

City of Willoughby Hills

Regular Council Meeting Minutes of September 10, 2015

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 whenever possible.

Meeting Called to Order at 7:02 p.m. by President Raymond C. Somich

Pledge of Allegiance

President Somich: Before we call the Roll I do want to mention that Councilwoman Greer said she would be a few minutes late, so she will be coming this evening. We do not know if Councilman Biro will, he has a case at the hospital this evening, he'll be here if he can, so we don't know if he will but we do know that Mrs. Greer will be here shortly. With that Madame Clerk please Call the Roll.

Roll Call of Council

Members Present: Vice President Nancy E. Fellows, Councilman David M. Fiebig, Councilwoman Jennifer Sommers Greer (arrived 7:05pm) Councilman Christopher Hallum, Councilman John Plecnik, President Raymond C. Somich

Absent: Councilman Christopher L. Biro

Also Present: Mayor Robert M. Weger, Law Director Thomas G. Lobe, Finance Director Frank J. Brichacek, Jr., City Engineer Pietro A. DiFranco, Clerk of Council Victoria Ann Savage

President Somich: The Chair will entertain separate Motions if you will due to the fact that one will be coming and one is unsure.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Plecnik to excuse Councilman Biro from the Regular Council Meeting of September 10, 2015.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Somich stated that Councilman Christopher L. Biro has been excused from the Regular Council Meeting of September 10, 2015.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to excuse Councilwoman Greer from the Regular Council Meeting of September 10, 2015.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Somich: Motion carries and if she does arrive as we expect, we will adjust the minutes accordingly.

MOTION WAS MADE BY COUNCILMAN PLECNIK, seconded by Councilwoman Fellows to amend the Agenda to allow our Superintendent of the Willoughby-Eastlake Public School District to speak at the beginning of the meeting. We're very grateful to have him here with us tonight.

Roll Call: 5 AYES – unanimous

MOTION PASSES

President Somich: Motion carries so at this time we will have Mr. Thompson make a presentation for us.

PRESENTATION

President Somich: Superintendent Stephen Thompson has prepared a Power Point and it will be displayed on the screen there on the side, so I think everybody on this side can see it but perhaps some of our Members if you can't see you can move around. Further note we can mention that **Mrs. Greer has arrived at 7:05pm** and with that we want to welcome Mr. Thompson. We want to thank you first of all for building your, and renovating the Eaton Building and putting the exciting School of Innovation in our community. It is a true asset for us and I personally have heard tremendous response and I know that there are probably other people that have also heard great things about that so we want to thank you for that and for the service that you are doing for our community. So please at this time share with us the reason that you are here tonight.

Superintendent Thompson: Thank Mr. Somich and thank you Mayor and Council Members for allowing me this four hour time frame for this presentation, I'll try to cut it a little shorter than that. I've distributed some information that is front of you, one is just a flyer from our campaign, the second, the orange tri-fold just gives you a little background information on the School of Innovation and the last sheets are the reports from the Ohio Facilities and Construction Commission that detail the status and the condition of each building. This information is on our website if anybody wants to read it in its detail. I would like to start out with just a short video that I think gives you some background information about our facilities and it gives you some visual on the facilities as they stand currently.

The video is actually depressing but it is the reality that we face in our school district and our challenge includes our aging buildings. Some of our facilities built before World War I; most of them built before World War II. We have massive repairs and safety concerns throughout our entire facilities that's not just my assessment that's the Ohio Facilities and Construction Commission's assessment which I had indicated that you have those full reports and you can go to our website www.supportweschools.org and on that website you can take a look at the full OFCC reports.

We really believe that WE, Willoughby-Eastlake, the entire community deserves better than what we are currently offering. We **DEVELOPED THIS PLAN** and highlights of that plan include the construction of a new North High School, a new South High School right next to where South High School is currently, South High School has been renovated, Willoughby Middle would be torn down. So we took Willoughby Middle, North High School and Longfellow Elementary, as the three new constructions because those buildings Willoughby Middle, North and Longfellow's costs to replace or to repair exceed what it would cost to replace them. The rest of the buildings would all be renovated and our goal would be to replace roofs, HVAC systems, windows and asbestos abatement throughout the District.

So we tried to **REPURPOSE SOME BUILDINGS**. You are all aware that we purchased a building here in your District in Willoughby Hills that is the School of Innovation which will eventually house 700 students. It allowed us to close Washington Elementary which is out of our inventory at this point, that building needs \$13 million in repair. It's not our worst building but it was a building that we could close because of the size of the facility itself. Longfellow was in worse shape than Washington but Longfellow is 98,000 square feet and Washington Elementary is 65,000 so we couldn't close Longfellow Elementary.

We will close this week, close by tomorrow or early next week, on the facility located on Euclid Avenue, former North Coast Lincoln/Mercury Dealership. We purchased that property for 2.3 million dollars that will become our new Willoughby Career Academy which is currently located downtown right now. If you look on your sheets, that building needs over \$30 million in repairs. So we have swapped out a building that needs \$30 million in repairs for a purchase of a 2.3 million dollar building but we are selling the property downtown and really by dumb luck for us the appraised value of that property downtown is 2.3 million. That will go on the market at the end of this school year and there are multiple developers that have expressed interest in purchasing that property. Our understanding is that they will use historical income tax credits to renovate that facility, return it to its old look on the outside but simply gut the entire inside of it to build condominiums there. The old Middle School which is not being used at all, that building also will remain, as we understand it. A company here in Willoughby will purchase that building as we understand it, they will have plans to renovate the entire outside and gut the inside for their International Headquarters and the rest of the property will be developed as the City of Willoughby sees fit. Those proceeds then

would be used to retire the debt, we have a 5 year call on that 2.3 million dollar note that we took out for the building.

You may or may not know, that we took a mothball building, it was Kennedy it was a Middle School it was a special school for troubled kids at one point. We totally renovated that facility and that is our Eastlake Career Academy which houses our medical programs.

