

City of Willoughby Hills

Regular Council Meeting Minutes of March 14, 2024

The Regular Council Meeting was called to order on Thursday, March 14, 2024 at 7:00 p.m. in Council Chambers. **Council President Kline** presided.

Call to Order 7:00 p.m. (0:07)

Cell Phone Reminder to Turn off Devices

Pledge of Allegiance (Audio: 0:17)

ROLL CALL (Audio: 0:044)

Members Present: Council President Michael Kline, Councilman Dan Knecht, Councilwoman Vicki Miller, Councilwoman Sivo, Council Vice President Tanya Taylor, and Councilman Joe Jarmuszkiewicz

Also Present: Mayor Christopher Hallum, Law Director Michael C. Lucas, City Engineer Pete DiFranco, and Finance Director Bruce Scott

Absent: Councilwoman Belich

Motion made by Councilwoman Miller, seconded by Councilman Knecht to excuse Councilwoman Belich from tonight's meeting.

Discussion on the Motion:

Council President Kline stated Councilwoman Belich followed correct protocol.

Roll Call: **AYES:** Kline, Knecht, Miller, Sivo, Taylor Draper, Jarmuszkiewicz
NAYS: None
Vote: 6/0

Motion passes to excuse Council Councilwoman Belich from tonight's meeting.

Appointment of Council Clerk Pro Tem:

Motion made by Councilwoman Miller, seconded by Councilwoman Sivo to appoint Laura O'Donnell as Council Clerk Pro Tem for tonight's meeting.

Roll Call: **AYES:** Kline, Knecht, Miller, Sivo, Taylor Draper, Jarmuszkiewicz
NAYS: None
Vote: 6/0

Motion passes to appoint Laura O'Donnell as Council Clerk Pro Tem for tonight's meeting.

DISPOSITION OF THE JOURNAL (Audio: 3:00)

Motion made by Council Vice President Taylor Draper seconded by Councilwoman Miller to approve the minutes of the February 22, 2024 Regular Meeting of Council.

Discussion on the Motion:

None.

Roll Call: AYES: Kline, Knecht, Miller, Sivo, Taylor Draper, Jarmuszkiewicz

NAYS: None

Vote: 6/0

Motion passes to approve the minutes of the February 22, 2024 Regular Meeting of Council.

COUNCIL CORRESPONDENCE AND MISCELLANEOUS REPORTS (Audio: 3:53)

