

City of Willoughby Hills

Regular Council Meeting Minutes of December 12, 2019

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

The Regular Council Meeting was called to order on Thursday, December 12, 2019 at 7:00pm in Council Chambers. President Fellows presided.

Pledge of Allegiance

Members Present: Councilman Christopher Hallum, Councilwoman Laura Lenz, Councilwoman Janet R. Majka, Councilwoman Laura Pizmoht, President Nancy E. Fellows

Absent: Councilman David M. Fiebig

MOTION TO EXCUSE

Councilman Hallum moved to excuse Councilman David M. Fiebig from the Regular Council Meeting of December 12, 2019. Councilwoman Pizmoht seconded.

President Fellows: I have a motion from Councilman Hallum and a second from Councilwoman Pizmoht to excuse Councilman Fiebig from this evening's meeting. Is there any discussion on the motion?

Roll call: **YEAS:** Hallum, Pizmoht
NAYS: Fellows, Lenz, Majka

Motion FAILED.

President Fellows: The motion to excuse Councilman Fiebig from this evening's meeting has failed.

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

MOTION TO APPOINT VICE PRESIDENT

President Fellows: I would entertain a motion to appoint Councilwoman Laura Pizmoht to serve as Vice President of Council.

Councilwoman Majka: Second.

President Fellows: I would need a first.

Councilwoman Majka: Madam President. Motion to appoint Councilwoman Laura Pizmoht as Vice President for tonight.

Councilwoman Lenz: Second.

President Fellows: I have a motion from Councilwoman Majka and a second from Councilwoman Lenz to appoint Councilwoman Laura Pizmoht to the office of Vice President. Is there any discussion on the motion?

Roll call: **YEAS:** **Hallum, Lenz, Majka, Pizmoht, Fellows**
 NAYS: None

Motion Carries.

President Fellows: The motion to appoint Councilwoman Laura Pizmoht to the office of Vice President has been adopted.

DISPOSITION OF THE JOURNAL

Councilwoman Pizmoht: Moved to adopt the Regular Council Meeting Minutes for November 14, 2019.

Councilwoman Lenz: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Lenz to adopt the Regular Council Meeting Minutes of November 14, 2019. Is there any discussion on the motion?

Roll Call: **AYES:** **Hallum, Lenz, Majka, Pizmoht, Fellows**
 NAYS: None

Motion Carries.

President Fellows: The Regular Council Meeting Minutes for November 14, 2019 have been adopted.

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR'S REPORT: I am pleased to welcome Aldi Supermarket that opened on Bishop Road last week. They are a great addition to our community.

This past week, the City hosted Winterfest. Special thanks to Recreation Commission, chaired by Sandy Grubiss, and the Fire Department, and all attendees who made this a successful event. We were able to fill our ambulance with toys that were donated to Toys for Tots. This event also honored Bea and Tom Horwatt for their many years of service to the Recreation Department and the Boys League. "Horwatt Way" was officially dedicated to them and you will see it when you head to the Concession Stand parking area at Roemisch Fields. Congratulations!

I was also honored yesterday at the Residents' Farewell Ceremony. It was overwhelming for me to see all of the great residents we have and the amount of appreciation they conveyed to me. I am sure I will reflect on this as one of the best days in my office as Mayor.

I would urge Council to make a motion this evening to allow the incoming Mayor and Council members to utilize the City seal as they see fit during the transition. With a Codified ordinance in place governing the City seal, I think this is a wise action for this Council to take to allow these individuals the freedom to use the seal.

I support the appropriations ordinance on tonight's agenda and the ordinance to approve Bowen and Associates for the Zoning Administration duties until June. This action is necessary so that permits may continue to be issued in January. I am disappointed however, that 2 ordinances that I submitted to Council for the Police Department and City Engineer were not put on the agenda.

Congratulations to Assistant City Engineer Keven Trepal and his wife Christine on the birth of their baby boy, Calvin.

Welcome to Jeff Stergar, our new Assistance Finance Director. Sympathy to the families of the following individuals who passed away over the past few weeks: Marilyn Leopardi of Bates Lane, Kimberly Kojan of Riviera Ridge; James Stankovich of the Senior Apartments; Frank Bolek, Jr. of Chardon Road; Gail Anderson of River Road; Anna Zorich of Emerald Lakes. Our thoughts and prayers remain with their families.

Upcoming events:

Saturday, December 14 from 8:30am till noon – Breakfast with Santa
Sunday, December 15, 2019 at 6:00pm – First Covenant Church
Annual Christmas Concert featuring the musicians from the Cleveland Institute of Music

Best wishes, too, for a Merry Christmas, Happy New Year, and Happy Holidays to all as you celebrate your holiday and traditions.