So **HOW DID WE COME UP WITH THIS PLAN**, where did it come from, it did not come from the mind of Stephen Thompson or any administrative exclusively at all. We have a Facilities Committee of about 35 folks from across the entire District, Willoughby Hills is represented, every community is represented. They've been working on this Facilities Plan on and off for about 5 years. I have a Business Advisory Committee that is comprised of multiple business leaders throughout our entire School District, they've reviewed the PLAN as well and I also have a small group of folks that are experienced business leaders throughout our District, just a small group of them that I meet with frequently. They give me a lot of critical feedback and honest feedback and they weighed in on our Facilities Plan as well. So a lot of folks combined together to come up with what we think is a very comprehensive PLAN.

So is there an **ECONOMIC IMPACT** if we could pass our levy and obviously there is; there is a \$116,000,000 in new construction and renovation that would take place across our School District over the next three years. It would create jobs, the School of Innovation just brought revenue to the City of Willoughby Hills and our Euclid facility and sell of property will allow for the City of Willoughby to continue implementing their Strategic Plan for their City. The cost is 3.9 mills that's an average cost for a \$100,000 of home value at \$11.64. It will cost the average homeowner across our entire District although obviously in Willoughby Hills those numbers are skewed slightly compared to some of our other communities but on average it will cost the average homeowner \$140.00 per year, \$14.00 per month. We believe that there is an economic impact on property values. I know Superintendents say it all the time but I think that it is hard to deny that if anyone in this room that has school aged children were to move because you got a job offer that you couldn't refuse in Buffalo New York probably the very first thing that most of us would do is to go on line and look up the schools and the area surrounding Buffalo, New York or maybe Buffalo, New York itself. And in large part you would decide what home you were going to purchase based on your perception of the quality of schools in that community. I would also submit to you that many folks would even get in their car and at least drive by the schools and although that might not be the determining factor in why you purchased a house I think that it is absolutely influential in your decision making. The property values and the liability of Willoughby Hills is inexplicitly locked in with the liability and the success of our School District.

We have **ADULT PROGRAMMING** so we're not just letting our schools set idle. So for example we have a Student Nursing Program, we have an Adult Nursing Program. We charge tuition; it provides two services, it gives people in our community training at a reasonable cost that leads to employment. It also is cost effective for us. So last year, after all expenses, we netted \$250,000. We are now expanding those programs once we get our Euclid facility up and running which will be at the end of this year. We'll offer Adult Programming in cosmetology, auto collision, auto repair, and welding. All of those skills lead to viable employment. Our goal is to generate over a million dollars a year in revenue. We believe that we will be the first public school district in the country that is cross-purposing to both aid the community in needed employment, needed jobs and also generate revenue for profit for our school district.

The **EDUCATIONAL IMPACTS, TECHNOLOGY ENHANCEMENTS** our buildings simply cannot support the technology that the modern day schools offer and as a result our students are falling behind but probably more important than that we need to upgrade our safety and security of our schools. The layout was built at a different time, for a different purpose. These are different times and we simply don't have the money or the ability to make sufficient changes in that regard without a levy. Our Science Labs, you saw the pictures of our Science Labs, outside of the School of Innovation, we're the cutting edge the rest of our Science Labs in our School District are subpar. And it just creates an overall improved learning environment.

So **OPERATIONAL IMPACTS** we expect to save depending on the building, anywhere from 20 to 50% reduction in utility costs; enhance safety and security throughout our buildings that's with cameras, check-in systems, hold

pens, which is where we hold people until they've cut through the office, etc., etc. We have just right now alone \$30 million in roof repairs alone that would be taken care through this bond issue. We have 5 million dollars in asphalt repairs that need to be made right now. And we have hundreds of thousands of dollars needed to patchwork our current HVAC systems in most of our buildings.

So a lot of people ask well how did it get the way...why are the buildings in the condition that they are in? Well, all I can tell you is that I haven't been here for the last fifty years, I'm only 26....but I haven't been here so I can't address that question but what I can address is what we are going to do moving forward.

We have a **ROTATIONAL 5 YEAR FACILITY PLAN** that means each building is completely maintained on a 5 year rotational cycle. We have...we will use those Adult Programming revenues which will go directly in the maintenance and repair of our buildings. We expect to see a million dollars and we have our Permanent Improvement Fund which is about a half-million dollars. That's enough money to adequately maintain our buildings if we can pass a bond issue and have new roofs, new windows, new doors and replace the three worse condition buildings.

WHAT'S THE RISK? I would submit to that our viability of our School District is at risk if we don't pass this bond issue. Those two things are linked with the community. Willoughby Hills cannot continue to be Willoughby Hills unless we have a strong public school district, a public school to serve the kids even if not all the residents use it. Property values are clearly linked to the success and failure of the school district. And you've heard pay me now or pay me later; interest rates are at historic lows, so low that they're starting to climb back up. We know from our bankers that they anticipate interest rates are only going to climb and our buildings are only going to get worse and worse and worse. And there is \$30 million in roof repairs with a \$500,000 BI budget as it stands right now. There is no possible other way that we could do anything other than patchwork and that's what we do and you've seen the results that have happened. Eventually, we're going to have to come to the reality that we are going to have to increase our taxes. I know nobody wants to do that, I completely understand that, I don't want my own taxes to increase, I understand that. But if we don't make an investment now, you're going to end up paying sufficiently more in taxes at some point down the road and lose property value and for most of us our home is our greatest investment.

Would like to just say thank you for your time, I probably need a smoother transition from that to its question time but I did want to go quickly out of respect for your time, thank you for allowing me to speak. I just also want to remind you on September 15th that's for anyone here; you are invited to our Open House for the School of Innovation. I would strongly encourage you, if you can to make it before because it also says that is what all of our schools could be if we could passage a levy. Any questions?

President Somich: Does anybody have any questions this evening for Superintendent Thompson.