03/12/2024 Email from Lakeland Nonprofit Center This Friday is the Northeast Ohio Nonprofit Summit
03/12/2024 Email from Katherine D. Lloyd WH PCABR Meeting 3/21/2024 - THURSDAY - 7:00 pm
03/11/2024 Email from Laurie.Scarmuzzi@dot.ohio.gov RE: PID 112659 LAK US 006 00.44; Willoughby Hills; Final Legislation & Invoice -Revision 2 -- Signed docs
03/11/2024 Email from Finance Director FW: 2024-005 Amended
03/11/2024 Email from Karen Mehollin RE: Working Committee of Council Meeting | March 11, 2024
03/08/2024 Email from Kathleen Sivo Re: America 250-Ohio Community Application
03/08/2024 Email from pc-abr Approved PCABR Minutes
03/08/2024 Email from Faysal Altahawi CEASE AND DESIST
03/07/2024 Email from Gandec, Robert FW: Retirement Notification - Firefighter Steve Lucic
03/07/2024 Email from Michael C. Lucas AFSCME and Willoughby Hills Collective Bargaining Agreement
03/06/2024 Email from Michael C. Lucas RE: Then and Now Resolution - Legal Fees
03/06/2024 Email from Michael C. Lucas RE: New Legislation
03/05/2024 Email from Lakeland Nonprofit Center Time is running out
03/05/2024 Email from Naegele, Matthew Records retention
03/04/2024 Email from Michael Tyler Re: WILLOUGHBY HILLS Lions Club use of Lions Room
03/04/2024 Email from Justin.Brown@serb.ohio.gov SERB - 2023 Wage Settlement Report - Now Available
03/04/2024 Email from owenhawthorne5@gmail.com Proposal for Estimate
03/01/2024 Email from Stephanie Kellner Re: Adopted Legislation - Willoughby Hills | February
02/29/2024 Email from Nonprofit Center 2024 Northeast Ohio Nonprofit Summit | March 15, 2024
02/29/2024 Email from Pietro DiFranco Council Motions for Bids - 2024 Street & Sewer Rehab
02/28/2024 Email from Willoughby Hills Fire Chief RE: Annual State of the Cities Breakfast Invitation
02/28/2024 Email from Karen Mehollin FW: Vehicle Acquisition Request 2025
02/27/2024 Email from Thomas Lobe Re: Area B Sewer Assessment - Varro - 2890 SOM
02/27/2024 Email from Karen Mehollin FW: Eclipse Grant
02/27/2024 Email from Finance Director Then and Now Resolution - Legal Fees
02/27/2024 Email from Karen Mehollin Codified Ord for Comm. Ctr.
02/26/2024 Email from Willoughby Hills Finance Dept. RE: March 12th - Community Center Calendar
02/23/2024 Email from DiMattia, Louis A. Re: Status Update - Draft Proposal - Cell Tower Lease Extension // BU 876037 // 35405 1/2 Chardon Rd Willoughby, OH - City Hall
02/23/2024 Email from Finance Director THEN / NOW
02/23/2024 Email from Titchenell, Marne via Ocw[OCWC] Deer Workshop for Municipalities & Parks
02/22/2024 Email from Michael C. Lucas RE: Regular Council Meeting | February 22, 2024
02/21/2024 Email from Whitney Neidus Re: StoneWater: Catering & Golf
02/20/2024 Email from Vicki Miller Re: Bldg-Service Concerns - Ord. 2023-039 - Temp Sign
02/20/2024 Email from Karen Mehollin RE: Willoughby Hills February Visit - EVOLVE
02/20/2024 Email from Bryan Fatka Laserfiche and American Legal Publishing
02/20/2024 Email from Karen Mehollin Revised holidays for Ord. 2024-007
02/20/2024 Email from Pietro DiFranco Bldg-Service Concerns - Ord. 2023-039 - Temp Sign

PUBLIC PORTION #1 (Audio: 4:17)

An opportunity for the public to address Council concerning anything pertaining to tonight's agenda.

Public Portion #1 opened at 7:04 p.m.

No one spoke.

Public Portion #1 closed at 7:04 p.m.

MAYOR'S REPORT (Audio: 4:37)

Mayor Hallum read his report:

I want to thank my Directors, Council, and the public who took time to plan, review, and ask questions for the 2024 budget. Special thanks to Bruce Scott for doing such a great job on his first time putting together the budget since taking over as Finance Director.

The Mayor supports approving the budget Ordinance.

Our new Recreation Coordinator is hard at work reviewing current procedures and making plans for future improvements. Pickle ball and tennis court nets are up, and the courts are already getting busy. Registration for baseball and softball is still open, but teams are filling up.

Thank you to the Lake County Visitors Bureau; we received notice that our request for grant money to support our Solar Eclipse event was approved. These funds will be used to improve the experience of all in attendance at the event.

Last week I swore in a new PT firefighter, Brian Fielding. Fire Chief Gandee informed me that we have one squad down with a siren issue, but the other two are operational. Next week the Fire Department will be partnering with other local departments to do high rise training at Pine Ridge Apartments.

The city is still looking for a part time Clerk of Council. If you are interested, please send an e-mail to Council President Kline. You can find the job description on the city website.

Lastly, be sure to visit our Spring Craft Show at the Community Center Saturday from 9:00AM-3:00PM.

The Mayor wished all a great weekend.

LAW DIRECTOR'S REPORT (Audio: 6:22)

No report.

FINANCE DIRECTOR'S REPORT (Audio: 7:17)

Finance Director Scott asked that Council pass Ordinance 2024-005, unless there were any further questions. He spoke of minor changes (**Audio 7:07**)

CITY ENGINEER'S REPORT (Audio: 7:33)

No report.

