
Special Council Meeting

Minutes of August 16, 2018

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, August 16, 2018 at 7:00pm in Council Chambers. President Fellows presided.

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

Others Present: Clerk of Council Victoria Ann Savage

Absent: Councilman David M. Feibig and Mayor Robert M. Weger

President Fellows: We have two ordinances on the agenda this evening. The first one is Ordinance No. 2018-40. Vicki, please read the caption.

ORDINANCE NO. 2018-40

AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO SECURE THE PURCHASE OF A 2018 FORD SUV AND DECLARING AN EMERGENCY.

Councilman Hallum: Madam President. Before we get to this, I'm concerned about the order of this. We've got some major ordinances that we're considering, amendments to our Charter and I think that it would be proper to have a Public Portion prior to Legislation and I'd like to make a motion now that we amend the agenda to have Public Portion before the Legislation. Give an opportunity for the public to speak.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Hallum and a second from Councilwoman Majka to have a Public Portion before Legislation as well as after Legislation.

Councilman Hallum: No, just moving it.

President Fellows: No Public Portion after?

Councilman Hallum: I just moved it to where it should be, in my opinion.

President Fellows: Public Portion prior to Legislation.

Councilman Hallum: Correct.

President Fellows: Is there any discussion on the motion?

Roll call: YEAS: Majka, Pizmoht, Plecnik, Fellows, Hallum
Abstain: Lenz

Motion PASSED.

President Fellows: The motion passes to move the Public Portion on the agenda prior to Legislation. Therefore, I will open Public Portion at 7:03pm. We ask that you keep your comments to three minutes and please provide your name and address for the record.

PUBLIC PORTION

Section 107.08 – Public Meetings of Municipal Bodies

(a) All meetings of any municipal body are declared to be public meetings open to the public at all times.

All meetings shall provide a reasonable opportunity to hear public opinion.

Joyce Grady – 3020 Marcum Boulevard. Have been there for over fifty years, so I'm not a new comer. I had the opportunity to receive these ordinances that you have in front of you today about these Charter Amendments. As a longtime resident, and maybe someone who has been around too long, and I know that I have just three minutes, I'll do this as quickly as I can. Number one, I have read these ordinances, and while I'm not an attorney, I do have some questions about the way they are being handled and the way they're being put on us as citizens. I saw on the sign out there that in August there are no meetings unless they are special. Well, unfortunately, many of the residents do not come up here because there is no reason to anymore since our Police Dispatchers have been moved out and our front office is really down to a skeleton. So, there is really no reason for people to come up here and to be made aware of what's going on. Now, I know six of you and I see one is absent this evening, probably think you're doing a correct thing and maybe you are. But, from my point of view, I strongly disagree with the way you are doing it. And I know that there is no right way or wrong way for this Council to agree on it, but I as a citizen, as a voter, am very upset and see no reason to go into that voting poll to support your cause. And do not take it personal, this is simply my opinion as a citizen. Thank you. Oh, I have one more, quick thing, I don't know how much time I have left, but I first stood up here and asked a bunch of questions and then walk back and I appreciate the response. But, sometimes, your discussions amongst more than one person takes more than three minutes. And if I only have three minutes for the subject, I appreciate the three minutes back at you. Thank you.

Councilwoman Lenz: Council President Fellows.

President Fellows: Anyone else for Public Portion this evening?

Tony Miller – 2857 Hayes Drive. And I reflect the sentiment of the last speaker. This is being done wrong. This is like going behind closed doors. To me, it borders on illegal. And it's, and I'm in no way disputing your right to design this agenda to anything you do but to schedule a meeting on short notice, very short notice, how are people supposed to know? How are people supposed to get on here? And then to set the agenda, initially to set the agenda, except for Chris asking for it to be changed, to have Public Portion at the end after everything is enacted. That gives little or no chance for anybody to give you any input, little or no input. Again, that borders on criminal. Yeah, turnup your nose. I'm dumbfounded. I just can't believe it.

