council meeting whichever comes first, which he has done, noting his objections in writing, which he has done, and these objections shall be noted in the Council Journal. The Mayor's veto of any ordinance or resolution can be set aside by an affirmative vote of five or more members of Council after due consideration of the Mayor's objections. It will then take effect as if it was signed by the Mayor.

So, the first one that I would like to address Ordinance 2017-47. This is the confirmation of the Mayor's appointment. Do I hear any action from Council?

**Councilman Fiebig:** Madame President. The appropriate motion would be to vote on Ordinance No. 2017-47...

**President Fellows:** To override the veto.

**Councilman Fiebig:** To override the veto...

**President Fellows:** Correct.

**Councilman Fiebig:** I make that motion.

**Vice President Plecnik:** Second.

**President Fellows:** I have a motion from Councilman Fiebig and a second from Vice President Plecnik to override the veto on Ordinance 2017-47 which is the confirmation of Mayor appointments. Do I hear any discussion on the motion?

**Councilman Fiebig:** Madame President. This was an ordinance that allowed for Council to request the documents and in fact, put it in place for not only this Council, but future Councils. That we ask for the

documents, we ask to make sure that background checks were done on department heads; that a criminal background was done on department heads; drug testing, psychological testing. This was born out of an incident with the appointing of a fire chief that we were told, that was done, but we didn't have the documents to confirm that it was done. So, all we're simply doing is saying, that this Council and all future Councils will put that in place. So, there's a mechanism for department heads that Council needs to confirm by our Charter, that we have those documents going forward. This was on three readings previously. It was also and then vetoed. It was also passed with a three-two vote, but of course, you need four to pass legislation. So, for those reasons and others, I'm in support of overriding this veto at this time.

**President Fellows:** We're voting to override the veto.

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

**President Fellows:** The motion to override the veto on Ordinance No. 2017-47 has been confirmed. Now this was not an emergency clause, so this will take effect thirty days from now.

The next one is Ordinance No. 2017-63. This is pertaining to the safety and security of the Maple Grove Grange.

**Councilman Fiebig:** Madame President. Move that Council override the veto of Ordinance No. 2017-63.

**Vice President Plecnik:** Second.

**President Fellows:** I have a motion from Councilman Fiebig and a second from Vice President Plecnik to override the veto on Ordinance 2017-63. Is there any discussion on the motion?

**Councilman Hallum:** Madame President. Just want to state my objections to this ordinance again. That it was, in my opinion, we did not properly discuss this in a committee. It was not discussed with the dispatchers at the Police Department with regard to being responsible suddenly for managing the checking-in, checking-out of these keys. It was also not discussed with the Service Direct..., the Road Superintendent with regard to additional responsibilities that we were asking them to take on. So, I think that this should actually be sent to a committee to thoroughly vet this to make sure that we have a process, I'm not saying that this doesn't necessarily make sense, but I think we should make sure who we're putting this additional work on, can actually handle it and that we're giving it to the right people to be responsible for it. Thank you.

**President Fellows:** Thank you. Anyone else?

**Councilwoman Pizmoht:** Yes. I just want to say that as a public building there are liability issues involved with this and with people having keys and us not knowing who has keys necessarily who has access to the building anytime, who's using the building; how they are using it. There is a little bit of an emergency here to make sure that we know who's using the building, when they're using it and I think that we can go to committee and we can then make more rules going forward for how to use it, when to use it; who can use the keys. And if this isn't working, we can work through it then. But, I think we don't know the liability issues at this time and so we need to kind of, you know, have something in place that the keys are someplace safe and that we know who has access to the building; what's going on there so we can have a handle on the liability issues. That's all.

**Councilman Fiebig:** Madame President. Thank you. This, for those of you who are not familiar, this was born out of the cell tower. The proposed cell tower at the Grange. We found out through all of that and the community getting involved with that discussion about, you know, that they wanted to put a cell tower up there which we eventually pushed back and said no. That we found out some disturbing things that were going on