Councilman Hallum: Edison obviously is the Elementary School that most of our children go to. If this bond passes what amount of money is going to be spent on that, this number that I see here, this 8 million or some other amount? **Superintendent Thompson:** It's a different amount, actually on www.supportweschools.org or on our website, go to our website, the Plan is there in its full detail and it breaks it out step-by-step how much is budgeted for Edison and essentially the goal is that the front side of Edison will look just like the backside of Edison. Now there are terrazzo floors for example we won't replace those terrazzo floors, terrazzo floors look great, there is no abatement to be done so those floors will remain. The windows will be replaced, the roof, the doors, the windows, the HVAC system. **Councilman Hallum:** What about all the asbestos? **Superintendent Thompson:** It will be abated. **Councilman Hallum:** It will all be abated by when? **Superintendent Thompson:** The only place where there is asbestos in that building right now is in all the caulking in the windows. **Councilman Hallum:** That's the only place? **Superintendent Thompson:** That's the only place and where there is tile floors, anywhere there is tile floors, like in the gymnasium, those would all be abated areas.

President Somich: Anything else for our Superintendent?

Councilman Plecnik: You talked a little about how there would be Adult Programs and opportunities for the community to use the school and when I spoke with Principle Brian Patrick at the School of Innovation he indicated that the 3-D printers and the fabricators that they're going to have for the students; they're really exciting pieces of technology that actually let you create proto types that would be factory ready to actually propose a new design or invention or tool, that those would be available to the small businesses in the community at cost, is that right and how do you envision that program working? **Superintendent Thompson:** You'll have one full fabrication and MIT fabrication lab on the second floor and in two years we'll put a full fabrication lab for a High School, Middle School students downstairs, we're just not doing that right now because we want to see how much technology changes in the next two or three years and we won't need it. So our Plan, is to...partner...we've been reaching out to businesses pretty extensively in trying to develop partnerships and we want to have extensive partnerships throughout the community and that includes allowing businesses, for example, we have the 3-D Macintoshes that you can graphically do anything that you want to do on that and our students are going to be learning how to use that. And then they will be able to print so we have three 3-D printers, a milling machine, I think that there's six or seven different types cutters and laser cutters that are up there, so absolutely businesses that are interested in trying to develop a pro-type can contact us and we'll just simply charge them the cost.

President Somich: Any other questions or comments this evening? Alright, we want to thank you very much Superintendent for joining us this evening and giving us a thorough representation of what this is all about and I'm sure that it will be discussed more here amongst ourselves and individually with our families in the community. Thank you very much for putting this together for us tonight.

Superintendent Thompson: Again thank you Mayor, thank you Mr. Somich and all of Council, I appreciate the opportunity.

President Somich: Thank you and we will see you on the 15th.

Disposition of the Journal Regular Council Meeting Minutes of June 25, 2015

MOTION WAS MADE BY COUNCILMAN PLECNIK, seconded by Councilman Hallum to adopt the Regular Council Meeting Minutes of June 25, 2015 as submitted.

Roll Call: Fellow-yes, Fiebig-abstain, Greer-yes, Hallum-yes, Plecnik-yes, Somich-yes

MOTION PASSES: 5 AYES/1 Abstention

President Somich declared that the Regular Council Meeting Minutes for June 25, 2015 have been approved as submitted.

President Somich: Next item, this is the first meeting after our "technically" we had a recess so there is a lot of Correspondence, Notifications.

CORRESPONDENCE

Letter from John L. Mayfield, Jr., Manager Detroit Airports District Office to Clerk of Council, dated July 30, 2015 re: FAA Receipt of Willoughby Hills Resolution No. 2015-5 – As Amended (Emailed: August 3, 2015)

Mayor's Court Statement to City Council of Fines and Other Monies Received or Collected for the Month of July 31, 2015 (Emailed: September 8, 2015)

Mayor's Court Statement to City Council of Fines and Other Monies Received or Collected for the Month of August 31, 2015 (Emailed: September 8, 2015)

Memo from Assistant Director of Finance dated July 24, 2015 re: New Hires (Emailed: July 24, 2015)

Memo from Assistant Director of Finance dated August 28, 2015, re: New Hire (Emailed: August 28, 2015)

Interoffice Memo from Director of Finance Frank J. Brichacek to Council President Raymond C. Somich and Members of City Council, dated August 27, 2015 re: Notice of Acceptance of a \$3,000 Donation to the Recreation Department in support of the Safety Town Program from Ms. Elaine Crane (Emailed: August 31, 2015)

FINANCIAL REPORTS FOR THE MONTH ENDING JULY, 2015 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS (Emailed: July 16, 2015)

WH Community Center Rental Summary Report for July 2015 (Emailed: August 5, 2015)

WH Community Center Rental Summary Report for August 2015 (Emailed: August 26, 2015)
2015 Fall Corn Fest Recap provided by Mayor's Assistant (Hardcopies distributed to Members September 1, 2015)
City Engineer's Report dated September 3, 2015 (Emailed: September 3, 2015)
Letter from John W. Wiles of Wiles/Richards, dated August 28, 2015 re: In the Matter of Frank Germano, Inquiry No. 14-Q-0717-28 (Emailed: August 31, 2015)
Letter from John W. Wiles of Wiles/Richards, dated September 4, 2015 addressed to Members Fellows, Fiebig and Plecnik c/o of the Council Clerk, re: Public Records Request (Emailed: September 8, 2015)
EMAIL: Michael C. Lucas of Wiles/Richards, dated September 8, 2015 addressed to Members Fellows, Fiebig and Plecnik c/o of the Council Clerk re: Revised Public Records Request and Council Office received just today a hardcopy of the same.