Jenna Bing – 36951 – Beech Hills Drive. I'm actually glad we're having the public input ahead of time, but I question whether, let me see, how do I say this, I came to the Rules meeting to hear what this is all about. And I, it was clearly, and maybe they'll talk about it later, it was clearly laid out. There are three ways to change the Charter and this is one of the appropriate ways to change the Charter, is to have it come from Council. So, that give me a lot of, okay great, I think these are well written. I think that they're very clear about no hiring your relatives which we need clearly in there and making it level for everybody. How do you take care of somebody from an HR standpoint, I think this clears a lot of that up, so I was really pleased about that and when I hear the

people speak today, I don't, what was also made very clear at the Rules meeting was all this is and why it's in a hurry is so it can get on the ballot because this doesn't enact them, it is us voting in an election to make it happen. So, I don't know why anybody is all upset and thinking that this is criminal and stuff, it's just putting it on the ballot and we'll have weeks, months, to argue this and go vote on it in November. So, this just allows it to go forward. So, I think people need to claim down about it and to really read and understand what's going on here and that could be why they wanted to have this before the Public Portion because then you would hear the discussion that was had at the Rules meeting on Monday which was also published. And I don't pay attention to a whole bunch and I noticed both of them. So, thank you.

President Fellows: Thanks, Jenna. Doris.

Doris Dodge – 37881 Milann Drive. The gentlemen that said this is being all done behind closed doors and nobody knew about it, but yet, the regulars are here, the regular people who attend the Council meetings are here. You knew about, I knew about it, the regulars are here. So, this is not being done behind closed doors. And these are the things that need to be done for fairness. We have enough terrible reputation in this City for lawsuits from the Mayor and the secretaries and everything else. When you consider the voting population or the general population in Willoughby Hills, how many people were affected by these layoffs? What three? Some were reduced to part-time, you know, that's pretty minuscule. I mean, in my industry, there's plenty of layoffs, downsizing. You have to save money. This is nationwide. This is not just for Willoughby Hills. So, let's all make due with what we have, do a good job and let's move the City forward. And I think that these changes will be very good for the City. We're not going to have the nepotism and all this other kind of stuff anymore, let's do it.

Ed McKenna – 2963 Lamplight Lane. I just want to make three points, I think. One thing that is a concern, what occurred behind closed doors, or how this occurred is how nine Charter Amendments which should really be researched and considered and given a lot of thought before they come to a ballot should have a lot of discussion. The first it was ever heard, what I know there was a public meeting, was Monday, okay. And the agenda for tonight was not put on the City website until late yesterday, late last night, okay. And you, or the ordinance itself, that's one thing. The um, actually I forgot what I was going to say, the other two things, the um, are behind closed doors, oh, one point that I'd like to have clarified tonight, as I look at the Board of Elections calendar, the Election calendar has an August 8th deadline for the submission of local issues and I'd like to find out how that's to be reason that this doesn't qualify, that this, I would think, Charter Amendments have to be in and certified by that date, okay, that's my second thing. And at this time, I forget what my third thing was, okay, have a, thank you.

Linda Fulton – 2990 Marcum Boulevard. A couple of people already stole my thunder. But, as far as notifying the public, I know that Mr. Miller is pretty new at the procedures that go on, and one of the things that when I was on the Charter Review, a while back, that all these changes to the Charter have to be sent out to each voting, is that three minutes?

President Fellows: No, I'm sorry.

Linda Fulton: Have to be mailed out to the electorate. So, it's not like some, this is being put through now so that it can get on the ballot for November. And, so between now and November, like Mrs. Bing said, it will be, there will be things, there'll be discussions, I can't think of what I was going to say, discussion as far as what each one of these means. So, it's not like it, you know, right now the crunch is getting it on the ballot and that's what is happening, if it goes through, if everybody votes for it. The other thing is, are you supposed to do any, like for Mr. Fiebig, to excuse him?

President Fellows: If there's a motion of Council.

Vice President Plecnik: If I could just interject, Madam Chair. You do not need any excusal from a Special meeting. The Charter requires excuses for Regular meetings or missing three consecutive as grounds for removal, but there's not such issue with Special meetings, so you could excuse someone, but it's unnecessary just like we don't excuse people from committee meetings, you could, but it's not needed.