there, who had keys to it and what it was being used for. With Boy Scouts and Girls Scouts there and who knows what else was there, we had asked the Mayor to come up with a firm policy for what had been done. He kind of batted it back in our court and said, okay, Council do it. So, this is our response to that action. We would have rather have preferred that the Mayor did not give out keys to people. And that there was a policy in place like eight years ago, nine years ago when we acquired the building, but that never happened. So, this is to correct a problem. It's to fix a problem. It's not, Chris, I'm sorry, Councilman Hallum, it's not a perfect fix but it's an immediate one and an immediate response. Now, what I would suggest is that we, I'm going to vote to override this, I hope my colleagues do as well. And that we immediately refer it to the proper committee and I believe that the Recreation Committee is the most appropriate. From nine years ago, I set up the public property, Section 941, where we set up the fees for all the buildings which is what Council should do, set fees. And we also had the opportunity to look at who is managing the building, what are the hours that they're available so that it did go into a little administrative function as well, which is okay. And if the Mayor wants us to do that, we can definitely do that. I welcome you to, let's work together on this to come up with the best plan for it. Whether it's our service workers or it's the Community Center monitors, or whoever it is, but let's work together, let's get this handled. So, this was an immediate action. And again, while I believe it's not perfect, because there are some holes that we need to fill, we need to figure out, we'll get there. We'll get there. So, this puts, the key is going to be held in Dispatch. And somebody who wants to use the building comes to get the key. And they sign it out and they return it within twenty-four hours. I mean, that's the way it should be with a public building. We don't give out keys to the Community Center to everybody, so it's kind of the same thing. So, I hope you join in the support of this and that we can work together going forward.

**Councilman Hallum:** Madame President. Because you are the, Councilman Fiebig, you did say that this was our response. Who wrote this? Because I, as part of Council, was never privy to this until it showed up on our doorstep on a Monday Rules Meeting, a couple of weeks ago. So, normally I would agree with you if all of Council was privy to this prior to it showing up at a Rules meeting and then being required, asked to vote on it two days later. Because perhaps had this, you know, we called a meeting to discuss it at least preliminary, and now we've had two weeks between, so, I guess I'm curious as to whether our Recreation Chair had an opportunity to at least have a conversation with any of the people who were asking to do this additional work before we just pass something that's really supposed to be from Council. To my knowledge, it's not really from Council, it's from whoever wrote this. I'm curious to know who that is.

**Councilwoman Pizmoht:** Madame President. As Recreation Committee Chair, I have done a records request for some information regarding the liability issues that we may have with this building. The Mayor had said that he did background checks on all of the people who have keys to building, that's why I had asked for those. I also asked for all insurance policies related to it. So, I think that we need a little more information before we can come up with a really solid policy. But, in the meantime, I feel strongly that we need to have something in place to make sure that people can't just come in and out of it at will. And we don't know what's going on there. We really need to make sure. It's a public building and we could be sued for a lot of money. So, we need to make sure that we're covered. We need to make sure we know what's going on there a little bit so that we can make a good policy. So...

**Councilman Hallum:** I'm not disputing that we don't have a good policy, we just don't have one yet.

**Councilman Fiebig:** Call the question.

**Councilwoman Pizmoht:** We'll make one.

**Councilman Hallum:** It hasn't been properly vetted.

<b>Roll call:</b>	<b>YEAS:</b>	<b>Fellows, Fiebig, Majka, Pizmoht, Plecnik</b>
	<b>NAYS:</b>	<b>Hallum</b>

**Motion PASSED.**

**President Fellows:** The motion to override the Mayor's veto on Ordinance No. 2017-63 has passed. And this has an emergency clause on it so, this takes effect now. Immediately.

The last one is Ordinance No. 2017-65 and this is in relation to methods of purchase.

**Vice President Plecnik:** Madame President. Motion to override the Mayor's veto on Ordinance No. 2017-65 as amended.

**Councilman Fiebig:** Second.

**President Fellows:** I have a motion from Vice President Plecnik and a second from Councilman Fiebig to override the veto on Ordinance No. 2017-65 – as amended. Is there any discussion on the motion?

**Vice President Plecnik:** Madame President. As Chair of the Finance Committee, we worked together, the Finance Director, the Mayor and I on the budget in the beginning of the fiscal year. And I can tell you that when we balanced our budget the last two years, it's often a very razor thin balance to the tune of five thousand or so dollars, there's not an enormous amount of wiggle room. It's very hard for Council to plan if the Executive is capable of making large expenses on a recurrent basis without any accountability to the legislative branch. This legislation does not prohibit us from spending more than a certain amount of money. It simply means for larger expenses over two thousand dollars that haven't been preapproved by Council, the Mayor has to go back to at least one member of Council leadership or the Finance Committee to get signoff. It's legislation that the Mayor himself put in place with actually a lower limit in the previous administration. So, it's modeled after a policy that he supported in the past. And it's really necessary for fiscal responsibility. I think the first instance that made me feel that we needed a lower, a lower discretionary spending limit was when our Council President, then Vice President Fellows, asked the Mayor if he had any plans to purchase another vehicle for himself and he answered no. But then after election day had passed, he purchased a brand-new Jeep from Pat O'Brien Chevrolet for himself. And that put a hole in the budget. And we really need to have accountability on these expenses. It's not to say that we might not consider purchasing a vehicle, but it's something that really needs to go past the legislative branch that actually sets the budget and is responsible for that. So, I think that this legislation gives us a new layer of protection and fiscal responsibility for the City.