NOTIFICATIONS

Board of Building and Zoning Appeals Meeting scheduled for August 11, 2015 (Emailed: August 3, 2015)
Board of Building and Zoning Appeals Meeting scheduled for September 8, 2015 (Emailed: September 2, 2015)
Charter Review Commission Meeting of August 3, 2015 (Emailed: July 28, 2015)
Charter Review Commission Notice of Public Meetings scheduled for September 28, 2015 and September 29, 2015 (Emailed: August 13, 2015)
Special Meeting of the Personnel Relations Committee scheduled for August 31, 2015 (Emailed: August 26, 2015)
Planning & Zoning Commission and Architectural Board of Review Meeting of August 6, 2015 (Emailed: August 4, 2015)
Planning & Zoning Commission and Architectural Board of Review Meeting of August 20, 2015 (Emailed: August 18, 2015)
Planning & Zoning Commission and Architectural Board of Review Meeting of September 3, 2015 (Emailed: September 1, 2015)
Recreation Commission Meeting of September 2, 2015 (Emailed: August 31, 2015)
Rules and Legislation Committee Meeting of September 8, 2015 (Emailed: September 1, 2015)
Special Meeting of the Service Committee of Council scheduled for August 31, 2015 (Emailed: August 26, 2015)

MINUTES

Board of Building & Zoning Appeals Meeting of July 14, 2015 - Posted on City Website (Emailed: August 12, 2015)
Planning & Zoning Commission and Architectural Board of Review Meeting of August 6, 2015 (Emailed: September 2, 2015)
Recreation Commission Meeting of June 3, 2015 (Emailed: September 8, 2015)
Personnel Relations Committee Meeting Minutes of August 31, 2015

ON FILE

Willoughby Hills Senior Center Newsletter for August 2015, Issue Number 88
Willoughby Hills Senior Center Newsletter for September 2015, Issue Number 89

President Somich: Thank you Madame Clerk for the very long and thorough list. The Chair believes that there is one item that came in and it was mentioned that requires additional description, detail on it. This is I believe, the Chair believes this to be in the best interest of our community to make sure that certain information is shared and while this information originally was confidential it has been sent to our Clerk and in the process there it has become a Public Document for all to be able to see and hear. This Body of Council spent many meetings and in fact many weeks, perhaps months in questioning former Councilman Frank Germano in terms of his possible violation of certain Ohio Ethics Laws. And we just received one of the items that was included in the Notifications there was the letter that was just received from the Ohio Ethics Commission this was sent to Attorney John Wiles who in turn forwarded to us. It was written by the Chief Investigative Attorney for the Ohio Ethics Commission Julie Korte and I believe that it is important enough that this be read:

It is in the matter of Frank Germano:

“Dear Mr. Wiles:

As you know, the Ethics Commission has conducted an investigation to determine whether your client, Frank Germano, former Councilman for Willoughby Hills, violated any of Ohio’s Ethics Laws. Specifically, it was alleged that while serving as a Councilman, Mr. Germano violated the public contract, conflict of interest and financial disclosure statutes by voting to appropriate funds allocated for road work throughout the city, receiving direct or indirect benefits from a city contract with his parents’ company, Landco, and failing to disclose sources of income on his 2013 financial disclosure statement.

At its regular meeting on August 21, 2015, in confidential Executive Session, the Commission members and staff reviewed this matter and the conclusions of its factual investigation. The investigation found no evidence that Mr. Germano was a paid employee of Landco on the occasions Landco provided services to Willoughby Hills. While Mr. Germano voted to approve general appropriations to the street departments, no specific projects were identified and Landco was not identified as potential contractor at the time of appropriation. The investigation found no evidence that Mr. Germano used his public position to obtain contracts for Landco. Also, the city hired an independent law firm to conduct an investigation of potential conflict of interest and public contract violations. The report issued by the firm found no evidence to support any Ethics Law violations. Further, the investigation found that Mr. Germano’s failure to disclose sources of income on this 2013 financial disclosure was inadvertent.

The Commission determined that there was insufficient evidence to support a violation of any of the Ethics Laws or related statutes and instructed staff to close this matter.

This is one of the items received during the recess specifically it was mailed August 24, 2015.

MAYOR’S REPORT – Robert M. Weger

Recommended passage tonight of Resolution No. 2015-8 for adopting a Tax Budget as required by the county Auditor.

Acknowledgements:

Thank you to AT&T for their \$2,000 donation to WHISPER – this will provide funds to help many seniors in our City.

Thanks to Mr. Orikuchi of Maplevue Lane for his \$1,000 donation to WHISPER.

The Train is back at Campbell Park! Thanks to Boy Scout Troop 562 and Road Superintendent Mark Grubiss! City all had received many requests for this Recreation equipment at the Park!

Events:

Willoughby-Eastlake School of Innovation Ribbon Cutting to be held on Tuesday, September 15, 2015 from 5:30pm to 6:30pm

Touch-a-Truck – Saturday, September 19th from 10am to 2pm

Put on your calendar now for the fall – **Sunday, October 4th at 9am – 5k run sponsored by Cleveland Clinic, Classic Lexus and the City of WH – all proceeds benefit St. Noel Food Pantry and WHISPER – Sign up now! Applications are in the Lobby.**

LAW DIRECTOR’S REPORT – Law Director Thomas G. Lobe

I have one matter and again it is that same letter sent by the Ohio Ethics Commission as noted. The City is in receipt of the final and conclusive report and Opinion from the Ohio Ethics Commission. Technically, from Ms. Korte, Chief Investigative Attorney of the Ohio Ethics Commission, dated 8-24-15. The final result is that the Ohio Ethics Commission has found after a detailed and yearlong investigation that there is no evidence that Councilman Frank, then Councilman Frank Germano violated any Ohio Ethics laws. Specifically after a yearlong investigation to find any and all relevant facts they found no evidence of an illegal contract and no evidence of a violation due to a conflict of interest. It informally closed its files even without a public reprimand. It should be noted that on these two major issues the independent, un-bias Ohio Ethics Commission found no evidence. It’s not as if they found some evidence or even a scintilla of evidence or a substantial amount of evidence. But rather they found no evidence on these two major issues. Three Council Members set forth comments, conduct and voiced allegations of felonies against Germano and Landco and even attempted to oust an elected official on a Thursday night on March 13, 2014 without a good knowledge of the law and provided facts that they thought were relevant and law that they did not understand.