Linda Fulton: Also, I would like to know, was this Special meeting put in the paper, the News Herald?

Vice President Plecnik: Madam Chair, if I could answer that as well. It was sent to the News Herald. It's the legal requirement.

Linda Fulton: I know, right.

Vice President Plecnik: But, I don't know if the News Herald choice to print it or not. Usually, they don't unless it's a Regular meeting. It seems that they just don't think Special or Committee meetings are as important. But, that's up to the News Herald.

Linda Fulton: Well, the other thing to is that it could have been put on the Government Channel if anybody wanted that. Thank you.

Ed McKenna: The News Herald did have it listed in the agenda section that there was a Council meeting this evening. The third thing that I now remember is on the issue of nepotism, it's one of the amendments of the nine. I talked to people that were on the last Charter Review Committee and they reviewed this very carefully before and as opposed, they decided or came to the conclusion, as opposed to putting wording into the Charter that could be wrong or incorrect or hold us in some legal concern that we're not aware of, they said, hey let's get it so that we follow the State concerns and that's the way the Charter is written presently. So, they did give that a lot of concern. They reviewed it, they discussed it, they came to the decision and that's why the Charter is written as it is now. And nepotism is to be controlled by the laws of the State and their thinking is the laws of the State overall is going to cover that issue better than we could locally. Thank you.

Mark Belich – 2476 Parsons Drive. I don't do this often, but as a person who is not familiar with the Election Board and how it works and the dates that are required to meet that and whether there's notification, I thought maybe, maybe I'm out of line, Mr. Fellows would maybe give us all a brief scenario, if you could take up to three minutes and tell us what our dates are and if there's public notice because I sat through a function with him many years ago and I believe that he would probably be best to tell us what the Election Board is and maybe he'll opt not to do that and that's his choice. But, I'd like to hear a little bit about where the timeframe is and what our requirements are, maybe he could help us.

Dale Fellows – 2812 Fowler Drive. So, in Charter Cities, Charters rule over State Law. And in our Charter, the Charter is silent to the date. So, then it becomes for the Board of Elections what is pragmatic and possible to get it on the ballot because now we have other timeframes with UOCAVA voting which is overseas and uniform personnel which is military, they now can start voting 45 days prior to an election. To get prepared for that 45 days. So, to get to the 45 days to prepare for the 45 days, we have to at the Board of Elections, have to program all the machines, go through all the different communities that have all the different issues and Charter amendments, whatever it might be, Countywide, the Statewide, and that's what takes a while to program all the machines. So, there is a timeframe. We are actually meeting on the 21st, that's our next meeting to certify everything to the ballot. So, it's my understanding, I wasn't in any part of this, but it's my understanding that there was some dialogue with the Director, Deputy Director, as to what would be able to, and I think that Mr. Hallum even made a call to that, and we are meeting on the 21st to certify, so that was one of the reasons for, for you all, trying to get it on to the ballot which brings up the whole question of ballot access for people. Voters have the right to decide how their Charter should be worded. And so, you are going to 80 days or more of debate. This will be fully vetted between now and then. The Charter does require that the Clerk of Council, I believe, send out the language to every single register voter in the City. So, everybody is going to have the

opportunity to read it over fully and decide yea or nay, whatever they are. A lot of these issues, from what I could tell, are things that have been debated before and things that have, should have been done in the past. As far as I heard, something about the nepotism, we went from a Charter that for many, many, many years had a very specific nepotism rules written by Barry Byron who was always thought of as one of the eminent municipal attorneys in the entire region and then all of a sudden, the last Review Commission decided to make it just the state law, well state law is like the bare minimum. I mean, we don't want to be a City that's just the bare minimum in ethics, in my opinion. And so, the bottom line is this allows people the right to vote. I can't imagine anyone who would want to deny people the right to vote on something, even if you disagreed with it, you would still want the people, you shouldn't be arrogant enough to think that you shouldn't put it to the ballot and for folks to have the right to vote.

President Fellows: Anybody else this evening?

Frank Cihula – Dixon Road. My comments are “if” comments. If this ordinance would be approved by the voters in November and if all the Board and Commission members resigned and if Council didn't like any of the Mayor's suggestions, the only officials left in this City would be Council. That's all.