**Councilman Hallum:** Madame President. I think that it's reckless to compare this ordinance to what happened back when Mayor Lorenz was in the City because we were in financial crisis at that time. And it made sense. We had a budget that was out of control. We had records that were completely unauditible. And we have year after year had surplus budgets. You say, the twenty-five-thousand-dollar Jeep put a hole in the budget. I recall us still having a surplus budget that year, if I'm not mistaken, Mr. Brichacek, correct me if I'm wrong. So, and if it was in fact in the budget, it did not impact us negatively and it was a need. You know, you want to perhaps put something in that says if there is going to be a car purchased by the Mayor, that it has to be through Council, fine. But, I think this is not necessary. I think that this is Council trying to overstep its bounds and trying to, trying to make a statement that is unnecessary. Thank you.

**Councilwoman Pizmoht:** I know a lot of residents are kind of upset that it seems like the Mayor and Council are not communicating with each other. That there's a lot of bickering, fighting and no one knows what's going on at the other end. And I think that this is an opportunity for Council and the Mayor to work together to be financially responsible with the taxpayers' dollars. And as long as it's working properly, we can always go back and fix it and change it if it's not working or if it's too inconvenient. But, I really don't see an issue with accountability here. And if we're making good expenditures, then there really should be no issue.

**Councilman Hallum:** Madame President. So, if I understand you correctly, Councilwoman Pizmoht, you're saying that, this reducing the Mayor's ability to take care of City business down to a two-thousand-dollar limit is a good way of creating a good relationship with the Mayor. I just want to be clear...and that's what you are saying?

**Councilwoman Pizmoht:** If he is making good expenditures, there should be no problem.

**Councilman Hallum:** I don't see it as a problem the way it is. We've been having surplus budgets. Some people may say that they feel that one purchase which seems to be the one that's continuing pointed at, is a concern. You know, I think that this is going overboard.

**Councilwoman Pizmoht:** Perhaps if we have surplus budgets and we're being very careful with our taxpayers' dollars then we can maybe do a tax cut or something like that. Maybe we need to look at that kind of thing.

**Councilman Hallum:** That's completely off topic, but that's fine.

**Councilman Fiebig:** Madame President. This is, for those who don't know, is the detail of what we're talking about. This is just for a member of the Finance Committee to sign off on a purchase order that is anywhere from two thousand dollars (\$2,000.00) up to twenty-five thousand dollars (\$25,000.00). It just put another set of eyes on a purchase order prior to the money being expended. It's a process that so far, I've been the one who has done this. I was up here within a few hours of when I was notified that there was purchase orders to sign. I actually caught a little typo error on one, you know, a date missing on another. You know, just simple little things. So, it can actually be very helpful. And then I had an opportunity to chat with our Acting Fire Chief about the purchase on it which I don't know, maybe I wouldn't have had that opportunity if I had not been here had I not seen that particular purchase order come through at that specific time. So, I think that it's a helpful thing. Having more eyes on it and having sunshine on it. And that's why we're proponents of OPENCHECKBOOK. OPENCHECKBOOK is a software that our City has, can be availed to use. We've passed legislation to have our City join that in April of 2016. Frank, we're still waiting for that, I know you're getting to it, right? You know, where somebody can actually type in how much did we spend on computers this year? You know for example, what was the outlay for vehicles and have a simple format that they can use. So, you know, openness and transparency in government is something that I think is a good thing.

**Councilman Hallum:** Madame President. I'm not disputing that being transparent isn't important, I just feel that this is exorbitant. It's not necessary and I'm kind of curious as to what impact this has on our Finance Department, Mr. Brichacek.

**Finance Director:** To be honest, it slows down the issuance of the purchase order. It has more of an impact on the operating departments. It just adds another step before they get an approved purchase order back to them.

**Councilman Hallum:** Thank you.

**President Fellows:** Let's call the vote. This is to override the veto on Ordinance 2017-65.

<b>Roll call:</b>	<b>YEAS:</b>	<b>Fellows, Fiebig, Majka, Pizmoht, Plecnik</b>
	<b>NAYS:</b>	<b>Hallum</b>

**Motion PASSED.**

**President Fellows:** The motion to override the veto on Ordinance No. 2017-65 has passed and this is immediately going into law because there is an emergency clause on this ordinance.

The next order of business is the Finance Director's report. Mr. Brichacek.