I attempted to stop them that night and they did not heed the warning. These same three Councilmen had a review of the same allegations that were set forth on this Council Table and statement of corruption, illegal contracts and violation of conflict by Landco and Germano were stated on this Council floor in the public and in other media. This is also forwarded as I have stated before to every other policing agency, Federal, State and Local and as of this date, no one has come forward and specifically the Ohio Ethics Commission would be the primary one, that I would have expected to come forward and they did. And their report is final and it is conclusive and there is no evidence.

This leaves little doubt or no doubt of any ethics violation of criminal statutes. This is the true final conclusion of the improper and the illegal allegations that were set into motion by a small and select group of this body. Any comment that this would still be a violation of the Charter would also be an illegal fallacy. If you have no evidence, there is no evidence. The same relevant evidence would have to be the same relevant evidence for the Charter violation. So if you don't have relevant evidence for any of them, you can't have it for even on the Charter. Just because somebody says that they have evidence, the issue is as a matter of law is to have relevant evidence. And that is the problem when people start just throwing facts and applying them to law without getting advice from the proper parties.

I want to specifically reiterate that I was not requested to give any advice and that these three Councilmen preceded without the advice of the Law Department. Further it is my understanding that these three Councilmen did not seek the prior advice of their other Council Members when they embarked on the actions of March 13, 2014 and orchestrated what I call a careless display of law and invited the press and others. Their accusations do not hold the test of a true legal review. The same issues that were raised on this Council floor are the same issues that were reviewed by the Ethics Commission. At that time, I immediately stated that their actions were contrary to law, contrary with compliance to due process and that they should slow down and cease and desist immediately on their statements of corruption and felony violations, illegal contracts. They did not heed the advice of the Law Department but rather made more statements in later meetings and at social functions and allegedly on social media.

I know that whoever gave them the advice gave them bad advice. And I still believe that no knowledgeable and licensed attorney gave true counsel. I have asked for the name of that individual a year ago and I ask for it again tonight, formally so that I may inquire into those matters because I am concerned that based upon the reckless actions that have occurred on this Council floor, there may be litigation. It is not imminent and it has not been threatened yet but when the Lawyer for Mr. Germano sends letters to your house and gives you a confidential document I think that we should at least at this time start looking into it. So again I ask formally to give me the name of the lawyer that gave advice that set forth the actions in March of 2014.

To aggravate the scenario I also provided an Independent Law Director's report that said that there was not violation of the Ethics Law and was handed to all Council Members in 2014. That same Independent Law Director's Report was scoffed at and ignored. It's not ironic that the Ethics Commission cites or reaffirms and confirms that Independent Law Director's report that I provided for this Council in their opinion found no evidence.

What occurred on this dais is polar opposite to what occurred to those legal opinions, specifically that of the Ethics Commission. Since that time, there has also been a public records request and I anticipate and hope that this Council will in fact follow it so that it does not put the City in further jeopardy.

At least for now please reframe, hopefully from this moment forward from incorrect slanderous and further reckless statements that Mr. Germano violated ethics law, criminal law, corruption or conflict of interest. You were advised then, you have been proven wrong, you are so advised again. Thank you, I open up for questions.

FINANCE DIRECTOR'S REPORT – Frank J. Brichacek, Jr.

No formal report was given.

CITY ENGINEER'S REPORT – Pietro A. DiFranco, P.E.

City Engineer: We received a pre-application approval from the Lake County Engineer for the Worrell Road Resurfacing Project. The next step is to apply to the State for funding and that would be a 2016 project.

We're working with the developer of the Maple Valley Subdivision to address some soil and erosion control violations from the Lake County Soil and Water Conservation District. They were given three warnings and failed to address them so the Lake County Soil and Water Conservation District isn't going to issue any more building permits until it's addressed.

The Citywide Pavement Markings Program is complete and the project finished under budget. The bid was \$44,000 and it finished at \$43,133.

The Eddy Road and Pleasant Valley Resurfacing Projects are nearly complete, we're just addressing some punch list items and both of those projects are expected to finish under budget as well.

The Lamplight and Knecht/O'Brien are also substantially complete. The final lane of Lamplight was poured today and should be ready to be opened in a week or two. Both of those projects are expected to finish under budget.

President Somich: For those of you who are not normally with us, we do have a complete City Engineer's Report that Mr. Di Franco posts on a regular basis, it's a seven page report this month that gives a detail of the status of all of the different service projects that are underway or are being contemplated at this time and also for the Finance Director we don't formally often have reports here but there's an awful lot of information that is posted again, on a monthly basis on line so there is a wealth of information available on the website if you choose to look at it and we do have regular Service Meetings and Finance Committee Meetings where we have additional discussion, in-depth discussion on many of these projects and issues.

Councilman Fiebig: Pete, on Worrell Road for next year, do you have a rough idea of our share of that at this time?

City Engineer: I do, but I don't have it with me. **Councilman Fiebig:** And a resident asked about the curbing on the extension on Eddy on how there was another foot added on both sides; can you talk about that as to what happened and why was that added at a later date and addressing, maybe this would be for Mr. Grubiss, the weeds that are growing up in-between where it meets the pavement. **City Engineer:** What they are referring to is aggregate berm on each side of the road and the need for that is because of this recycling and overlaid process adds three inches of elevation to the road so that aggregate is to make up the three inch difference. So they compact about a foot of aggregate so that you don't have a steep drop-off at the edge. And we're having the contractor address some of the weeds that are growing up in that berm. **Councilman Fiebig:** And the compacting of it too, some of the residents had mentioned to me that it's loose so stepping in it and it's actually slopping, sliding so it might be a safety issue too. **City Engineer:** Yeah, that material, it hardens after several rains so I don't know if it has rained...**Councilman Fiebig:** We haven't had much rain, so...

Councilman Plecnik: Just to follow up, I've heard several comments with the edging on Pleasant Valley Road so if you could look into the same issues there...**City Engineer:** Sure.

COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

PERSONNEL RELATIONS – Christopher L. Biro, Chair

Committee Members: John Plecnik, Mayor Robert M. Weger

President Somich: On behalf of the Chair of the Personnel Relations Committee, Christopher Biro, he did provide Minutes of the Meeting that was held August 31st and he had asked me if I would read those this evening.

COMMITTEE MEETING OF AUGUST 31, 2015

Members Present: Councilman Christopher L. Biro, Chair, Mayor Robert M. Weger

Also Present: President Raymond C. Somich, Vice President Nancy E. Fellows, Councilman Christopher Hallum, Finance Director Frank Brichacek, Law Director Thomas G. Lobe, Mayor's Assistant Gloria Majeski

Purpose of the Meeting was to discuss **Pending Legislation** and any other business.

Meeting convened at 7:03pm

Order of Business

RE: City of WH Liability Insurance

Gloria Majeski gave an overview of insurance comparison. Insurance expires on 10/17/15. Currently provided insurance through Custis Insurance. Bids placed in paper 8/10 and 8/19 with Bid opening on 08/31/15. Custis Insurance (HCC) and USI Midwest (PEP) only two Bidders. USI which is a pool insurance company bid came in at \$75k and HCC provided through Custis came in at \$103k which is traditional insurance. Bid summary packets given to Council with policies comparisons.

Benefits currently provided listed on City website for bidders. Bids were also posted on website for viewing as well as any updated information related to bids. Rob Beglin from USI provided a spread sheet comparing the two different companies. Pool insurance involves a pool of other municipalities and insurers. One of the main drawbacks of pool insurance is that if you do not renew after three years of contract and you have outstanding claims, we are responsible for claims.

Claims with traditional insurance company remains with that company. Another drawback is choice of Legal Counsel. HCC grants the City a choice of counsel whereas USI has restrictions to their legal counsel. Administration would like Three Readings and Approved at the Regular Council Meeting to be held Oct. 14th. Council meeting and overnight a check so no lapse in coverage. Administration would like input from Council on this issue after their review of documents to help make decision. Administration has a few more questions for USI and should get answers by 9/4. May have to buy "Tail Insurance". This would cover City in interim if switch companies.

Ray Somich asked Gloria if HCC had changed any coverage and Gloria assured him that it was identical to what we had before. Ray also asked if there was a change in cost over last year and was informed that there was a 10% increase in cost. History over the last three years is 8%, 10%, and 10%. Reason for increases is significant claims within City.

Law Director Tom Lobe discussed length of litigation. Most litigation last about two years but municipal litigation requires an extra step involving Trial Court, Court of Appeals, maybe Supreme Court, back to Trial Court and then back up to Court of Appeals. Gates case an example. In trial for a one and a half years and potential for two more years. Never get out of litigation expediently unless parties get together to settle. Necessary to purchase trial insurance if litigation begins in third year of three year policy. Not comfortable with pool insurance. WH has done a good job legally. Only 2 active cases currently. When involved with pool of municipalities, subject to increases if that pool involves significant litigation within. Also, choice of Counsel important to Law Department. Current firm that we use is very experienced. Jim Climer of Mazanec, Raskin & Ryder has 33 years of experience and well known in this area.

Mayor corrected Lobe and said that USI uses Blackwick Firm but would be willing to work with the City on choosing Counsel. Lobe was going to research Counsel choices.

No action taken at meeting. Council to look over information and give feedback to Administration for decision. Two Ordinances drawn up for Council meeting on 9/10. We will go through the process of reading them both because of the significant difference in about \$28,000 for the first year so we will continue to look at both of those and eventually decide on which is the better choice.

Public Portion

No one came forward with questions or comments.

Meeting adjourned at 7:37pm

RULES & LEGISLATION – Nancy E. Fellows, Chair

Committee Members:

David M. Fiebig, Raymond C. Somich

COMMITTEE MEETING OF SEPTEMBER 8, 2015

Members Present: Vice President Nancy E. Fellows, Chair, Councilman David M. Fiebig, President Raymond C. Somich

Also Present: Councilman Plecnik and Mayor Robert Weger

Purpose of the Meeting was to discuss **Pending Legislation** and any other business.

Meeting convened at 6:31pm

Order of Business

The amount provided in the 2015 Budget for Liability Insurance is \$95,000 (General Fund (80%) 110.110.53300-\$76,000

and Sewer Fund (20%) 610.680.53300 \$19,000). These budget items are on pages E-3 and E-80 of the budget document respectfully. A significant portion of the City's value in its Sewer System (for example the pump stations, equipment and lines).

HCC Public Risk Ohio (U.S. Specialty Insurance Company), obtained through Custis Insurance Service, Inc., 4254 Lake road, Sheffield Lake, Ohio 44054, submitted a quote in the amount of \$103,936.00 (difference of \$8,936.00) and USI Midwest submitted a proposal the "Property and Casualty Insurance Program for the City of Willoughby Hills" in the amount of \$75,068 (\$72,151 Pool Insurance and \$2,197 Crime Insurance). To date the difference between the two companies is \$28,868.

The Mayor shared that they are still collecting information and reviewing resources that currently are insured with the pool strategy. Also, there can be some significant risks with carrying our claims over, especially if we decided to go with another insurance carrier in the future without staying to be vested, which would take approximately 6 years.

Both of the bids received are for a 3 year contract.

Ordinance 2015-38 – An Ordinance authorizing and directing the Mayor to enter into a contract for General Liability Insurance. HCC Public Risk Ohio obtained through Custis Insurance Service for \$103,936.00.

The Rules and Legislative Committee recommended that this Ordinance stay on 1st Reading.

Ordinance 2015-39 – An Ordinance authorizing and directing the Mayor to enter into a contract for General Liability Insurance. USI Midwest for \$75,068, pool strategy.

The Rules and Legislative Committee recommended that this Ordinance stay on 1st Reading.