In conclusion, if this turns out to be Council's final meeting, this year where I have been privileged to give my Mayor's Report to our residents, let me re-state what I said in my final newsletter to you: I am happy for the time I have served the City as Mayor and thank everyone who served on my Boards and Commissions, served the City as a public employee or public official, and especially the residents, who made my time as Mayor so enjoyable and rewarding. I will not be a stranger to Willoughby Hills and look forward to participating in future City events. I will work with Mayor-Elect Andy Gardner and the incoming Council members to make for a smooth transition. Thank you again for such a wonderful opportunity. I will never forget it.

President Fellows: Are there any questions for the Mayor this evening? Mr. Mayor, a couple of points. I have the prints out on the two ordinances that you had referred to. The first one was a request for an ordinance to release retired Police K-9s, dated December 2nd at 11:33am and I have all the email addresses here and the Council Clerk was not provided this information to create this ordinance. The email dated December 3rd, at 1:00pm, a request for additional funding for the 2019 Sewer Rehab Project, all the email addresses listed do not include the Clerk so an ordinance could not be prepared. In terms of preparing an ordinance to release a retired Police K-9, there is a state statute, ORC Section 9.62, Purchase of police dogs or horses by law enforcement officers, Section (B) states that upon the disbanding of the canine or equine unit of a law enforcement agency, the agency shall give the law enforcement officer to who a police dog or horse is assigned the first change to purchase the animal, for one dollar. An officer who purchases an animal under this section shall assume all responsibility for the animal thereafter. With all due respect, I don't think that we need to create an ordinance for \$1.00 for the handler to get his dog. And as far as the sewer rehab, that can be deferred to the new Council for them to evaluate and vote on as well. The third point is the use of the City Seal. As I interrupt the Charter, anyone who is part of the City which would include the Mayor and his administration and Council has the privilege and the right to have a business card made with the City's seal or stationery made with the City seal. I think that there might be a misunderstanding or misinterpretation because not long ago, I can't remember if it was the Lake County Health Department or the Chagrin River Watershed that was doing projects and they wanted to put a report together and they came to us because they wanted to include all the cities seals on their reports. That is where you need permission from Council for the seal to be used, not for the Mayor to use the seal on stationery or business cards or not for Council to use the City seal or the Law Director and Engineer. So, it is going outside the people who are actually part of the City. So, business cards can certainly be created for the new Mayor and Council members and for stationery without an ordinance or a motion being made. Anything else? The next is the Finance Director's report, Mr. Brichacek.

FINANCE DIRECTOR'S REPORT: Nothing to report tonight, other than the request that the temporary appropriation ordinance be adopted.

President Fellows: Thank you. Any questions for the Finance Director this evening? The next is the City Engineer's report, Mr. DiFranco.

CITY ENGINEER'S REPORT: Thank you Madam President. Just one item, we had a meeting today with Karvo Paving trying to workout some issues with the construction project on Dodd Road and we are continuing to do that and that completes my report.

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

Councilwoman Pizmoht: Madam President. Mr. Engineer would you mind expounding on some of the issues.

City Engineer: Sure. There were several issues, they damaged the retaining wall. They damaged a joint of the bridge that crosses the Chagrin River. The pavement markings were not correct near the retaining wall and obviously they exceeded the schedule, so there will be liquidated damages and the application of the chip seal was not done to our standards, so we have an issue with paying them for that.

President Fellows: Nice.

Councilwoman Pizmoht: Madam President. So, the project is done. This is just corrections to errors made on the project.

City Engineer: Correct.

President Fellows: Any other questions for Pete this evening?

The next is Council Committee Reports/Other Council Representative Reports. Are there any Chairs of the respective Committees that have anything that they would like to share this evening?

COUNCIL COMMITTEE REPORTS/OTHER COUNCIL REPRESENTATIVE REPORTS

Councilwoman Majka: Yes, Madam President. This is a little out of the ordinary, but there was a meeting of the Chagrin River Watershed Partners this evening and I was unable to attend due to my job responsibilities and I had asked Jenna Bing who is a member of our Board of Zoning Appeals, to attend the meeting for me and she did. So, my question is whether she could give the report to Council this evening on what went on at the meeting.

President Fellows: Only if you feel comfortable, Jenna.