## ADMINISTRATION REPORTS & COMMUNICATIONS

**FINANCE DIRECTOR'S REPORT:** Some modifications to the operating budget resulting from retirements of employees. Basically, rearranging appropriations. And regarding OPENCHECKBOOK, I've submitted all the information to the Treasurer's Office and the Treasurer's Office is constructing the data basis right now. It will probably be at least two weeks. And just so you're aware, that's virtually all I've done for the last two weeks; working with our software vendor because our software was not capable in communicating with the Treasurer's Office. And also working with several other local communities to try to figure out a way to get the information to the Treasurer in a format that they could use.

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

**Councilman Fiebig:** Madame President. Thank you, Frank, for following up on that. I know that it's a lot of work and data crunching and all of that and it can drive people crazy. So, thank you for what you're doing on that. I do appreciate it really. And I just wanted to chat with you about the mechanics about the method of this so that Nancy, John and I would be able to make sure that we're doing this as streamline as possible. Not to add any additional time if it's not necessary. For example, there's like a folder in your...

**Finance Director:** Purchase orders...

**Councilman Fiebig:** Yeah, there's a folder that's in your mailbox that we put in there from, it's still there. I think, it that's the same one, so...let's just talk about where you what it. Do you want it in the mailbox...

**Finance Director:** I'm pretty sure that it's not the same one. Because the mailbox is emptied every day.

**Councilman Fiebig:** I didn't hear you, I'm sorry.

**Finance Director:** I'm sure that it's not the same one. The mailbox is emptied every day.

**Councilman Fiebig:** Okay. All right. Well, we'll chat after the meeting if you want. Just give me a minute. Thanks.

**President Fellows:** And I do want to mention, for the Finance Director. So, we have an ordinance on the docket tonight for temporary appropriations for the first quarter of 2018. Any other questions for the Finance Director? Thank you, Frank.

Next one is the City Engineer's report. Mr. Di Franco.

**ENGINEER'S REPORT:** Thank you, Madame President. No report for tonight.

**President Fellows:** Any questions for the City Engineer this evening? We do have an ordinance on the docket this evening in relationship to the City Engineer and individuals from Bowen to help with the zoning needs of the City. So, that will be an ordinance for this evening.

**Councilman Fiebig:** Madame President. Pete, the road that's going to be open this week, isn't it...

**Councilwoman Majka:** The bridge.

**Councilman Fiebig:** The bridge. What's the status on that? Weren't they done there and it was going to be open?

**City Engineer:** Which bridge?

**Councilwoman Majka:** White Road.

**Councilman Fiebig:** White.

**City Engineer:** White Road, um...

**Councilwoman Majka:** Or Richmond.

**City Engineer:** It was supposed to be open by the end of the month. I haven't heard. I'll update.

**Councilman Fiebig:** Thank you. There's a bridge on Bishop and there were some lines put in there and some parking signs. Was there some issue there that you were aware of?

**City Engineer:** No. I'm not aware of that one.

**Councilman Fiebig:** Okay. All right. A resident asked about it and why we do it and I just didn't know the answer, so...all right, thank you.

**President Fellows:** Okay, thanks Pete.

## **COMMITTEES OF COUNCIL**

**President Fellows:** The next one is Committee Reports for Council. We haven't had any committee meetings since the last Council meeting. I do know that Mr. Di Franco has asked to have a meeting to discuss roads and the plan to resurface them or repair them. And also, I know that Mr. Biro has talked to Chief Talcott about the list in terms of the fire equipment for repair or replacement. So, we'll also need a finance meeting for those items in terms of cost and also to discuss the temporary budget. So, when Councilman Biro gets back, a couple of you Chairmen and Mr. Di Franco can get together and Mr. Grubiss as well so that we can coordinate a date so that all people will be available so that we can have a good discussion on the information in front of us.

## **OTHER COUNCIL REPRESENTATIVE REPORTS**

**President Fellows:** Any there any other Council Representative Reports this evening?

**Councilman Hallum:** Madame President. Planning and Zoning approved a new house, a greenhouse and a couple of sheds.

**President Fellows:** I'm sure that the residents are happy about that.

**Councilman Hallum:** I'm sure they are.

**Councilman Fiebig:** Madame President. Thank you. Had an opportunity on Monday by invitation of our State Representative to attend an Economic Development Forum that was pretty informative. It was at Lakeland at their Holden Center. And he brought the Ohio Developmental Services Agency up. There were two, the Director and someone else from there to discuss, you know, how to grow your business, how to grow your community. It was a good question and answer period. And I hope my colleagues will also comment on it. I think that they specifically zoned in on because they knew we were there and some other local communities because it's a hot topic for how do you spur economic growth within your community. So, they did talk about several methods that we can use and you know, some tax credits and things like that, that would be helpful going



forward for us. So, I think that it was helpful. I think that based out of that, I think that it would be prudent for Council to do some formal action like form an economic development task force. I'd like to see us put, formalize some parameters. I think that's what came out of this. If you already have set standards, like if you grow, you know, zero to fifty jobs then we can offer this, like a fifty percent (50%) tax credit. If you bring in this many, fifty to two hundred jobs, we'll offer you a seventy-five percent (75%) tax credit, say on your property or on the income, or there are many different ways that we can figure this and if we formalize something like this as a body and say, we can even vote on it as legislation it would give our chief administrator an opportunity to take that to the public and say approach business that what to locate here. Or even existing businesses that want to grow and say we can offer this for you. So, that's basically it. I hope that we have further discussion about it. And does anybody else want to comment on what they brought out of it, I'd appreciate it.