Resolution 2015-8 – A Resolution authorizing the city of Willoughby Hills to accept the amounts and rates for the year 2016 as determined by the Budget Commission of Lake county, Ohio and authorizing the necessary Tax Levies and the Certification thereof to the County Auditor. **The majority of the Rules and Legislation Committee recommended that the 3 Reading Rule be Waived and the Resolution Adopted, especially since the filing deadline is October 1st.**

Public Portion

Public Portion opened at 6:50pm with a question from Frank Cihula asking for some clarification on Resolution 2015-8.

Public Portion was Closed at 6:51pm

Meeting adjourned at 6:51pm

OTHER COUNCIL REPRESENTATIVE REPORTS

There were no other Council Representative Reports presented to the Members.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies of the Codified Ordinances of the City of Willoughby Hills:

(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.

Public Portion was opened at 8:05pm.

1. Linda Fulton

2990 Marcum Boulevard

Re: I would like to know who's responsible for putting up the new school signs for the School of Innovation? It's been my observance that the sign going west is obscured by a mailbox so you don't really see the information on the sign until you're almost past it. And the one going east it looks like the sign is too far in, it should be where it says "School" but it's in further on the other side of the driveway. So I am questioning the placement of those signs. The other thing is I wanted to say with all this negativity going on, I would like to just commend Mark Grubiss because anytime I have observed anything and called him and said that this needs to be repaired or whatever, he has done so. He is doing a good job.

2 Frank Cihula

Chairman of the Willoughby Hills Historical Society

Dixon Road

Re: Willoughby Hills Historical Society is a member of the Historic Lake County Alliance which is comprised of a group of historic entities gathered together to promote, enrich and inform everyone of the rich heritage of Lake County. The Alliance is sponsoring a 2015 Lake County Treasurers Tour. It's a fund raiser, it doesn't raise a lot of money but it has an educational purpose. The event is a self-driving tour in search of treasurers that can be found throughout the County. It's an educational event that is suited for the entire family. What it involves is for \$2.00 you get a map, it's not a road map, it's a map that says Willowick, dotted lines, Wickliffe, dotted lines, Willoughby Hills, etc. all the way out to Fairport, Perry. But you also get instructions and a list of clues. The clues are what takes you on this tour to find these treasurers which when you find it, you have someone take your photograph next to it or you take a photo of whoever brought you there as proof that you were there. We expect probably that they will all be found but in addition, you have to write a little story about what you've learned in this process. And there are going to be three prizes awarded and I have a feeling that what you write about it is really what's going to make the decision rather than how many you have found because I expect that you'll find them all. The clues are interesting, I wrote about half of them myself and I had a lot of fun doing it. So I had hoped to have put this up on the Cable Channel, it ended up on the City Website instead under "Events" which we already had it on our Historical Society page, but at any rate, I am just trying to promote it a little bit. Councilwoman Fellows inquired as to the date. It is through the Month of September, it starts September 5th and you can purchase these little roll of paper with three sheets, you can purchase them at Fairport Harbor Marine Museum & Lighthouse, Lake County History Center, Willoughby Area Welcome Center and Willoughby Outdoor Market during their hours. For people around here the most convenient place is either the Willoughby Outdoor Market on Saturday from 8:00am-12noon or the Willoughby Area Welcome Center which is just down that side street next to City Hall and they have hours on Wednesday 1-4pm, Saturday 10-4pm and Sunday 1-4pm.

3 Joe Zawatski

38650 Florence Drive

Re: 28914 Eddy Road

Appreciates the information given by Frank. But you know there has been a lot of talk and a lot of talk about conflicts of interest going on for about the last year and a half. I believe that there has been about \$20,000 spent in the last election with Morgan Litho and Eagle Advertising. More is being spent on this election. These purchases I believe are being made by certain ones in our City Council Members. This is money going directly into our Vice President Fellows household. Is this not a conflict of interest? Is there a correlation between how members vote or how they influence endorsements, I'm asking. Using our own Vice President's criteria should she recue herself to even discuss signs in this town because of possible conflicts of interests there or lack of impartiality, I think she should. As a matter of fact, I think Nancy using your own criteria you should resign.

Public Portion was closed at 8:11pm.

UNFINISHED BUSINESS

Councilman Plecnik: Two items, first I'd like to echo Linda Fulton's praise of Mark Grubiss, two of my neighbors actually got, shall we say, stuck in the Community Center lot in the snow and Mark Grubiss dug them out personally, something they never forgot. They told me that the handsome young man saved them, so you've got a lot of compliments today. I agree that there has been a lot of negativity and my focus has always been on the future. We need to move Willoughby Hills forward in a positive direction and the personal attacks that I heard from one person in the public and others have no place in these Council Chambers and I hope that person will no longer be involved in the near future. But that hope aside, whatever we may think about the law and I don't want to have another lengthy debate on the law tonight; I think that we can all agree that it is unacceptable for an elected official to personally benefit from our tax dollars by taking City contracts for themselves or their relatives so if we all agree with our Law Director that there is nothing on the books that prohibits my father's company, my family owned company, what have you from taking City contracts from the City of Willoughby Hills I'd like to be the very first person to call for a Zero Tolerance Policy on nepotism and I would ask the Chair of Utilities and the Chair of Personnel Relations Chairman Biro who's unfortunately not with us tonight as well as the Chair of Rules Chairwoman Fellows to

immediately start drafting legislation to make sure that we close this loophole because I don't think that any resident would say that we are happy with City contracts going to elected officials. Whether we say it's legal, illegal, something in-between, gray area, difficult, tonight's not the night to debate that let's look forward as a community. We don't want this to happen again, let's make sure that it doesn't happen again, zero tolerance for nepotism.

And let me just say, any attack on Councilman Nancy Fellows is despicable. She is the greatest elected official in the City of Willoughby Hills, the longest serving official in the City of Willoughby Hills and anyone who would personally attack her should be ashamed and I hope that they would think better and apologize.