Jenna Bing: So, it is a very well attended meeting and they were very pleased, and it filled the room, there is a lot of them. They spoke about the upcoming budget and spent a lot of time on two presentations. One was about the Rain Garden Program and what they've done this year in training rain gardeners and getting the gardeners out into the community. They showed pictures of the ones who have been successful. They have public ones and private ones, so if there are locations that are public, you can work with them on that or if somebody wants to have a rain garden in their yard. I believe Janet has spoken about this and it is going to be an ongoing project. And then the Mayor of Chagrin Falls talked about how they had a problem where flooding took out a big part of their stream bank and they did a really nice natural repair and ended up with a park which people are now using and they didn't expect that. They showed pictures on what was done to make the repairs and the change on how it really has made an impact on their community. They also spoke about which I didn't take notes because I didn't know who I would pass them on to, but there are several dates that if the City thinks that they need to have or would like to have a grant to do something that would fall under water control or any kinds of things that they deal with, that it would be wise to look to them and they would help write the grants,

they help figure out what needs to be done. The grants are mostly matching and they laid out a bunch of dates because a lot of those people are really looking for a specific project already. So, they have dates for all of 2020 grant applications that need to be done. They talked about a lot of other things that their staff is doing. The one thing that was of Willoughby Hills interest, the National Weather Service is thinking about changing the flood gage determination at the park over there in Willoughby, they have a flood gage. They want to change it from, a mild is an eleven, they want to make it twelve and they are asking for public input. I believe that the talked to Pete about this already and he gave some input. My input, they said that Trailard and all those streets were actually in Waite Hill, I said that we claim them and we know that they have flood issues. I don't know the impact on this and what it does for them about how notification would be made. I did ask them to please make sure if they change it to be condescend of wide, wide communication. Great meeting, they were very thankful to be able to use our space and very glad that we are participating.

President Fellows: Thank you so much, Jenna. Thank you. Any other Council Committee or Representative Reports?

PUBLIC PORTION

The next is Public Portion. This is an opportunity for individuals to come forward. We ask that you state your name and address and to keep your comments to 3 minutes. I will open Public Portion at 7:17pm.

Jim Walsh – Berkshire Hills Drive. It's been quite a ride. The last few years have been quite a ride. Thank you for sticking with it, Mr. Mayor. You've done admirably. Madam President, I do thank you for the opportunity to interview for the open Council seat tonight. I do have to leave at 8:25pm, I did share that with you in my reply, I do hope that could be accommodated. To the outgoing members of Council, thank you for your service, whatever you do tonight, do something that will make you and your children proud of you, when you look back on it in the future. Make this a good, goodbye. All right, that's it, thank you.

Andy Camino – 2972 Lynn Drive. I just wanted to share the Mayor's excitement about Aldi. Aldi partners with the Greater Cleveland Food Bank and will begin donating food to St. Noel Church and one other church, starting tomorrow. So, they've already begun to be a good partner and I just wanted you to know that. So, we'll be picking up food from them every week, on Friday and using it in our food pantry. So, thanks to everyone who worked on getting them here in our City.

Linda Covert – 2978 Rockefeller. I would ask you to reframe from choosing a new council because most of you won't be here and we would like the new Council to chose the new Councilperson. So, I'd like you to think about that and do it.

Chris Biddle – 2655 Dodd Road. I had forgotten about this, but several years ago, there was a highwater event and the previous comments from the Chagrin River Watershed Partners, we lost some bank underneath the new bridge that was built on Dodd Road and I would like to find out, at some future point, if that is a County responsibility or is there something that we can do to restore that area of the bank that was eroded during that highwater event. There was a log jam on the new bridge and the water did not go under the bridge, it went around into the northern side of the embankment there. So, if at some future point we could find out more information about that.

Dave Lastoria – 31000 Eddy Road. I too would like to see this appointment of a Councilperson be held off until a new Council takes place since the majority has been voted out of office, I don't think it's fair. I think that we should wait for the new Council to appoint the vacant seat. Thank you.

Mike Kline – 38531 Dodd's Landing. Regarding the replacement of the Council Seat, the situation that we are dealing with here is referred to as a Lame-Duck Session. A lame-duck is an elected official who is in office whose successor has already been elected. The lame-duck period is one of transition. In the case of