Councilwoman Miller asked if there were any projects scheduled for Chardon Road, and what the status is on those projects?

City Engineer DiFranco responded:

- All Chardon Road projects are being managed by ODOT.
- The resurfacing project from SOM Center heading west is currently out to bid.
- The bridge projects are under Planning and Design with ODOT. There are no details at this time.

Council Vice President Taylor Draper asked if there were any updates on the West Pines project?

City Engineer DiFranco stated:

- There was a pre-construction meeting for tree clearing last week.
- Permits will still need to be pulled.
- They would like to beat the EPA/bat deadline of April 15.

BOARDS & COMMISSIONS REPORTS / COMMITTEE REPORTS (Audio 9:11)

PC-ABR reported by Council Vice President Taylor Draper

Council Vice President Taylor Draper reported:

- Planning Commission Architectural Board of Review met on March 7. During the Architectural Board portion of the meeting a new building sign was approved for John Roberts Salon & Spa at 2700 SOM Center Road.
- A request to approve a rear roof extension was submitted, however, it was not approved due to improper plans submitted
- During the Planning portion, Bishop Plaza was approved at 28301 Chardon Road. Officials and residents are excited about the project.

Councilman Jarmuszkiewicz asked what exactly is being planned for the west end?

Council Vice President Taylor Draper stated the final rundown of shop placement and location was submitted. Any future plans have not been discussed at this time.

Mayor Hallum added additional information referencing possible smaller businesses in the future.
(Audio: 11:47)

Beautification Committee reported by Council Vice President Taylor Draper

No report.

Recreation Commission reported by Councilman Jarmuszkiewicz

Councilman Jarmuszkiewicz reported:

- The Pancake Breakfast was a success. He thanked all attendees and volunteers
- An organizational Pickle Ball meeting has been scheduled for March 26.
- The Spring Craft Show is this weekend on Saturday, March 16.

Council Vice President Taylor Draper asked if more volunteers were needed for the Craft show?

Councilman Jarmuszkiewicz stated the Sign Up Genius was pretty full.

Finance Committee Report by Council President Kline

No report.

WHISPER reported by Councilwoman Miller

No report.

Deer Management Committee reported by Councilwoman Belich

No report.

Business Subcommittee – reported by Councilwoman Sivo

No report.

UNFINISHED BUSINESS: (Audio: 13:27)

Council President Kline stated the City is moving forward with an Eclipse Day Celebration. Details will be announced in the near future. The City has received some grant money through the LCVB. The City will match the amount. He added important filter safety information (**Audio: 14:14**).

LEGISLATION: (Audio 14:57)

ORDINANCE 2023-039 AMENDED – THIRD READING

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS, PART 11-PLANNING AND ZONING CODE, TITLE THREE-CODE ADMINISTRATION, CHAPTER 1111 DEVELOPMENT PLAN REVIEW PROCEDURES, SECTION 1111.02 DEVELOPMENT PLAN REVIEW, BY THE ADDITION OF PARAGRAPH (D) REQUIRING TEMPORARY SIGN NOTIFICATION OF DEVELOPMENT UPON THE COMMENCEMENT OF ANY RESIDENTIAL DEVELOPMENT PLAN REVIEW PROCESS UNDER CHAPTER 1111.

Council President Kline stated that this would remain on Third Reading.

ORDINANCE 2024-005 AMENDED – THIRD READING

AN ORDINANCE ADOPTING PERMANENT APPROPRIATIONS NECESSARY TO MAINTAIN CITY SERVICES FOR THE FISCAL PERIOD BEGINNING JANUARY 1ST THROUGH DECEMBER 31ST OF 2024; REPEALING ALL LEGISLATION INCONSISTENT HEREWITH.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilman Knecht** to adopt Ordinance 2024-005 Amended.

Discussion on the Motion:

Council Vice President Taylor Draper thanked Finance Director Scott for his hard work and due diligence on the budget.