**Councilwoman Majka:** I will. One of the most exciting things to me that we got out of the meeting was, one of our Lake County Commissioners spoke to us about one of our concerns within the City. And said that he was working on a plan to hire an Economic Development Director who was very experienced in the field. And this person would be shared amongst several cities. Wickliffe, our City...

**Councilwoman Pizmoht:** Willowick, Kirtland.

**Councilwoman Majka:** Yah, yah. So, it was asked of us if we would be interested in something like this and we all said yes. Definitely. So, plans could be in place. We could get a proposal, give it to us before the end of the year. So, that would dovetail with Councilman Fiebig's idea of an economic development task force. So, hopefully we can be moving on some of these issues that we've discussed time and time again. And that you residents have brought forth as well.

**President Fellows:** Thank you. So, the next order of business is Public Portion.

## **PUBLIC PORTION**

### **Section 107.08 – Public Meetings of Municipal Bodies**

**(a) All meetings of any municipal body are declared to be public meetings open to the public at all times. All meetings shall provide a reasonable opportunity to hear public opinion.**

**President Fellows:** This is an opportunity for the public to come forth; share concerns, ask questions. Sometimes Council or the Administration can answer the questions immediately. Sometimes they need to have some time to do research. Again, I would ask that when individuals come up please have courtesy and respect for others. So, I will open Public Portion at 7:33pm.

**Dave Nichting – 35771 Maple Grove Road.** First of all, the incident today in Willoughby Hills. Sharon and I are members of family in law enforcement. We extend our sympathy and prayers to these officers involved. In the absence of Mayor Weger tonight, I'd like to speak to the condition of the City of Willoughby Hills. Sharon and I have lived here for thirty-three years. The City has not been in as good as condition as it is right now. I'm speaking to roads, streets, parks, public buildings, the financial situation in the committee. I thank the Mayor and the members of his cabinet. I thank Councilman Hallum, Councilman Biro in his absence. My point to you on this half of the daises, the failing of our Law Director Tom Lobe. A man who served this community for twenty some years, who has impactable character. A man of integrity. A well-known man in legal professions. One of the leading Law Directors in the State of Ohio. Sharon and I express our displeasure with your firing of Tom Lobe. We ask the citizens of Willoughby Hills to look closely at who's running for office. Vote for good candidates. Thank you.

**Ed McKenna – 2963 Lamplight Lane.** We opened this evening's meeting with the pledge of allegiance. I did not see anybody take a knee to indicate that you do not believe in liberty and justice for all. But, what was done two weeks ago was not justice. When I heard the news, it made me sick. I still lose sleep about this in justice. As I think about what happened, it reminds me about Christ being crucified. A good man is the one who is sacrificed. Mr. Lobe, time and time again, warned Council about overstepping its boundaries by making Charter violations. As opposed to heeding his warnings, you prevented him from providing legal input and you asked for his removal. I'm a lay person, but I can read the Charter and see the violations myself. In little league, we learned to follow the rulebook. When there was a question of rule violations, we followed the umpire's, the guidance of the umpire. If you did not like it, you did not remove the umpire. In Willoughby Hills, we really want Mayberry RFD with good fire and police protection with reasonable roads and city services. Instead, we're getting all-star wrestling with loads of punches that look really but are really fake. We see the punch of a balanced budget, but legislation was passed soon afterwards that took that away. We see the punch of lower sewer rates; however, these sewer rates are really taken away the safety reserves so that the fund can respond to future maintenance needs. We see the claim of zero tolerance but what actions have been done for the first push or for police calls for stalking. Is zero an accounting rounding thing? And yes, police and fire, I support you. In some ways, I wish Lobe would not have resigned. Then I could be saying these words at a hearing. I still feel obligated to say them or the bleed would be on my hands. Unless you reverse your actions and change your ways, consider the blood on your hands. This last weekend, the Vietnam movable wall was out at Perry. My cousin's name is on that wall. Mitt believed that it was better fighting communism over there then sometime in the future fighting it over here. Communism occurs when one branch of government takes over and people are fearful of their government. I recently had the pleasure of having dinner with my son and his wonderful wife. We discussed some recent events in the City. My son advised me to stop attending Council meetings because they are getting dangerous. Enough said.