President Fellows: I'll close Public Portion at 7:22pm.

Back to legislation.

LEGISLATION

ORDINANCE NO. 2018-40

AN ORDINANCE DIRECTING THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO SECURE THE PURCHASE OF A 2018 FORD SUV AND DECLARING AN EMERGENCY.

Vice President Plecnik: Madam President. With respect to both ordinances, just so Council understands, I know that we have to waive the 3-Reading Rule, do we need to waive the 2-Day Notification on either one? Could I ask the Clerk? I don't recall the exact time that you emailed the ordinances, so I just wanted to ask the Clerk.

Council Clerk: I emailed them for the Special Council Meeting which only requires 24-hours...

President Fellows: For the Rules meeting.

Council Clerk: For the Special Council Meeting which only requires a 24-hour notification.

President Fellows: So, we should, to be on the safe side, we...

Vice President Plecnik: We should do, very good. So, I would move to waive the 2-Day Notification on Ordinance No. 2018-40.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to waive the 2-Day Notification on Ordinance No. 2018-40. Is there any discussion on the motion?

Vice President Plecnik: Madam President. If I could just say, there's exigency here because purchasing the 2018 Ford SUV gives us as a City a better price. We're informed that the dealership is holding this car for us only if we act now which is one of the reasons we holding a Special Meeting in August so that we could get this better price.

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

President Fellows: The 2-Day Notification for Ordinance No. 2018-40 has been waived.

Vice President Plecnik: Motion to waive the 3-Reading Rule on Ordinance No. 2018-40.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to waive the 3-Reading Rule on Ordinance No. 2018-40. Is there any discussion on the motion?

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

President Fellows: The 3-Reading Rule has been waived on Ordinance No. 2018-40.

Vice President Plecnik: Motion to adopt Ordinance No. 2018-40.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to adopt Ordinance No. 2018-40. Is there any discussion on the motion?

Vice President Plecnik: Once again, for the record, I love Ford Police cars.

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

President Fellows: Ordinance No. 2018-40 has been adopted.

ORDINANCE NO. 2018-41

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS NINE (9) PROPOSED AMENDMENTS TO THE CHARTER TO GIVE RESIDENTS AND TAXPAYERS THE POWER AND CHOICE TO REFORM AND CLARIFY THEIR CHARTER BY AFFIRMATIVE VOTE AND AVOID FUTURE LAWSUITS AGAINST THEIR CITY DUE TO AMBIGUITIES AND DECLARING AN EMERGENCY.

Councilwoman Pizmoht: Madam President. Motion to waive the 2-Day Notification Rule on Ordinance No. 2018-41.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Vice President Plecnik to waive the 2-Day Notification on Ordinance No. 2018-41. Is there any discussion on the motion?

Vice President Plecnik: Madam President. The exigency here, as some residents have shared, including the Chair of the Board of Elections, is that we need to pass this with all due speed so it's pragmatic and practical for the Board of Elections to get this on the ballot for November. I think we owe it to the voters of Willoughby Hills to give them the choice to vote on this legislation and that's the reason for the timing tonight.

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

President Fellows: The 2-Day Notification has been waived on Ordinance No. 2018-41.

Councilwoman Pizmoht: Madam President. Motion to waive the 3-Reading Rule on Ordinance No. 2018-41.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Vice President Plecnik to waive the 3-Reading Rule on Ordinance No. 2018-41. Is there any discussion on the motion?

Councilman Hallum: I for one do not see the emergency nature of this particular ordinance. As we have in the past, had Charter Review Commissions, as the residents may recall, and it took some time, in fact after our last one, renewed in the New Year because they were so concerned about making sure they had it right and that residents had a chance and even though this Council actually argued that there weren't enough public hearings for those, there were three for that, we had no public hearings on this. So, I don't think it's wise or prudent or proper for us to rush this through without allowing more residents to have an opportunity since they've already missed the opportunity to help develop it, to hear it and to understand it, give their input before we put it on the ballot as well as the fact that it has not been reviewed by a Law Director here for the City. Thank you.

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

Motion PASSED.