Council President Kline also thanked all department heads and staff, members of Council and Finance Committees and the public for their time and effort to review.

Roll Call: **AYES: Kline, Knecht, Miller, Sivo, Taylor Draper, and Jarmuszkiewicz**
NAYS: None
Vote: 6/0

Motion carries to adopt Ordinance 2024-005 Amended.

ORDINANCE 2024-009 – FIRST READING

AN ORDINANCE AUTHORIZING THE MAYOR TO SECURE THE PURCHASE OF THREE (3) NEW POLICE VEHICLES, AND DECLARING AN EMERGENCY.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Miller** to waive the Three Readings on Ordinance 2024-009.

Discussion on the Motion:

Councilman Jarmuszkiewicz stated that passing the Ordinance quickly will allow the Police Department to expedite the purchase of the new vehicles and have them ready for next year.

Councilwoman Miller stated by acquiring the vehicles early, it helps to guarantee the units are available.

Mayor Hallum stated Police Chief Naegele has been trying to stay ahead of other cities and the competitive nature of the vehicle purchasing.

Roll Call: **AYES: Kline, Knecht, Miller, Sivo, Taylor Draper, and Jarmuszkiewicz**
NAYS: None
Vote: 6/0

Motion carries to waive the Three Readings on Ordinance 2024-009.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Miller** to adopt Ordinance 2024-009.

Discussion on the Motion:

Councilman Jarmuszkiewicz stated accepting the annual grant will allow the City to better plan.

Roll Call: **AYES: Kline, Knecht, Miller, Sivo, Taylor Draper, and Jarmuszkiewicz**
NAYS: None
Vote: 6/0

Motion carries to adopt Ordinance 2024-009.

ORDINANCE 2024-010 – FIRST READING

AN ORDINANCE ACCEPTING THE BID OF ALLIED CORPORATION FOR THE PURCHASE OF ASPHALT FOR THE YEAR 2024 AND DECLARING AN EMERGENCY.

Motion made by **Councilwoman Miller**, seconded by **Council Vice President Taylor Draper** to waive the Three Readings on Ordinance 2024-010.

Discussion on the Motion:

Councilman Jarmuszkiewicz stated **Road Superintendent Grubiss** said prices are actually less than last year, and projects are on the schedule; passing the Ordinance would help expedite the process.

Roll Call: **AYES:** Kline, Knecht, Miller, Sivo, Taylor Draper, and Jarmuszkiewicz
NAYS: None
Vote: 6/0

Motion carries to waive the Three Readings on Ordinance 2024-010.

Motion made by **Councilwoman Miller**, seconded by **Council Vice President Taylor Draper** to adopt Ordinance 2024-010.

Roll Call: **AYES:** Kline, Knecht, Miller, Sivo, Taylor Draper, and Jarmuszkiewicz
NAYS: None
Vote: 6/0

Motion carries to adopt Ordinance 2024-010.

ORDINANCE 2024-011 – FIRST READING

AN ORDINANCE ACCEPTING THE BID OF THE ARMS TRUCKING COMPANY FOR THE PURCHASE OF LIMESTONE FOR THE YEAR 2024 AND DECLARING AN EMERGENCY.

Motion made by **Council Vice President Taylor Draper**, seconded by **Councilwoman Sivo** to waive the Three Readings on Ordinance 2024-011.

Discussion on the Motion:

Councilman Jarmuszkiewicz reiterated the same reasoning as was submitted for asphalt.

Roll Call: **AYES:** Kline, Knecht, Miller, Sivo, Taylor Draper, and Jarmuszkiewicz
NAYS: None
Vote: 6/0

Motion carries to waive the Three Readings on Ordinance 2024-011.

Motion made by **Council Vice President Taylor Draper**, seconded by **Councilwoman Sivo** to adopt Ordinance 2024-011.

Roll Call: **AYES:** Kline, Knecht, Miller, Sivo, Taylor Draper, and Jarmuszkiewicz
NAYS: None
Vote: 6/0

Motion carries to adopt Ordinance 2024-011.