Willoughby Hills, it goes from the election on November 5 through December 31. When election results and the new administration and legislator are coming in the out cry is the people have spoken, let the next administration make the appointment. That is what we have here. On December 2nd John Plecnik resigned from Willoughby Hills Council. The December 8th Classified Section of the News Herald contained a notice stating an arbitrary 3-day, December 11th for residents to submit resumes and applications to fill the vacancy. The timing of Plecnik's resignation and the rush to accept resumes are not coincidental since the final regular meeting of current Council may be tonight. It is quite eminent as a final disruptive act, a desperate powerplay Council hopes to fill this seat immediately although the City Charter gives Council thirty days to fill a vacant seat after which the Mayor appoints a Councilmember. An elected official is said to have a mandate when he or she has won a clear decisive election. Each of the candidates who won in last month's election had such a mandate. No election in recent history of Willoughby Hills has been as decisive as this year. The voters sent a clear message to City Council, they want change. Residents were tired of the scheming, plotting, antics and tactics that Council had pulled in the past. Voters have expressed faith, confidence and trust in the candidates that they had elected on November 5th. They want these newly elected Councilmembers to make decisions and choices that will affect the City going forward. The current Council that is in such a rush to fill this vacancy is the same body that was in no hurry to fill the Law Director's position vacant such early October. To all the residents of the City, if you defy what the citizens of Willoughby Hills want, you will have to face them every day, do you want your neighbors, friends, people that pass you in stores or on the streets to look at you and hold you in contempt? I assure you that will happen and it will not be something that will fade away in time. This current Council which includes three members who will be leaving on December 31st should do the right and decent thing by not filling the vacant Council seat in a last-minute power grab and instead allow the new incoming Council or Mayor to fill the vacancy. This Council's time has passed. You need to go quietly into the night. Thank you.

Jenna Bing – 36951 Beech Hills Drive. I'm a little bit disappointed that man, Mr. Kline, is going to be now on the Council dais in a few weeks. The reason tonight that this disappoints me, is he is saying the right thing to do is to not follow our Charter as it is written. Our Charter says, vacancies in the Council, any vacancy in the Council shall be filled by the appointment by a majority vote of the remaining members of Council. If the vacancy is not so filled within thirty days, the Mayor will fill it by appointment immediately. It does not say, unless it is a Lame-Duck session. It says it their responsibility is to fill this position and they need to take the responsibility on, that is the right thing to do. It is different with the Law Clerk; the Mayor asks and says this is the person I want and Council approves it or not. And that is why we had problems because the Mayor has appointed people or put forward people that the Council has not thought were deemed appropriate for the position. That is how that works. And you don't know this Charter, and that is disturbing. These people up here know the Charter, they know what needs to be done and that's doing the right thing by stepping up in this time period when they really don't have a whole lot of vested interest to fill the position because that is what their job is for the next month. Thank you.

Tanya Taylor Draper – 2909 Strafford Way. With all do respect, this is what we're tired of. We're tired of the double talking, going back and forth. Ladies do the right thing, okay. You guys have served, your time is up. Let the incoming Council choose the next group, okay. Thank you very much.

Connie Kline – 38531 Dodd's Landing. You certainly have earned you reputation as the 3-D Council, divisive deceptive, and devious. Consider yourselves on notice to retain any and all communications and documentation between yourselves for the three months prior to the November election until the present time, especially regarding John Plecnik's resignation and the unnecessary rush to fill his seat, for the purposes of the open records request and possible violations of the Ohio Sunshine Laws. It wasn't enough that you caused all manner of dissention and disruption in this City by (1) removing the Law Director Tom Lobe who had served admirably for over two decades, under several administrations and illegally attempting to install a new Law Director at over three times the cost to the City; (2) passing six ordinances that were declared illegal by the Lake County Court of Common Pleas because they removed the Mayor twice without cause and you usurped the Mayor's exclusive authority to appoint an acting Law Director and to deal with all collective bargaining

matters in violation of all our charter and ordinances, state statutes and the Ohio Revised Code; (3) passing a budget that the State Employment Relations Board determined illegally eliminated 13 union administrative staff positions effectively causing a city shut down for most of 2018 and \$800,000 in loss revenue and expenses; (4) filing reports and complaints with the Lake County Prosecutor, Lake County Adult Protective Services, the Ohio Bureau of Investigation, the Ohio Ethics Commission and the Ohio Auditor to investigate 30 current and former City Officers, employees, their associates, family members and City volunteers for corrupt illegal conduct. After nearly nine months of investigation all accusations and allegations were declared to be unfounded and unsubstantiated; (5) and final, eliminating the WHISPER Senior Services Program that was so valuable for so many seniors. You falsely pledged throughout the election to work cooperatively and peacefully with the Mayor and the residents no matter the outcome. Now, true to form, you refuse to graciously accept the fact that you overwhelming lost all the seats for which you ran for in the November election. You continue your same notorious backdoor plotting and scheming a legacy for which all of you will forever be remembered and reviled. You have a chance tonight to change course and do the right thing by letting the next Council or Mayor appoint Plecnik's replacement.