President Fellows: The 3-Reading Rule for Ordinance No. 2018-41 has been waived.

Councilwoman Pizmoht: Madam President. Motion to adopt Ordinance No. 2018-41.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilwoman Pizmoht and a second from Vice President Plecnik to adopt Ordinance No. 2018-41. Is there any discussion on the motion?

Councilman Hallum: Madam President. I first would like to direct a question to our Council Clerk, Vicki Savage. As I have put in a public records request early this week, I believe Tuesday morning, asking for records that pertained to the development of these amendments with regard to emails on public, personal and private servers, email addresses, texts, drafts of anything, notes, handwritten notes, as such, I have not received anything. I just wanted to make sure that has been shared with this body.

Vice President Plecnik: Madam President.

Councilman Hallum: My request, Vicki...

Vice President Plecnik: I asked to recognized, if I may. I would like to share with Councilman Hallum, as one of the two officers of Council who co-supervisors the Clerk, that she has an enormous amount of duties. You won't be the only person who submitted public record requests the very same day, our Clerk is working on multiple public record requests, not just for yourself, but other residents as well and she is doing everything she can with all due speed to be responsive to you. But, I will say from my perspective, the best way for Council people to engage whether it's this particular piece of legislation or others, is to work within the meetings and the committee meetings and at our Rules and Legislation meeting on Monday, when we first vetted and discussed these amendments, there was no commentary on your part, to any extent, and I think that's really the time for

you to work with your colleagues. It's not to make public record requests and burden the Clerk, you're not just a resident, you're a Councilperson and I think that you should have that conversation. And I've certainly laid out for you and everyone and I think that our Council President's minutes reflect that, the detailed thought that went into each of these amendments. I would also share with respect to the last Charter Review Commission, there was never, there was never a public body that wrote the ballot language, unfortunately, for each of the questions which is arguably one of the most significant parts of the legislation because all voters will see when they ultimately click yes or no, or check yes or no on their absentee ballots is the language. And the Charter Review Commission in spite of the fact that they had two years of opportunity to do so, never voted on the ballot language. One member who happened to be the Mayor's next-door neighbor admittedly wrote the ballot language and the Board of Elections was very concerned with it. They expressed, this was the Director at the time, that they felt that the ballot language submitted to them wasn't honest, that it was the City's right to put whatever language it wanted, but I was very disturbed as a member of Council that there was never a public vote. Here we are, two public meetings now, where we are going to take a public vote on the entire ordinance, on the ballot language and I think that's a wonderful step forward for our residents. A lot more clarity and sunshine than having one-person draft ballot language. One of the questions of which was for the infamous nepotism deletions and I'm paraphrasing a bit, I don't have the language in front of me, but the critical part of that ballot language said shall we follow Ohio Law. Now, who wouldn't vote yes on shall we follow the law, Ohio or otherwise? It didn't ask the real question, of shall we delete the higher standard that our City has had since it's founding, prohibiting officials from appointing their immediate family members. That should have been the question on the ballot. The fact that one resident who happened to be the Mayor's next-door neighbor wrote that question and deleted all of our standards from the Charter was terrible in and of itself, even worst when you consider the problem of having the Mayor's Executive Administrative Assistant in one position and her husband of the Chair of the Civil Service Commission which decides much of our hiring issues in another. Where you have a Councilperson have a brother serving as a City Prosecutor with their parent's company taking City contracts. Where you have many Commission members with children working for the City. These aren't hypotheticals, these things actually happened in our City. We needed that higher standard and we needed to enforce it. And thankfully, this time around, it's being done the right way. We're having the public discussion. It's good that we have this give and take, that people agree and disagree. We're obviously not behind close doors, I see the door open there and I see a larger than usual crowd for a Special Council Meeting. I want a full and fair debate and I personally trust the voters of Willoughby Hills to make the right decision. They might agree with me, they might disagree with me, maybe they will agree on seven amendments and not two of them, who's to say, but it's their choice and their vote. And I feel obligated as a Councilperson to give them that choice particularly when on my view of fraud was perpetrated on the voters by the last Charter Review. I believe that a fraud was to say shall we follow the laws was an appropriate question for deleting nepotism, that's not fair to voters and residents. Not all of us have the time, I recognize that, to research and read the Charter carefully as others and they deserve to have an honest representation and that's why it's so wonderful that we're having that open discussion here, now and today. May be Councilman Hallum disagrees with me, so be it. We'll each have one vote as a resident if this passes and I personally will vote for the reforms because I want to have a higher standard than the bare minimum. It's not okay to say State Law bare minimum is enough and by the way, the Ohio Ethics Commission which governs those minimums has explicitly stated in its guidance that's absolutely legal and A-Okay for cities and municipalities to have a higher standard. You can't go below the minimum, but the Ohio Ethics Commission has explicitly said that you can go above it. So, to say that previous Commissions have analyzed it and didn't want to run foul to the law, if they really believe that they didn't do their homework and I would be sad to think, but it's clear, given that the Ohio Ethics Commission says so, that we can set a higher standard. And I personally think that I, as your elected official, I think that every elected official, every officer of the City, should be subject to that higher standard. But, once again, I'll only have one vote to that point and after the Clerk mails out these amendments to every resident who votes in Willoughby Hills, they'll have that same one vote too. And I want to support the residents and voters of Willoughby Hills, I want to give them that chance and I'll say right now, in my personal view, anyone who votes no on giving or voters a choice to reform their Charter is voting against the people of Willoughby Hills and doesn't trust them.