Mayor Hallum thanked **Council** and **Road Superintendent Grubiss** for expediting the passage of these Ordinances.

RESOLUTION 2024-004 – FIRST READING

A RESOLUTION TO APPROVE A THEN AND NOW CERTIFICATE AND TO AUTHORIZE THE FINANCE DIRECTOR TO DRAW A WARRANT FOR THE ORDERS OR CONTRACTS ASSOCIATED WITH SUCH CERTIFICATE FOR LEGAL FEES, AND DECLARING AN EMERGENCY.

Motion made by **Councilwoman Miller**, seconded by **Council Vice President Taylor Draper** to waive the Three Readings on Resolution 2024-004.

Discussion on the Motion:

Councilwoman Miller stated it's important to make sure bills are paid quickly and efficiently.

Roll Call: **AYES: Kline, Knecht, Miller, Sivo, Taylor Draper, and Jarmuszkiewicz**

NAYS: None

Vote: 6/0

Motion carries to waive the Three Readings on Resolution 2024-004.

Motion made by **Councilwoman Miller**, seconded by **Council Vice President Taylor Draper** to adopt Resolution 2024-004.

Roll Call: **AYES: Kline, Knecht, Miller, Sivo, Taylor Draper, and Jarmuszkiewicz**

NAYS: None

Vote: 6/0

Motion carries to adopt Resolution 2024-004.

NEW BUSINESS: (Audio: 27:30)

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Sivo** for the City to go out for bid for 2024 Street & Sewer Rehab projects.

Roll Call: **AYES: Kline, Knecht, Miller, Sivo, Taylor Draper, and Jarmuszkiewicz**

NAYS: None

Vote: 6/0

Motion carries for the City to go out for bid for 2024 Street & Sewer Rehab projects.

Motion made by **Councilman Jarmuszkiewicz**, seconded by **Councilwoman Miller** to adopt subsidy amounts for Willoughby pool passes at the rates of \$55 for Individual season passes and \$41 for Senior 55+ season passes.

Discussion on the Motion:

Councilman Jarmuszkiewicz stated the program is not a widely used program, and it may be more difficult with the temporary closing of the Euclid Avenue pool, however, it is a nice perk for residents.

Council President Kline explained the subsidy program details. **(Audio: 29:44)**

Roll Call: **AYES: Kline, Knecht, Miller, Sivo, Taylor Draper, and Jarmuszkiewicz**

NAYS: None

Vote: 6/0

Motion carries to adopt subsidy amounts for Willoughby pool passes at the rates of \$55 for Individual season passes and \$41 for Senior 55+ season passes.

PUBLIC PORTION #2 (Audio: 33:07)

An opportunity for the public to address Council with any comments, issues or concerns.

Public Portion #2 opened at 7:31 p.m.

Shelley Shedler, 2608 SOM Center Road, Willoughby Hills, 44094 stated on July 15, 2023 she received a letter from Wiles & Richards stating that City Council resolved to terminate her residency on August 31 leaving her with about 45 days to both look for a house and move. Ms. Shedler asked for more time and the opportunity to buy the house. The City graciously have her September 30, which she was thankful for. When she stated it would be difficult to move out and buy another property, Assistant Law Director Thomas Lobe explained what the required legal process would be if the City were to sell the house. An appraisal and auction and the bidding process. Mr. Lobe and former Mayor Gardner indicated that she may be able to stay in the house until the auction had taken place. If Ms. Shedler was not the highest bidder, she would be required to leave within 30 days. From September 2023 until the middle of February 2023 she received no other communication. On February 16, she received a letter from Wiles & Richards stating that termination of tenancy is March 31, 2024. She further explained (**Audio: 33:27**). Ms. Shedler would like to know if the City still intends to sell the house? If so, would Council allow her to stay until the auction?

Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, 44094 stated she is septic and doesn't deal with sewer. She stated that someone sent her something from November 2021. Willoughby Hills resident John Plecnik proposed a 25 percent discount on water and sewer from the county to all of the Senior Citizens which was unanimously approved. Another 5 percent was recently approved, so qualifying Senior Citizens get a 30 percent discount on their sewer bills. Ms. Bing would like the City to use the rainy day surplus to give Seniors a discount on their water and sewer bills; the City should explore discount options.

Linda Fulton, 2990 Marcum Boulevard, Willoughby Hills, 44092 asked **Law Director Lucas** for follow up information on an incident which occurred at her residence when a man claiming to be associated with Spectrum came to her door later in the evening.

Public Portion #2 closed at 7:37 p.m.

Law Director Lucas responded to Ms. Fulton's comments stating there is no capping in terms of the time limitation for door-to-door solicitations.

Mayor Hallum stated that several years ago the City of Willoughby Hills reduced sewer rates twice for all residents, not only Senior Citizens.

Councilman Jarmuszkiewicz asked if the City is still planning to sell the rental house on SOM Center?

Mayor Hallum stated that yes, the house is still slated to sell. The Mayor will look into details from Assistant Law Director Lobe as this discussion began with former Mayor Gardner.

Councilwoman Miller thanked Ms. Shedler for coming up and speaking tonight. she was unaware of any movement with the sale of the home. She stated Council will look into the matter.

FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY (Audio: 40:44)

Councilwoman Miller invited everyone to the Spring Craft Show on Saturday at the Community Center. She stated there is no admission fee. She also wished everyone a fun and safe St. Patrick's Day.

Council Vice President Taylor Draper, responded to the comments made during the last regular council meeting by Jenna Bing regarding the citizens lawsuit against City Council, the Mayor, the Law Director and three volunteer members of our Planning Commission.

Now that it is no longer pending litigation, and Council is permitted to speak about the matter, she believes it is important to set the record straight and tell the residents the truth.

Five citizens: Ted Dellas, Dale Fellows, Nancy Fellows, Linda Fulton and Barbara Blazy submitted a citizen's lawsuit against former Council President, Chris Hallum; former Vice President of Council, Michael Kline, Councilman Joe Jarmuszkiewicz, Councilwoman Julie Belich, Councilman Dan Knecht, Councilwoman Tanya Taylor Draper, Former Mayor Andy Gardner, Law Director Mike Lucas, Tom Elliott (Planning Commission Volunteer), John Lillich (Planning Commission Volunteer) and Ron Lewis (Planning Commission Volunteer)

The charges were as long as her arm and included things such as bribery in office and organized criminal activities, and the plaintiffs demanded we be removed from office.

Their document (which was the size of encyclopedia) included made up lies, accusations about all listed. Council Vice President Taylor Draper stated these accusations were false and untrue.

She continued by stating it is important that the residents realize all of the accusers were deposed by legal representatives; they all swore to tell the truth, and by law, the defendants were permitted to watch and hear the accusations.

She feels it is important that residents know that not one of the plaintiffs could tell where the encyclopedia-sized complaint had originated. Each testified that none of them wrote it or researched the information in the complaint. It was found in their mailboxes, taken to a notary, and by signing they swore all of it was the truth.

The encyclopedia-sized complaint was handed over to Geauga County Prosecutor – Jim Flaise. After his review of the complaints, Mr. Flaise determined there was no merit, no reason to go to trial, and no reason to proceed. It was frivolous and baseless. There was one complaint that went to trial but was dismissed by the judge.

This fiasco cost the taxpayers approximately \$70,000. Hard earned dollars wasted dealing with a complaint that "appeared in a mailbox" – that no one thought to fact check.

The Mayor and Council viewed this as negligent – a waste of tax payer dollars – and that is why a suit was filed against the five plaintiffs – to recover the residents' tax dollars.

Everyone on the dais believes that citizens have a right to know, to speak up, and to question elected officials. However, citizens don't have the right to use tax dollars to: settle personal scores or scar the reputations of self-perceived political enemies.

These are the kinds of actions that came to light throughout this legal proceeding that raised the question of a frivolous lawsuit.