Tony Miller – 2857 Hayes Drive. I too would like to voice my concern that this Council pass this appointment on to the next group. Based on the Charter, yes 30 days or the Mayor can appoint immediately. That's following the law. So, if you should choose not to appoint and let it go until the next Mayor, the next Mayor is in the next day and it would only happen then anyway, not January 31st. So, we would, you would be following the law by not appointing tonight.

Doris Dodge – 37881 Milann Drive. I hope that our incoming Mayor will take the position of Safety Director seriously. There have been residents who have spoken at Public Portion who have been loud, abrasive and offensive. Our Police Department even had to ask a person to leave with an escort. There has been yelling and screaming making members of this community very uneasy. It affected me so much that I felt the need to carry mace to meetings. In this day and age of violence I feel that a Mayor and Safety Director should be vigilant and approach such individuals. You never know what behavior can escalate from verbal aggression to physical violence. Whether this behavior is founded in mental illness, alcoholism or any other issue, these individuals can be deescalated if appropriate help can be rendered. A Safety Director and Mayor should have the knowledge and ability to offer assistance resources to these individuals which will in turn make our community safer for all. Thank you.

Vicki Miller – 2857 Hayes Drive. This evening I would like to take the opportunity to thank our outgoing Mayor Bob Weger for your community service over these past 12 years. We appreciate the things that you have done for this community and for standing up for the City. I'd also like to thank the outgoing Councilmembers for your willingness to stand up and serve your community. There are things that you have done for this community that have been outstanding and I do appreciate that. I am sorry that the community had to step up and eliminate you from your positions because of illegal and unlawful things and not listening to the residents. Listening to the residents is a very important part of being a Councilmember and I'm sorry that we felt that you haven't stepped up to that part of it. I'd also like to express my concern tonight for you not excusing David Fiebig. I know that a stomach virus is going around, that is the truth and I am sorry that he may not be feeling well tonight. Best wishes out to you, Mr. Fiebig for a speedy recovery.

Linda Covert – Welcome to Disneyland.

President Fellows: Okay, I will close Public Portion at 7:34pm. The next order of business is Unfinished Business.

UNFINISHED BUSINESS

Councilman Hallum: Madam President. To those folks that came up spoke about letting the new Council select, I appreciate the concern and the thoughts about that. One of the things that I would like to see this

Council do is work along side the new Council in selection and even though the new Councilmembers could not vote, within the 30-day period to select somebody, they could at least have some input in who they would recommend. This Council could then opt not to vote for somebody and we could just simply tell the new incoming Mayor our recommendation of who we would like to see and I am confident that Mayor-elect Gardner would abide by our wishes and select that person to replace the vacant seat. I think that would be an option that would allow us to transition smoothly and would be amendable to most people, I think. Thank you.

President Fellows: Pete, there was a gentleman from Dodd who had questions about some highwater issues and losing some banks. Could you speak to some of that, Pete? Please.

City Engineer: Yeah, that is a County bridge. The County designed it and they are responsible for maintenance. I know that we have had some communications and you have spoken to the County in the past and they claim that there is no issue or the erosion is not being caused by the bridge but ultimately if there is an issue it would be up to the County to fix it.

President Fellows: Thank you. Next order of business is Legislation.

LEGISLATION

ORDINANCE NO. 2019-69 - THIRD READING

1st Reading: October 24, 2019

2nd Reading: November 14, 2019

AN ORDINANCE PROVIDING FOR TEMPORARY APPROPRIATIONS TO MEET THE ORDINARY EXPENSES OF THE CITY OF WILLOUGHBY HILLS, STATE OF OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2020 THROUGH MARCH 31, 2020; REPEALING ALL LEGISLATION INCONSISTENT HEREWITH.

President Fellows: This is on 3rd Reading, what are the wishes of Council?

Councilman Hallum: Madam President I move that we adopt Ordinance No. 2019-69.

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Councilman Hallum and second from Councilwoman Pizmoht to adopt Ordinance No. 2019-69. Is there any discussion on the motion?

Roll Call: **AYES:** Hallum, Majka, Pizmoht, Fellows
 NAYS: Lenz

Motion Carries.

President Fellows: Ordinance No. 2019-69 has been adopted.

ORDINANCE NO. 2019-72- SECOND READING

1st Reading: November 14, 2019

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ACCEPT THE PROPOSAL AS SUBMITTED BY RICHARD L. BOWEN + ASSOCIATES INC. PROVIDING ZONING ADMINISTRATION SERVICES FOR THE CITY OF WILLOUGHBY HILLS, OHIO AND DECLARING AN EMERGENCY.