**Jenna Bing – 36951 Beech Hills Drive.** I was going to ask did we have a Law Director because I saw what was in the minutes, but I didn't know the finalization. And how does, evidently, how do we replace our Law Director? That's what I don't understand, the process. And I have to say, I'm sure that Mr. Lobe, I've heard from other people, that at times, Mr. Lobe particularly in the past, use to be a very, very good lawyer. But, I've sat here many days concerned that he was going to have a stroke. He was so un-lawyer like, in how he expressed himself, and as a layperson, I could catch him in contradictions in a single sentence or paragraph. So, I have to say, in the past I didn't know him, maybe he has done good things but, I don't know whether people have seen him as recently as the last few meetings. So, thank you.

**Joe Zawatski – 28914 Eddy Road.** Thank you for the opportunity to speak again. I was very distraught that I was cutoff as much as I was the last time. And that I felt that I was accosted before I ever started. But that's just my own opinion. No one else's. What does bother me though, is that, while you, Ms. Fellows was going out to find a policeman to walk me out, arrest me, do whatever was going to be, that I had a City Councilman up here, Mr. Plecnik, who made a point of screaming at me because thank you, I have listened to the tape now, that said the man who lives illegally in this City. Now, I do believe that Mr. Plecnik states often, all the time, that he is a Law Professor. I have to tell you that I looked at the zoning codes, I live here legally. So, Mr. Plecnik, either you don't know the zoning codes or you blatantly lied. You lied to make points against me which you've done for years and I think that it's about time that you apologized and stopped it. And I would just like to let you know that should you continue to do this, there will be consequences.

**Ray Somich – 2941 Ledge Lane.** Good evening. For those of you who know me, first of all, I want to start with my heartfelt prayers and those of my family and I'm sure our entire community and remember our officers here today and their families. For the two newest Council members...

**Councilman Fiebig:** For the record, Ray, excuse me, for the record, just state your name.

**Ray Somich:** That's what I'm going to get to, Councilman. For the two newest Council members who may not know me, I'm Ray Somich and for twenty-seven years, I've lived at 2941 Legend Lane. I also was elected three times to serve on City Council for twelve years, including the privilege of serving as Council President. I've written this down even though most of you know that I don't normally do that but I wanted to stay within the three minutes. I've tried to stay out of your way since I retired from politics twenty-one months ago. But, the forced resignation of Tom Lobe gave me no choice but to be here today to speak. Tom's twenty years as Law Director coincided with my terms and through these years, he and Council had an excellent working relationship. In conversations with other cities, county, state and federal officials, he was very highly respected. And having him as our Law Director of our small city actually elevated our image especially since Solon where he also served as Law Director and is considered to be excellent in that regard, is actually twice our size in population and more than that, our budget. But, more importantly, I was in so many meetings with Tom and I saw time and time again his intelligence, his knowledge, his professionalism, his eloquence, as well as his passion and his love for our city. It was his city where he owns a home, and raised a family. In every meeting that I ever attended, in twelve years with Tom Lobe, he always protected our city first. And always protected all of our elected officials. I didn't always like what he said, I didn't often agree with what he said, but I never had any doubt that if he said something it was done in the best interest of our city, the people of Willoughby Hills both in his mind and in his heart. I'm thoroughly confused. How a few of the same council members that joined me for years in praising him, now voted to remove him. And how one council member never gave him a chance to see how he could perform. Voting to remove a twenty-year dedicated official in your very first council meeting. All of you and our city residents must now live with your decision. In my opinion, we are a lesser city without Tom Lobe and that's very sad. Mr. Thomas Lobe if you're watching, I thank you for twenty years of your service and dedication to our residents. In reality, Tom, you're better off without this position. But, the people of Willoughby Hills are definitely not better off without you. One more thing before I leave, I hope I have, you'll account me with an extra thirty seconds. Because several Council members who served when I was President, on a regular basis, criticized me for occasionally trying to pass ordinances before giving them three public readings. You accused me of rushing ordinances through without giving residents a legal opportunity to comment on them. I recall specific ordinances that were no brainers, to accept County funds or to fix a sewer system that was backing up somebody's basement. You spoke dramatically on how Council should never waive the three-reading rule. The minutes of the last meeting are not yet available, but the agenda from two meetings ago show that there were two ordinances that were prior reading....