A frivolous lawsuit, in part, is defined as acting without a basic level of diligence in researching the relevant law and facts.

On the matter of the legal fees involved in this lawsuit. At a recent Lake County commissioners meeting Dale Fellows spoke. He prefaced his comments by saying “nothing is more important than how public entities spend their public funds, our tax dollars”. I found this statement very ironic. This action by the electors which included Dale Fellows cost the city over \$70,000 in legal fees. This lawsuit was thrown out. It never went to trial because the charges, as Mr. Lucas said, were baseless and over the top. Again, these 5 electors cost the city needlessly over \$70,000. Apparently, Mr. Fellows was not concerned about his city of residence having to spend this amount of “tax dollars”

One final point. In November of 2020, Dale Fellows circulated a letter in the city in which he stated that a Probate Court Action would be filed against Mayor Gardner and his corrupt henchmen to remove them from office. Two years later the anonymous author of the Immaculate Complaint came through for Fellows. Very interesting.

ADJOURNMENT (52:37)

Motion made by **Councilwoman Miller**, seconded by **Council Vice President Taylor Draper** to adjourn the meeting.

Roll Call: AYES: Kline, Knecht, Miller, Sivo, Taylor Draper, and Jarmuszkiewicz
NAYS: None
Vote: 6/0

The meeting was adjourned at 7:53 p.m.P

APPROVED: MARCH 28, 2024
Date



Michael Kline
President of Council

ATTEST: Laura O'Donnell
Laura O'Donnell
Clerk of Council Pro Tem

These cliques consisting of – John Plecnik, Jenna Bing, Dale Fellows, Nancy Fellows and Linda Fulton are only doing things to hurt our city and debase our citizens.

In closing, Council Vice President Taylor Draper stated residents don't have to believe her, but should research and read the case for themselves. She implored residents to educate themselves on the truth.

President Kline commended the Beautification Committee on their St. Patrick's Day decorations at City Hall. He also read from an article which listed "20 best small towns where you can retire to on \$3,000". Willoughby Hills is number 11. **(Audio: 46:37)**

He then echoed the sentiments of Council Vice President Taylor Draper, and read the following:

At the last council meeting, a resident made comments and asked questions related to the lawsuit which a group of residents brought against elected and appointed officials of the city in 2022. This individual wanted to know why the city would sue residents when the residents were doing what they are legally entitled to do.

Law Director Lucas explained the situation very clearly.

I think time has passed and there are residents watching and listening that may not remember everything that went on regarding this lawsuit. I would like to add to Mr. Lucas' comments. I am not an attorney, my comments are based on both being one of the defendants in the case as well as someone who spend a great deal of his career as an expert witness in many legal proceedings.

The type of lawsuit brought is called an elector's lawsuit. Five registered voters must originate this lawsuit. The voters in this case, Nancy Fellows, Dale Fellows, Ted Dellas, Linda Fulton & Barbara Blazy were within their rights to do so. As Mr. Lucas stated at the last council meeting, the charges were over the top and baseless. But there is more. The complaint filed, this is the complaint, is quite hefty. Who wrote this complaint? None of the 5 electors know. It suddenly appeared in the email inbox of one of the electors. Who sent it? None of the electors know. There is no trace of the sender's email account. At the time when the complaint was received, did anyone try to capture this information? No. I have dubbed this the Immaculate Complaint. Like other references to the use of this term, it was a miracle. All of the electors signed the complaint, but those that were deposed stated that they did not verify any of the information or charges contained in it. They did not do any due diligence. During my career as a forensic accountant, I learned and practiced that when you are involved in any type of legal proceeding, as a participant or a witness, that you come prepared. You have to take ownership of your role in the proceedings. You don't just shrug your shoulders and say nothing.

Would anyone watching this or listening to this, accept such a document, sign it and allow it to be filed as the basis of a lawsuit. If someone sent such a document to my email, I would have deleted it, case closed. To blindly go forward and be a part of such a filing, well...the only thing I can say is I own a bridge in Brooklynn New York that I'm selling. Want to buy a piece of it?