Councilwoman Pizmoht: Madam President. Motion to waive the 3-Reading Rule on Ordinance No. 2019-72.

Councilman Hallum: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilman Hallum to waive the 3 Reading Rule on Ordinance No. 2019-72. Is there any discussion on the motion?

Councilwoman Pizmoht: Madam President. This would extend the contract for Zoning Administration for the six-month period of January 1, 2020 through June 30, 2020 and it is likely that there will not be a Council meeting between now and then to consider this ordinance again.

Roll Call: **AYES:** **Hallum, Lenz, Majka, Pizmoht, Fellows**
 NAYS: **None**

Motion Carries.

President Fellows: The 3-Reading Rule has been waived on Ordinance No. 2019-72.

Councilwoman Pizmoht: Madam President. Motion to adopt Ordinance No. 2019-72.

Councilwoman Lenz: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Councilwoman Lenz to adopt Ordinance No. 2019-72. Is there any discussion on the motion?

Roll Call: **AYES:** **Hallum, Lenz, Majka, Pizmoht, Fellows**
 NAYS: **None**

Motion Carries.

President Fellows: Ordinance No. 2019-72 has been adopted. I am going to just move to the Good of the Order and the Good of the Community before we go into New Business.

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

Councilman Hallum: Madam President. I'll just remind everyone that the Breakfast with Santa is this Saturday, if you already haven't gotten your tickets please be sure to consider coming up there, it's a great event, a great fundraiser for the City and Santa will be there, so it should be a good time.

Councilwoman Pizmoht: Madam President. Our Willoughby Hills School of Renovation has 3 teams going to the wiggle league competition on Saturday and they will be representing our City well, I'm sure. I happen to be coaching my son's team. I will be there and cheering them all on. So, I'm really looking forward to that.

NEW BUSINESS

President Fellows: I would entertain a motion to go into Executive Session to consider the appointment of a public official inviting all of Council and the following applicants for 15 minutes each in the following order: Steve Adkins, Jenna Bing, and Peter Pike. The duration of the session will not exceed 75 minutes.

Councilwoman Pizmoht: So, moved.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilwoman Pizmoht, and a second from Councilwoman Majka to go into Executive Session to consider the appointment of a public official inviting all of Council

and the following applicants for 15 minutes each in the following order: Steve Adkins, Jenna Bing, and Peter Pike. The duration of the session will not exceed 75 minutes. We will go into Executive Session at 7:41pm.

Councilman Hallum: We haven't had a discuss or vote.

President Fellows: Is there a discussion on the motion?

Councilman Hallum: I do have one concern as Councilwoman Majka has put her resume in on this, I believe according to Ethics laws, she can not have any conversation, she can not be part of any conversation with regard to the appointment and therefore, I don't believe that she can even be a second because she can not have any part of this ethically, so I want to make sure that she protects herself as she is interested in the position that she would abstain from any voting as well as any discussions regards to it.

Councilwoman Pizmoht: Madam President. I don't think that there is a single ordinance, statute that has any relevance to that at all. So, that is not in the Ohio Revised Code under the Ohio Ethics Laws. But I think that it is important to, so that everyone understands what this process is. So, in 2017 there was an election to a 4-year Council seat. So, that election John Plecnik was our Councilperson and he won that election two years ago. And if we are going to respect our voters, we respect all of the elections. 2017 is just a valid as this 2019. So, in 2017 Councilman Plecnik won his election, Councilman Fiebig, Council President Fellows, and Pat Grebenc who resigned and then Laura Lenz was appointed after Pat Grebenc resigned. So, in 2017 the voters voted for this Council, this current Council which under our Charter serves until December 31 at midnight, so, 11:59 on December 31. So, we are all the Council, we are the remaining Councilmembers under the Charter. Whether we agree or disagree, that you like us or don't, we are the ones in this position now, and we are the ones that have this position until December 31, that is when our term runs out. And under our Charter and Council-elect Mr. Kline had said that Vice President Plecnik had resigned on December 2 but he delivered his notice to the Council Clerk on December 1 and effective December 1. Thirty days makes it December 31. That's just how it is. We are the Council until then. It's our job. You know, this is my job, I have to do the best I can in this job. And under our Charter, it's just the remaining Council who gets to decide. It's our Council President who decides the process. When someone else is the Council President they can change the process and do it differently. But this is how it is for now and I am going to the best job I possible can. We've looked at the resumes. We've already decided on the people that we are interested in talking to and we are going to give it the best shot that we can and do the best that we can and really consider everything in the resumes, the cover letters and the interview process.

