

CHRISTOPHER HALLUM
President of Council

MICHAEL KLINE
Vice President of Council

COUNCIL:

NANCY E. FELLOWS

JOE JARMUSZKIEWICZ

JANET R. MAJKA

TANYA TAYLOR DRAPER

City of Willoughby Hills

Special Meeting of Council Minutes of February 18, 2020

Policy No. 2: All Council meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part by Council. Council minutes shall be written, and approved by Council, and shortened whenever possible.

The Special Meeting of Council was called to order on Tuesday, February 18, at 6:00 p.m. in Council Chambers.

Pledge of Allegiance (Audio 00:11-00:26)

Roll Call of Council (Audio 00:31-00:55)

Members Present: Councilman Joe Jarmuszkiewicz, Council Vice President Michael Kline, Councilwoman Janet R. Majka, Councilwoman Tanya Taylor Draper, Councilwoman Nancy Fellows and Council President Christopher Hallum

Others Present: Mayor Andy Gardner

APPOINTMENT OF CLERK PRO-TEM

(Audio 00:57-1:43)

Motion made by Councilwoman Taylor Draper, seconded by Council Vice President Kline to appoint Gloria Majeski as Council Clerk Pro Tem for tonight's meeting.

Roll Call: AYES: Jarmuszkiewicz, Kline, Majka, Taylor Draper, Fellows and Hallum

NAYS: None

Vote: 6/0

Motion Carries to appoint Gloria Majeski as Council Clerk Pro Tem for tonight's meeting.

PUBLIC PORTION #1

(Audio 2:05-4:48)

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

Public Portion opened at 6:03 p.m.

Jenna Bing 36951 Beech Hills Drive – Ms. Bing said she was confused about the Ordinance (Ordinance 2020-10) because Section 2 states that “Lobe and Landgraf will be Assistant Law Directors and then it says that Landgraf and Richards are going to be serving as Law Director support.” She wondered what Daniel Richards’ role was then. Ms. Bing said she feels this ordinance is “political” and assumed that members of Council were receiving advice from Mr. Lobe while there was an absence of a Law Director. She does not feel that it is appropriate to now pay him for services. She pointed out her perception that Mr. Lobe did not provide good legal advice with regard to date for Union contracts and that he “screams” and “yells” and is “very disrespectful.” She indicated that the “Mayor does an imitation of him turning his head around so that he is not looking at the people or the Council.” Ms. Bing felt that this was not a good decision to include Mr. Lobe on the Ordinance, but had “no problems with the Law Director or his firm.” She felt it is “disingenuous.” Ms. Bing did not think it was appropriate to hold a Friday night meeting for Law Director confirmation and felt it was a way to “rush things through on the Third Reading” rather than waiting another week for a Regular Council meeting for Ordinance passage. She said she felt that this looks like “bad politics, which is what we are trying to get away from.”

Public Portion closed at 6:05 p.m.

LEGISLATION

ORDINANCE NO. 2020-10 – SECOND READING (Audio 4:52-5:20)

AN ORDINANCE CONFIRMING THE APPOINTMENT OF MICHAEL C. LUCAS AS DIRECTOR OF LAW AND APPOINTMENT OF ASSISTANT LAW DIRECTORS, DEFINING THE DUTIES AND RESPONSIBILITIES OF THE POSITIONS, AND FIXING THE SALARY AND COMPENSATION FOR SAID POSITIONS, REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

Council President Hallum stated that this will remain on Second Reading.

Councilwoman Fellows then stated the following: (Audio 5:22-8:52)

“Mr. President. So the vote will be for our Law Director and Assistants on Friday evening and I will not be there as I will be in Virginia on Thursday and Friday at the Langley Air Force Base doing training. So I have a few notes that I think are important to share with Council, if you will indulge me as all of you think about the positions that will be voted on.”

Council President Hallum stated “Councilwoman Fellows, I have no problem, as long as your comments are within reason.”

Councilwoman Fellows replied: “These are facts.”

Council President Hallum stated: “As long as they are not attacking anyone, I don’t have any problem.”