**President Fellows:** Ray, Ray...

**Ray Somich:** I'm almost done Madame President. Twenty that were introduced at the last meeting for the first time. Nineteen of them with emergency clauses. These twenty-two ordinances do not appear on tonight's agenda which leads me to assume that most or all of these have had their three-reading rule waived. Now I have to ask, I have to wonder, what changed your minds or your agendas? Why do you no longer consider it important to listen to the comments of the people?

**President Fellows:** Ray, please your time is more than up. Thank you. Thank you.

**Ray Somich:** Madame President. I can tell you from four miles away, it still stinks.

**President Fellows:** I will close Public Portion at 7:46pm.

## UNFINISHED BUSINESS

**President Fellows:** Is there any unfinished business this evening at the Council table? We'll move to legislation.

## LEGISLATION

**Ordinance No. 2017-64 – 2<sup>nd</sup> READING**

**1<sup>st</sup> Reading:** September 14, 2017

**An ordinance providing for the appointment and compensation of a special prosecutor representing the City of Willoughby Hills in the review and investigation of certain public officials and others in conjunction with activities at the Grange and declaring an emergency.**

**President Fellows:** This ordinance will stay on second reading.

**Councilman Hallum:** Madame President.

**President Fellows:** This ordinance will stay on second reading. Next.

**Ordinance No. 2017-67**

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

**President Fellows:** This ordinance will be on first reading and it will also go into committee.

**Ordinance No. 2017-68**

**An ordinance authorizing and directing the Mayor to accept the proposal as submitted by Richard L. Bowen + Associates Inc. providing zoning administration services for the City of Willoughby Hills, Ohio and declaring an emergency.**

**Councilman Fiebig moved to suspend. Councilwoman Pizmoht seconded.**

**Vice President Plecnik:** Madame President. This ordinance is part of an overall plan to deal with the Building Inspector needs and the Building Commissioner needs for the City of Willoughby Hills. As many may know, we put out an ad for a Building Inspector but no one who was fully certified, ultimately went through the full process. We need to have access to people who have plumbing certifications and electrical certifications to go forward. And in talking with our City Engineer, at least for the time being, possibly for the future going forward, we're going to be able to use Richard L. Bowen and Associates and our City Engineer to serve as our Zoning Administrator and use Lake County for inspection services where they have a whole cadre of fine inspectors that can work with us. It's a sixty-day contract, so depending on how it works out with the City of Willoughby Hills that could simply be a main stay to get us through an interview period for another inspector. But, if the relationship goes well, and residents are well served, it might become a permanent solution. But, the City is only obligated for sixty days with respect to the County so it gives us an opportunity to try before we buy.

**Councilman Fiebig:** Madame President. And also, the reason for waiving the three readings on this is the, this ordinance starts October 1<sup>st</sup> and Mr. Di Franco is actually already producing the work that's outlined in this. So, it's merely formalizing a contract that basically already exists. So, there are sometimes when you waive three readings and this is certainly one of those.

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

**Councilman Fiebig moved for passage. Vice President Plecnik seconded.**

**Councilman Fiebig:** Madame President. Just a quick outline that this is consulting services in the amount of seventeen thousand four hundred and seventy-two dollars (\$17,472.00) with also some reimbursement for a

period from October 1<sup>st</sup> until the end of the year, for services of Bowen and staff, our City Engineer to provide zoning services for the City.

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

**Ordinance No. 2017-69**

**An ordinance authorizing and directing the Mayor to enter into an agreement with the Board of Lake County Commissioners requesting the services of the Building Inspector of Lake County, Ohio and declaring an emergency.**

**Councilman Fiebig moved to suspend. Vice President Plecnik seconded.**

**Councilwoman Majka:** Madame President. I'd just like to remark that I had an opportunity to mention this to one of the County Commissioners and he was very pleased that the City was going in this direction. He said that he had been trying to suggest that for quite a while.

**President Fellows:** And last week, the Mayor and Mr. Lobe met with representatives and reviewed the contract which is part of this ordinance, the exhibit.

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

**Vice President Plecnik moved for passage. Councilman Fiebig seconded.**

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

**NEW BUSINESS**

**President Fellows:** The order of business, is New Business.

**Councilman Fiebig:** Madame President. A motion to adjourn after For the Good of the Community for the purposes to meet to discuss one of the allowed reasons to go into executive session which is the employment of a city official. And this would be specifically to discuss the Law Director and the hiring of the interim Law Director, yes correct. And the union representative that would negotiate for us. That's also an urgency and we have an application and some people to discuss on that. So, I'd move into executive session at the close of business, dismissing our Finance Director and Engineer. Inviting all of Council and any individuals who are here to interview with us as we call them in. Yes. Okay.