Councilman Hallum: Madam President. Could I have an answer...

President Fellows: I don't want to have a debate.

Councilman Hallum: I'm just asking a simple question of Vicki. Did she share my public records request with the members of Council? That's all I asked. I didn't ask...

President Fellows: Did you send it to just Vicki?

Council Clerk: I'm in receipt of it and researching it. I haven't shared it with the other members as yet. I will be glad to send it out to everybody, at your request.

Councilman Hallum: Thank you. Okay, so in light of that, I guess, since Councilman Plecnik said that these public meetings are the time to vet these questions, I will just say at the Rules meeting I was so taken aback and surprised by this, I had no idea that this was coming. I didn't have the opportunity to really read through it as I'm sure many of our residents didn't either. I was unprepared to ask any questions. Fortunately, I had sometime now, so I do have some questions. So, thank you for suggesting that, John, I appreciate it. So, I guess my first question which was never fully answered at the Rules Meeting is who was involved in the authoring of these nine amendments?

President Fellows: Councilman Hallum, I answered that on Monday.

Councilman Hallum: You weren't very specific.

President Fellows: My response, as it is to any ordinance or resolution, anyone at this dais, including you, and the Mayor has the privilege and the authority to bring to the Clerk any information that they would like designated to create an ordinance or a resolution.

Councilman Hallum: Correct. And it's the Council President who determines if that ordinance will be placed on the agenda and considered. Is that correct?

President Fellows: The Council President has the authority to set the agenda.

Councilman Hallum: Thank you.

President Fellows: And you know that.

Councilman Hallum: I do know that. So, I just want people to be clear that...

President Fellows: And you knew the answer to your previous question too...

Councilman Hallum: I can't just put an ordinance in and it's going to be on. That doesn't work way, so it's not exactly accurate to say, as a Councilmember...

President Fellows: Councilman Hallum, you have never submitted information to put in an ordinance. I don't even know...

Councilman Hallum: I have.

President Fellows: But, if you haven't done that, how can I even say that I would put it on the agenda or not.

Councilman Hallum: I have done it before.

President Fellows: Which one?

Councilman Hallum: One which was in regards to vacant property registration.

President Fellows: Yes, a tax for the City. And that went down.

Councilman Hallum: No, it wasn't a tax for the City.

President Fellows: I stand corrected. No, that's an opinion which I'm allowed to have.

Councilman Hallum: Okay, fine, so you don't want to answer that question. So, why were there no public meetings held to develop these amendments?

Councilwoman Pizmoht: Madam President. We had a public meeting.

Councilman Hallum: Excuse me, I have the floor and I'm speaking. When I'm done, you're welcome to...and I won't interrupt you when you're speaking. Why were there no public meetings held to develop this just like the Charter Review Commission had to hold public meetings when they were discussing the Charter? There was nothing held with regard to that.