Councilman Hallum: Madam President. One other thing. As I am concerned about the fact that we do have several members that will no longer be here after the end of this year, and voting for that and I guess, I would like just because you have stated over time in your elections that you were going remain here during the term if you were elected Mayor. So, I have to ask, for the purposes of the residents to know, are you planning to finish your term on Council that you were elected to? Do you have any intentions of leaving before the end of your term?

President Fellows: I don't know what that has to do with anything, but the answer...

Councilman Hallum: Because you would be voting for the next person and I have a right to know...

President Fellows: My answer is that I will remain here until the end of my term unless I'm dead.

Councilman Hallum: Thank you. I appreciate that. I think that people want to know that you are going to stick around. I do know that there are ethics laws that if there is monetary involvement and there is pay for the position, that you can not have part of the discussion or have a vote, you can not vote if there is monetary

involvement. So, I'm just letting you know that, it's your decision, you can make your own decisions. I just don't want it to be overshadowed by an ethics violation when it doesn't need to be. That's it.

President Fellows: Any other discussion on the motion?

Resident Miller: Are these the only three people that you are going to interview?

President Fellows: You are out of order, Tony. Is there any other discussion on the motion?

Councilman Hallum: That's a fair question, are we planning are doing some interviews, beyond, Madam President?

Councilwoman Pizmoht: Point of Order.

President Fellows: There is a motion on the table.

Councilman Hallum: Okay, in that motion you had mentioned that there would be three candidates to interview, so I'm asking are we going to interview the additional residents that have taken the time to apply for this position?

President Fellows: These are the individuals that were brought forth to me individually by Councilmembers that they thought would be a superior Council candidate.

Councilman Hallum: And I do want to speak to that because Council President Fellows, you sent a text out to me earlier today asking me who my top 3 were and I expressed to you that I felt that was and I am quite certain that was a Sunshine Law violation, to poll the Councilmembers and to ask them to effectively vote for their top 3...

Councilwoman Pizmoht: Madam President. Motion to call the question.

Councilman Hallum: You are not to be voting outside of public view and that is what happened here.

Councilwoman Pizmoht: Madam President. Motion to call the question. Motion to call the question.

Councilman Hallum: And so, I think that was inappropriate. It is not what the residents asked for and I think it puts a shadow on this whole process.

Councilwoman Pizmoht: Madam President. Councilman Hallum is not an attorney.

Councilman Hallum: It doesn't matter, I can read the law.

President Fellows: Please call the vote.

Roll Call: **AYES:** **Lenz, Majka, Pizmoht, Fellows**
 NAYS: **Hallum**

Motion Carries.

President Fellows: We are going into Executive Session at 7:47pm.

With Councilmembers Hallum, Lenz, Majka, Pizmoht present, President Fellows reconvened he Council meeting at 9:14pm.

President Fellows: So, Councilmembers had an opportunity to interview candidates for the vacated position and I would just like to re-read the Charter, it's 3.24 – Vacancies in the Council. Any vacancy in the Council shall be filled by appointment by a majority vote of the remaining members of the Council. So, there are 6 members on Council so the remaining would be 4 of the 6. If the vacancy is not so filled within thirty (30) days, the Mayor shall fill it by appointment immediately. This is our Charter, this is our law today, it is what it is. People have shared sentiments about doing things differently which I believe are admirable but if that is the case, and that is the sentiments of the residents then the change needs to go to the ballot for a Charter change. You can not just amend a document like that in one night or in one day. It is something that has to be amended by the residents at the ballot. As I had mentioned to the Councilmembers, there as we started to get numerous applications and as facilitator of the meeting, I was trying to think of what would be an efficient way to look at the applications and determine what Mr. Hallum has used as a superior candidate for the position and when you look at other employment agencies not all candidates, all the time, are interviewed for positions and in fact, I know personally for myself, in the past when I have interviewed for positions, I have never heard a word back from entity whether I even was considered or not. So, there were Councilmembers that came to me individually and said that I have reviewed these, and there is a lot of them and I have a couple that I believe would be good candidates to interview. And so, I started to compile a list. I did not violate any Sunshine Laws by doing that. I am allowed to talk to anybody individually as anybody on this dais is allowed to do as well. And so, that is how the individuals came to be for interviewing this evening. Any other Councilmembers want to comment about anything?

Councilwoman Pizmoht: Madam President. I believe that you gave all of us, Council people that privilege of suggesting people to interview.