**Councilwoman Majka:** Second.

**President Fellows:** So, I have a motion from Councilman Fiebig, a second from Councilwoman Majka to adjourn into executive session after the Good of the Community, for the discussion of employing a city official as the interim Law Director and also to review the contract from the attorney for representation of the unfair labor law for our union. Discussion on the motion.

**Councilman Fiebig:** Madame President. We usually put a time limit that. But in this case, I don't want to have a specific time limit on this discussion.

**President Fellows:** That's fine.

**Councilman Fiebig:** Thank you.

**President Fellows:** Any other discussion on the motion?

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

**President Fellows:** The motion to go into executive session after For the Good of the Community has passed.

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

**President Fellows:** So, the next order of business is For the Good of the Order.

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

**President Fellows:** The next is for the Good of the Community.

**Councilwoman Pizmoht:** Madame President. I would just like to talk about the Edison PTO Carnival on October 7<sup>th</sup> from 1 to 3, it's a Saturday. And the PTO is still in need of volunteers from 1:30 to 3:30. So, if anyone is interested, they can visit [edisionpto.org](http://edisionpto.org). Thank you.

### **EXECUTIVE SESSION**

**President Fellows:** Anything else for the Good of the Order or the Good of the Community? Seeing none, we will move into executive session at 7:55pm.

### **RECONVENED**

**President Fellows:** So, we will resume our meeting at 10:32pm. (all members of Council were present except for Councilman Hallum). And I would like to state that it would be irresponsible not to have legal counsel for the City at a time when we are facing so many legal challenges. And on Tuesday, I did communicate to the Mayor, I asked him if he was planning to bring forth a nominee/candidate for the vacated Law Director position, Thursday for this Council meeting and if so, I would seek a motion to enter into executive session for interview with additional purpose to discuss compensation and confirmation. He responded, no. So, therefore an ordinance was prepared for Council to employ an acting Law Director. And that is Ordinance No. 2017-70. And I'll read it: Engaging Stephen L. Byron and the Law Firm of Walter | Haverfield, LLC as acting Law Director for the City of Willoughby Hills to perform the duties and to exercise the authority of the City's Law Director as the acting Law Director and declaring an emergency.

I need a motion to suspend the two-day notification.

**Councilman Fiebig:** Madame President. Thank you for directing our Clerk to prepare this in consideration for our vote. To move forward with this, we need to waive the two-day notification rule and you do that under extreme circumstances like this where something had to be done quickly. And so, it's with that, that I move to waive the two-day notification on Ordinance No. 2017-70.

**Councilwoman Pizmoht:** Second.

**President Fellows:** Just as a point of order, I do want to make sure that the Clerk notes that Councilman Hallum vacated the executive session.

**President Fellows:** So, I have a motion from Councilman Fiebig and a second from Councilwoman Pizmoht to suspend the two-day notification. Is there any discussion on the motion?

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

**Councilman Fiebig moved to suspend. Councilwoman Majka second.**

**Councilman Fiebig:** Madame President. Again, for the same reasons that I said and for anybody who's listening and for the record, this is a critical position here in the City because of so many legal ramifications that a city goes through that being without a law director, even interim, is just, just goes against the health, safe, and wealth fare of the residents here in Willoughby Hills. We're acting in the interests of our residents by putting somebody in place with this legislation. And according to our Charter, following the rules and laws that have been established for a long, long, time.

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

**Councilman Fiebig moved for passage. Councilwoman Pizmoht.**

**Vice President Plecnik:** Madame President. To follow along Councilman Dave Fiebig and your thoughts on how irresponsible it would be to continue on without legal counsel for the City, I would want to add that we're in receipt of a letter, just recently from the Mayor, from proposed counsel to handle union issues specifically and for the first time we're hearing an unfair labor practice may have been filed against the City. The letter appears to state that one has. I'm very concerned that the Mayor has not shared this information with Council so that actions could have been taken earlier. But, it just underscores the fact that if we don't hire an attorney now, the City could be culpable, it could be at risk for considerable losses. We have to move today to ensure that we have legal counsel to act on these very significant issues and to protect our residents' interests.

**President Fellows:** Thank you.

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

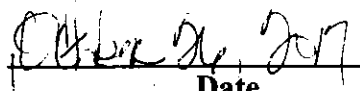
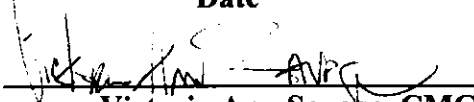
President Fellows: Ordinance No. 2017-70 has been adopted. I will entertain a...


### ADJOURNMENT

**Motion was made by Councilman Fiebig to adjourn. Councilwoman Majka seconded.**

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

**The Regular Council Meeting of September 28, 2017 was adjourned at 10:38pm.**

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

  
Nancy E. Fellows  
President of Council