President Fellows: Councilman Hallum, let me answer your question.

Councilman Hallum: Great.

President Fellows: Because, as I had stated on Monday, there are three ways for proposals of Charter Amendments to come to the City residents: (1) is through a Charter Review Commission of which the Mayor has the privilege to establish; (2) an initiative by a resident that goes to the Board of Elections and gets the proper petition and has been given the proper amount of signatures, valid signatures that need to be on that; (3) is Council, Council is allowed by the Charter to put together thoughts to amend the Charter and then bring it to the electorate and I answered that on Monday.

Councilman Hallum: Correct. They should be in public meetings, not in private. There's...are you telling me that one person developed all of these amendments, is that what you're saying?

President Fellows: I am sharing with you, for the third time, anybody on this dais is allowed to come to the Clerk, has the authority and privilege to provide information for her to draft an ordinance or a resolution that can be brought to the table.

Councilman Hallum: So, you're not going to answer the question of why there were no public meetings, fine. Who reviewed this from a legal perspective? The Law Director, someone here from the City that has the authority to review these amendments.

President Fellows: So, this was not reviewed by any Law Director or any legal entity. It is not a contract. It is not an agreement. It is not a Memorandum of Understanding. It is not a lease. There was no Law Director who reviewed the last Charter Review Commission's.

Councilman Hallum: No, that's not true.

President Fellows: That is true.

Councilman Hallum: That's not true.

President Fellows: That is true.

Councilman Hallum: No, it is not.

President Fellows: It is true. At the end, Mr. Lobe was not...

Councilman Hallum: The last meeting...

President Fellows: I am referring to the last Charter Review Commission

Councilman Hallum: So, I'm I...

President Fellows: There was no attorney that review that because Mr. Lobe was not available, Mr. Gardner, Andy Gardner reviewed it, he sent statements to the Board of Elections that were not in the form of a question, and the Board of Election had to come back and work with the Clerk to create the questions to go on the ballot. So, to answer your question, there's has been no legal entity that reviewed this because it is not necessary.

Councilman Hallum: It is necessary, in my opinion. So, again, I mentioned earlier, the previous Charter Review Commission, there was an acquisition from someone on this Council that there were not enough public hearings to give the people the opportunity to understand and to ask questions and so, I'm just wondering why is that not important now? And what's the emergency, why is it so urgent that we rush this into a ballot? If it's so important, let's vet it, let's have formal meetings where people can come in here, like they did for the Charter Review and hear what's going on and give their opinions and make sure that we formulate these as what the residents want and not just how one or a few Council members want.

Councilwoman Pizmoht: Madam President. We have had, this is now our second public meeting to consider these and we could have discussed possible changes that you might have had at the last one. We've also had, let's see, Monday, Tuesday, Wednesday, Thursday, four days since you got these. And you could have read them and if you had any changes that you had in mind, you could have suggested them. You could suggest them now.

Councilman Hallum: I will.

Councilwoman Pizmoht: You have the ability as a Councilperson, if you've been reading the Charter, I don't know the last five years that you've been a Councilperson, if you had Charter changes that you would like to propose, you're more than welcome to do that. You've been a Councilperson for five years and you've written one ordinance, I guess and I've drafted several myself in just the past year...

Councilman Hallum: Would that include the illegal ones?

Vice President Plecnik: Madam President. Out of order.

Councilwoman Lenz: Out of order.

Councilwoman Pizmoht: Could I just finish. So, but the point is, that you would know how these things happen if you did it more regularly yourself. You can have input, you are a Councilperson. The job requires that if you have opinions and ideas that you share them and you put them into practice. You make laws too. That's what you're supposed to do. But, if you just want to criticize the work of everyone else, then you're fee to do that, but it's hard to really answer all these silly questions like, who wrote this and why not a public meeting when we are sitting in a public meeting discussing it.

Councilman Hallum: Yeah. Well, I don't think it's silly when we're concerned about the residents.

Vice President Plecnik: Madam President. I would make a motion to call the question.

Councilman Hallum: I have other questions. You all said...