President Fellows: The other thing that I had wanted to mention because there had been some comments about the email address in the News-Herald being incorrect. So, I went back to the drawing board on that and I looked at the ad that the Clerk had sent to the New-Herald which was indeed the correct address for Council; however, I did speak to a representative at the News-Herald and what they did was because they have a certain amount of characters in a column then they often hyphenate. And so, they made an arbitrarily decision to put a hyphen after Willoughby and went to the next line for Hills. And so, if people put the whole address together then there was an additional hyphen in there. So, it was not that the Clerk submitted an incorrect email address. The News-Herald, once they had realized it was like, yeah, okay, now we realize that. The other thing, is that after I had looked through some of my files about appointments for past resignations and appointments of past Councilmembers with my years on Council, I have an email that was from at the time, our Law Director Tom Lobe and he did in fact say that it would require 4 votes of the remaining 6 members and he also stated and this is from the Law Director at the time, as for the advertising issue, there is no legal requirement by the Charter, ordinances or statutes to advertise. It's simply a practice that has been used in the past as a courtesy. It also could be put on the website which it was. It was on the Council website. So, this is just my personal opinion, even with the amount of days that we had to advertise, to have eleven candidates come forth, I think was really admirable. So, there are other forms of communication and ways for individuals, especially those who have a pulse on the City and City Council and have been involved in the City and have attended Council meetings and were involved in the last campaign. Certainly, if they didn't know they knew rather quickly that Vice Plecnik had resigned his position and there was an open seat. So, I had just wanted to share some of that information for clarification. So, what are the wishes of Council this evening?

Councilwoman Pizmoht: Madam President. We had interviewed four excellent candidates. I personally was interested in talking to all of them. Each one of them brought something particularly valuable to the table. I think that what is important is, I think that Council is a Board, it is a body of seven. The point of a Council is to have diversity of opinion, a diversity of perspective, a diversity of experience, even geographic diversity and I think that while we had several candidates that had great experience, amazing experience, I think that fresh ideas are good too. But, again, we have three new people coming on to Council and I think that experience is very important. The other thing that I think is important is that in January we will have two Council people from the eastside of the City, three Council people from the middle of the City and only one from the west,

currently. So, I think that geographic diversity is a factor that is important. Now it is not the only factor but I think it is a factor because the issues that affect the westside are different than what affects the eastside. It's very difficult and I hope that everyone who interviewed continues to be involved. I hope that you will throw your hat into the ring to be part of a commission. I hope that you run in the future. We need professional people, we need open-minded people, we need critical thinking people, we need brave people to get up here and work hard for the residents and share their view points and their voices and to work for the people. So, I am going to make a motion,

I would like to move to appoint Janet Majka to the Council at Large I seat effective December 13, 2019.

Councilwoman Lenz: I'll second that.

President Fellows: I have a motion from Councilwoman Pizmoht and second from Councilwoman Lenz to appoint Councilwoman Janet Majka to the vacated Council at Large I position effective December 13, 2019. Is there any discussion on the motion?

Councilwoman Pizmoht: Madam President. I just want to say one more thing. I think this is another thing that is very much called for right now. One of the things that Councilwoman Majka wrote in her cover letter that I think really speaks to the moment, she says during the difficult and contentious parts of my time on Council, I sought to bring peace and calm to our meetings. So, I think that is something that is important and something that we need and I think that we need to bridge the divide in our City and I hope that Councilwoman Majka if she is appointed to this seat can help do that.

President Fellows: Thank you. Any other discussion on the motion?

Roll Call: AYES: Lenz, Majka, Pizmoht, Fellows
NAYS: Hallum

Motion Carries.

President Fellows: The motion to appoint Councilwoman Majka to the position of Council at Large I has been approved. And by Robert's Rules you can vote for yourself, you even do that at the polls.

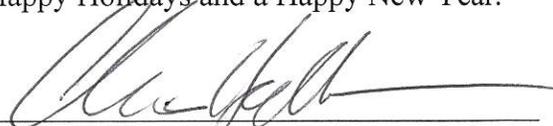
Motion was made by Councilwoman Pizmoht, seconded by Councilwoman Majka to adjourn.

Roll Call: AYES: Hallum, Lenz, Majka, Pizmoht, Fellows
Motion Carries.

The Regular Council Meeting of December 12, 2019 was adjourned at 9:24pm.

President Fellows wished everyone a very Merry Christmas, Happy Holidays and a Happy New Year.

APPROVED: January 23, 2020
Date


President of Council

ATTEST: Beanie Majeri *
Clerk of Council, Protem

* Council mtg. minutes prepared/ transcribed by former Council Clerk Victoria A. Savage