Councilwoman Fellows proceeded: “So, Mr. Mayor, you indicated that you wanted Mr. Lobe to represent the City because he has history here. And you are right. Tom has a lot of history here in Willoughby Hills. But there are some things that he has done in the past that I hope he does not repeat in the future. So, in terms of facts, Mr. Lobe was first hired in the nineties and was fired in the middle of a scandal by the Mayor

in 2007 by Mayor Ken Lorenz. He was rehired in 2008 and resigned again in the middle of 2017. These are some of the things that he failed to address as a Law Director as I have sat on City Council: Illegal gambling cafes and massage parlor, failure to adopt a Master Plan as required under the Charter, the failure to revise the Zoning Code as required under the Charter, allowing the misuse of funds allocated to the maintenance of the Pleasant Valley Road Bridge, a Councilman voting on multiple City contracts to benefit a family company, a program targeting isolated seniors (one of the most vulnerable groups in the city) that allowed City employees and officials to personally benefit themselves and we did not have oversight and that is why it has been suspended for a while....”

Council President Hallum interrupted Councilwoman Fellows, saying, “Councilwoman Fellows, I am going to ask you to wrap this up because some of the things that you are saying are your opinion, and not fact.”

Councilwoman Fellows continued, “A public building that was closed to the public that was being used privately, the hiring of an unqualified Fire Chief, an illegal cell tower contract, allowing the Union contract to be adopted by the City by default against Council’s wishes through deception, allowing this Union contract to be adopted even when terms were indicated that they were bad by attorneys that we interviewed. (One of those attorneys, Mr. Mayor, belonged to the law firm that you belong to now.) The failure to prosecute a clear case of workplace violence even after prosecution was recommended by our own Police Department, the failure to implement an Employee Handbook, belligerent and political rants against officers and residents at Council meetings which I personally was one of, threats against duly elected public officials in an attempt to ruin them from doing their job, the lawsuit that he filed against this very city and your employer, Walter Haverfield, Mr. Mayor. So I met with Mr. Lucas. Mr. Lucas knows my sentiments. I would have no problem voting him in to be the Law Director of the City. I think he is exceedingly qualified. But, because I won’t be here on Friday, I needed to share with you that I cannot support the package and I think that is one of the reasons that Councilwoman Majka had asked that the two of them be separated. So I appreciate your time.”

Council President Hallum: “Thank you.”

Councilwoman Fellows: “And I would also appreciate that these are in the minutes verbatim and if you need my thing, Gloria, I would be happy to give them to you.”

Motion by Council: (Audio 8:57-13:48)

Motion to go into Executive Session was made by **Councilwoman Taylor Draper** to consider the appointment of a public official. **Council President Hallum** made the following statement to Council before the motion to go into Executive Session was voted on:

Council President Hallum: “On Friday, Mr. Fellows, Nancy’s husband did put in an application for the open seat which, there is no problem with by the way. The concern I had was that there might be a conflict of interest, an ethics issue. As Monday was a holiday, this morning was the first opportunity I had to contact the Ethics Commission for an opinion. I spoke to their Lead Attorney for public officials to contact with regard to questions with regard to ethics. Mr. John Rawski is who I spoke to. I explained the situation. His response to me was that Councilwoman Fellows should not participate in any formal or informal

conversation with regard to the appointment. She should not participate in any interviews of anyone for this vacancy nor should she participate in any voting. Even though it is her husband, it is a family member and it is a conflict of interest. It is an ethics issue. He also provided me with a case that I think we are all familiar with from Fairview Park where a councilwoman did participate in the proceedings for her husband and she was found guilty of a fourth degree felony. So I just want to make everyone aware of that. I did leave a message for Councilwoman Fellows earlier today because I did want her to have the opportunity to call the Ethics Commission herself if she wanted to get her own information from Mr. Rawski or anyone else there. So I just want that on the record that she should not be participating in any discussions or voting or the interviews.”

Councilwoman Fellows: “Mr. President, so that means nobody?”

Council President Hallum: “Nobody. I asked him that too and he said you should not participate at all.”

Councilwoman Fellows: “I mean, I can’t sit in on any other candidates?”

Council President Hallum: “No. I asked him that specifically. He said you should not participate in any interviews at all.”

Mayor Gardner: “And just for the record, I checked with Todd Cipollo who is our Prosecutor. I asked his opinion on the situation. He said that under the Revised Code, no public official should knowingly authorize or employ the authority or influence of the public official’s office to secure authorization of any public contract in which the public official or a member of the public official’s family or any of the public official’s business associates has an interest. He also recommends strongly against participating in any part of the process.”