Law Director Lobe: Mr. Plecnik's comment tonight that it would be good to get a Nepotism Policy, he says that he wants to look forward; I just want everybody to review my comments on March 28, 2014 after we had that display on this Council Table. I directed this Council to do exactly that and I have waited for this Council to do exactly that and I asked you that night to do it and now here we are...a year and a half later and he says he is going to do it. You look at those minutes, I directed and asked and begged this Council to do it in March of 2014 to set forth a Nepotism Policy that would pass legal muster, to set forth a Conflict of Interest that would pass legal muster. So when I hear those statements tonight and I told you then and I'll tell you again now I will help write it. But I need this Council to do the work so I am looking forward, but please review my comments of March 14, 2014 stating those exact things and this Council did not do it. That is what I want to say and I want to re-iterate that again tonight. Please review my notes.

Councilman Plecnik: Mr. President let me just say....

President Somich: I did not recognize you...if you do make additional comments, we've already been warned in the Law Director's report not to make references to the prior situation; you said let's move forward but you in your comments you continue to make allegations that there was still....

Councilman Fiebig: **Point of Order here...Mr. Chairman,** excuse me you are squelching conversations here, as Chair, that's not your duty, it's to recognize people here, not to pontificate from the Chair's position. If you would respectfully ask that Councilman Plecnik would be allowed to speak and just allow him a few minutes to respond...

President Somich: Mr. Fiebig if you would like to change the way that I conduct these meetings you have the opportunity to make a Motion to stop me or to oust me other than that I am running meetings the way that I have and what I believe to be in the best interest of the City. If you would have allowed me to finish I was going to explain to Mr. Plecnik that he can speak, he can finish but I was going to remind him and everybody here that we are advised by our Law Director not to refer to the past, to Mr. Germano and to make further allegations especially in light of the comments that he made this evening in his presentation. So I am recognizing Mr. Plecnik again but I'm asking you to please reframe from any further commentary on the past.

Councilman Plecnik: Mr. President, my only intention was to say that I could not agree with our Law Director more, let's do it, let's pass a Zero Tolerance Policy on Nepotism and I am excited to work with him in drafting this policy.

Councilman Fiebig: Mr. Chairman the signs for the School of Innovation...the School District. **City Engineer DiFranco:** We reviewed the sign locations there are a lot of constraints in that area that cause some of those locations to be adjusted, but we will take another look at it based on your comments.

LEGISLATION

ORDINANCE NO. 2015-38

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT(S) FOR GENERAL LIABILITY INSURANCE COVERAGE FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

President Somich declared that Ordinance No. 2015-38 would remain on First Reading.

ORDINANCE NO. 2015-39

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT(S) FOR GENERAL LIABILITY INSURANCE COVERAGE FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

President Somich declared that Ordinance No. 2015-39 would remain on First Reading.

RESOLUTION NO. 2015-8

A RESOLUTION AUTHORIZING THE CITY OF WILLOUGHBY HILLS TO ACCEPT THE AMOUNTS AND RATES FOR THE YEAR 2016 AS DETERMINED BY THE BUDGET COMMISSION OF LAKE COUNTY, OHIO AND AUTHORIZING THE NECESSARY TAX LEVIES AND THE CERTIFICATION THEREOF TO THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Hallum to suspended the Three Reading Rule for Resolution No. 2015-8.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Three Reading Rule for Resolution No. 2015-8 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Hallum to adopt Resolution No. 2015-8.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Three Reading Rule for Resolution No. 2015-8 has been adopted.

NEW BUSINESS

Councilman Fiebig: Would the Zero Tolerance Policy be appropriate at this time to introduce as new business?

President Somich: What I believe has been suggested in the past and I believe that this would be in the best interest would be to do that in committee with the certain eventual decision by all of Council and consideration of all of Council, but I believe the place to start would be Personnel; that would be the most appropriate place to start that. So we will ask those Members of Council who are especially interested and concerned about that to please address that with our Personnel Chair and to have meetings accordingly.

Councilman Fiebig: I would also perhaps suggest as it is so important and vital across so many sectors that the Committee of the Whole be called for something like that as well. We could even meet perhaps prior to the next Council Meeting to begin that discussion when everyone is here, say at 6:30pm rather than say 7:00 so you might want to talk about that.

President Somich: I will take that into consideration.

FOR THE GOOD OF THE ORDER

Councilman Fiebig:

Wanted to express my condolences to the family of John Perno of Jenny Lane who passed away recently. John was a long time resident here in the City and he will be missed by all those in the community.

Councilman Plecnik:

Two items for the VFW, I am sure that Councilman Biro would have listed them if he were here today, so in his absence; first the VFW is having their Swiss Steak Dinner this Sunday, September 13th from 3:00-5:00pm, advanced reservations are required. I am certainly looking forward to it myself.

But perhaps even more important, I recently spoke with one of our veterans Steve Tretinik and he wanted to let us know that they are having a as he dubs it a Celebration for the Greatest Generation, I believe on October 13th from 5:00-7:00pm and he wanted me to bring it to the "Good of the Order" because he is inviting all World War II veterans to attend this dinner for free. It is going to be fully catered, sit down dinner should be a wonderful experience and we only have some much time to thank our World War II veterans so we are very, very grateful that our VFW is sponsoring this event. There will be tickets available for I believe \$12.00 for others to attend who would like to personally congratulate our vets.

I know that I said just two items, but if I could just add a third. We know that tomorrow is September 11th and we should all take a moment in our personal lives to remember the incredible loss of life on that day but the rebirth of freedom in New York City and the United States it makes me so proud to be in Willoughby Hills so proud to be in America. And as someone who had to walk by those World Trade Centers everyday to work when I practiced in New York it's amazing to see the memorial and the rebirth of that area.

Councilman Hallum:

Also wanted to express our condolences for our resident Mary Jo Baden who lost her father during our break.

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN FIEBIG seconded by Councilwoman Fellows to adjourn the Regular Council Meeting of September 10, 2015.

Roll Call: 6AYES - unanimous

MOTION PASSES

President Somich declared the Regular Council Meeting of September 10, 2015 to be adjourned at 8:24pm.

APPROVED:

October 4, 2015
Date

Raymond C. Somich
Raymond C. Somich
President of Council

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council