Councilwoman Pizmoht: Second.

President Fellows: I have a motion on the floor...

Councilman Hallum: That I should ask these questions now and give my suggestions now and I'd like my opportunity...

Vice President Plecnik: Madam President. He's out of order.

President Fellows: You are out of order.

Councilman Hallum: I understand that I'm out of order, but I have questions. You've all said that I should be asking questions in this meeting and I'm doing it and you want to shut me up now because you don't want to hear, you don't want the residents to hear...

President Fellows: There is a motion on the table. There's a motion on the table to call the question and there's a second. There is no debate on calling the questions.

Councilman Hallum: Search your conscious. It's not right.

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

Motion PASSED.

President Fellows: The question has been called. Please call the vote to adopt Ordinance No. 2018-41.

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

Motion PASSED.

President Fellows: Ordinance No. 2018-41 has been adopted. This ordinance and these questions will go to the electorate so they can review them over the next two and half months plus and then they can vote on election day.

Councilman Hallum: Just so you folks know, this makes it more difficult for a Special Election, more difficult for a recall, all the things that...

Vice President Plecnik: Madam President. Madam President. Madam President. This is outrageous.

President Fellows: Councilman Hallum you are out of order.

Councilman Hallum: It's my opinion that you are reckless and malicious...you should all hold them accountable...

Councilwoman Pizmoht: Madam President. That's the third time...

Multiple Council members speaking....

Vice President Plecnik: This is his second out of order. Madam President. If I may say, I want to the residents watching tonight, and those joined with us today, to apologize for Mr. Hallum's behavior...

Councilman Hallum: Why is it that you're excluding me in any conversations about these, John. How about that.

Vice President Plecnik: Please rule him out of order for the third time and have him removed if he continues. Madam President. I want to apologize to our residents for Mr. Hallum's behavior. It's not becoming of this Council and it's not becoming of the collegic atmosphere that we're trying to foster.

Councilman Hallum: [undecipherable]

President Fellows: Chris, will you please leave the table.

Councilman Hallum: Happily.

President Fellows: Thank you.

Vice President Plecnik: I think we need to examine very critically whether or not if there should be significant punishment for behavior like this in the future because we need to have collegial discussion. The only way we have public meetings and debates when we can discuss the critical questions is if we can talk to each other respectfully. Now, Mr. Hallum had every opportunity when he had the floor to speak, but when others who he disagreed with like Councilwoman Pizmoht or myself, attempted to share our thoughts, he chose to talk over us. That's not right, that's not acceptable and I apologize to the residents on his behalf and I promise you, we'll do better. If he continues in this behavior, I promise you we will deal with it, as seriously as it is because you deserve to feel safe at your public meetings, to be heard and to know that each of your elected officials, even the ones who aren't rude enough to interrupt, will have a chance to speak their peace. Now, as to these Charter Amendments, I'm grateful to the public, I'm grateful to Council for giving a choice to myself as a voter and to all of us so that we can address the serious issues in our Charter. But, it's a one-on-one vote and decision. If you disagree, you have the same amount of votes that I do this November and I look forward to that debate and discussion at many public meetings and opportunities and I'm sure it will continue. We have a spirited public here in Willoughby Hills and I love that. But, what I will not condone is for a Council member like Mr. Hallum to do damage to our public discourse. We have to respect each other and I respect when Mr. Hallum has the floor and he needs to respect when Councilwoman Pizmoht has the floor. I've seen a disturbing trend at public meetings, of people violating the public disruption rules and the Council rules and it makes a lot of good residents feel unsafe to come forward and speak. Now, I want to tell you, I will protect your rights under the Sunshine Laws. I will make sure that you feel safe speaking at our meetings. Council and its leadership does not condone what Mr. Hallum just did. It's serious, we'll look into it further. I promise you, he will be held accountable if it continues.

And I make a motion to adjourn.

Councilwoman Lenz: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Lenz to adjourn the meeting. There is no discussion on adjournment.

Roll call: YEAS: Majka, Pizmoht, Plecnik, Fellows, Hallum (gone), Lenz
Motion PASSED.

APPROVED: September 21, 2018
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

ATTEST: Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council