Councilwoman Fellows: “I have a question, Mr. President.”

Council President Hallum: “Certainly.”

Councilwoman Fellows: “Then what about Mr. Philipp and Denise Edwards? They are brother and sister. One is an employee and one could potentially be an elected official.”

Council President Hallum: “It has to do with the appointment process and the power to vote and participate in the selection of the replacement.”

Mayor Gardner: “Mrs. Philipp (Edwards) is not on Council.”

Council President Hallum: “Correct.”

Councilwoman Fellows: “Yes, but I am just saying that futuristically, Mr. Philipp could be here and then he could be voting for her raises.”

Mayor Gardner: “Well that is something we will need to deal with if he is elected.”

Councilwoman Fellows: He would have to recuse himself.”

Council President Hallum: “Yes.”

At this point of the meeting, at 6:13 p. m. Mr. Dale Fellows asked that his application for the Council position be withdrawn.

Council President Hallum confirmed that Mr. Dale Fellows was withdrawing his application for Council at 6:13 p.m.

Councilwoman Fellows: “So therefore I may participate?”

Council President Hallum: “You may.”

Councilwoman Fellows: “Thank you.”

Council President Hallum: “Yes.”

Motion had been made by **Councilwoman Taylor Draper**, then seconded by **Councilman Jarmuszkiewicz** to adjourn into Executive Session to consider the appointment of an elected official.

Roll Call: **AYES: Jarmuszkiewicz, Kline, Majka, Taylor Draper, Fellows and Hallum**
 NAYS: None
 6/0

Motion carries to adjourn to Executive Session to consider the appointment of an elected official.
Council adjourned to Executive Session at 6:14 p.m.

Council returned from Executive Session at 9:38 p.m. (**Audio 00:20-00:35 – Part 2 of 2**)

Council President Hallum asked for the wishes of Council.

Councilwoman Fellows moved that Council appoint Mr. Dan Knecht to fulfill Councilman Fiebig’s term (Council-At-Large III).

Motion seconded by Councilwoman Majka.

Discussion on the Motion: (**Audio 00:37-3:00 – Part 2 of 2**)

Councilwoman Taylor Draper said she would “like to thank all of the individuals who came out tonight and sat here for hours. We really appreciate your dedication and belief and love for Willoughby Hills. Thank you as a group from us. Thank you very much for doing that.” **Council President Hallum** agreed, calling it an “arduous and nerve racking experience.”

Councilwoman Majka encouraged the applicants to not “make themselves scarce.” She commended their talents and encouraged future involvement in the City.

Roll Call: **AYES: Jarmuszkiewicz, Kline, Majka, Taylor Draper, Fellows and Hallum**
 NAYS: None
 6/0

Council President Hallum: “Congratulations, Mr. Knecht.” Mr. Knecht was congratulated and advised to proceed with the administration of his oath of office with Mayor Gardner at his earliest convenience, allowing family members to be in attendance.

PUBLIC PORTION #2 – – An opportunity for the public to address Council with any comments, issue or concern (**Audio 3:16-3:33 – Part 2 of 2**)

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 opened at 9:42 p.m.
No one spoke.
Public Portion closed at 9:42 p.m.

ADJOURNMENT
(Audio 3:36-4:01 – Part 2 of 2)

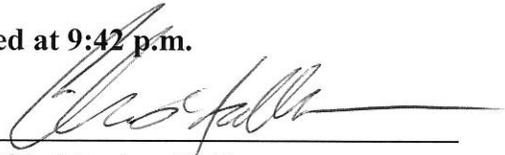
Motion was made by Councilwoman Fellows, seconded by Councilwoman Taylor Draper to adjourn.

Roll Call: AYES. Jarmuszkiewicz, Kline, Majka, Taylor Draper, Fellows and Hallum
NAYS: None
6/0

Motion carries to adjourn.

The Special Council Meeting of February 18, 2020, was adjourned at 9:42 p.m.

APPROVED: 2/27/2020
Date



Christopher Hallum
President of Council

ATTEST: Gloria Majeski
Gloria Majeski
Executive Assistant, Clerk of Council Pro-Tem