

# City of Willoughby Hills

## Regular Meeting of Council

### Minutes of June 23, 2016

**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. Written minutes of Council shall be shortened wherever possible.

The Regular Council Meeting was held on Thursday, June 23, 2016 at 7:00pm in the Willoughby Hills Council Chamber. President Fellows presided.

**Members Present:** Councilman Christopher Hallum, Councilwoman Janet R. Majka, Vice President John Plecnik, President Nancy E. Fellows, David M. Fiebig, Councilwoman Jennifer Sommers Greer

Councilman Fiebig moved to excuse Councilman Christopher L. Biro. Councilman Hallum seconded.

**YEAS:** Unanimous.

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

### DISPOSITION OF THE JOURNAL

**President Fellows:** The next order of business is the Disposition of the Journal, Regular Council Meeting Minutes for June 9, 2016.

I have a note here that they will be available for us to approve at the next regular meeting.

### COMMUNICATIONS

**President Fellows:** Concerning Correspondence, Notifications, Meeting Minutes and On File, I am not going to ask the Clerk to read these, they will be listed in the Journal as they are presented on this agenda.

### CORRESPONDENCE

Email of June 8, 2016: John Plecnik to Members of Personnel Relations Committee; cc'd: Clerk of Council re: Mayor Vetoes Raise for Police, Libels Personnel Relations Committee; Attachments: Mayor's Libelous Tirade & Veto Letter, Response to Mayor's Lack of Support for Police & Fire

Email of April 4, 2016: John Plecnik to Members of Personnel Relations Committee re: Personnel Relations Committee Minutes & Ms. Majeski's letter

Email of March 21, 2016: John Plecnik to Members of Personnel Relations Committee re: Personnel Relations Committee Minutes & Ms. Majeski's letter

Email of March 21, 2016: Chris du Laney to Members of Personnel Relations Committee re: Personnel Relations Committee minutes & Ms. Majeski's letter

Interoffice Memo of June 9, 2016 from Mayor to Council President, Clerk of Council, Members of Council, dated June 9, 2016 re: Replacement Ordinance (distributed at Regular Council Meeting of June 9, 2016)

Email of June 13, 2016: Mayor's Assistant to City Engineer, Law Director, CSCHULMAN@CARLYLEMANAGEMENT.COM, Building Commissioner, Assistant City Engineer cc'd: Mayor, Council Clerk, Members of Council; Attachments: Steeplechase – 1995 Photo; Attendance; Map; Meeting Notes; Field Notes; Kostansek Complaint; Steeplechase Letter to Management re: Meeting notes from

06/10/16 re: Steeplechase concern

Email of June 13, 2016: Mayor's Assistant to Mayor; cc'd: Finance Director, Law Director, Fire Chief, Police Chief, Road Superintendent, Recreation Department, Council Clerk, Members of Council re: PEP Risk Management Recap of 6/7 and 6/9/16

Email of June 14, 2016: Council Clerk to Members of Council re: New Hire Memo issued by Assistant Finance Director

Email of June 15, 2016 (9:22pm): Pamela D. Kurt to Council Clerk re: Personnel Relations Meeting – June 23<sup>rd</sup>

Email of June 15, 2016 (9:16pm): Council Clerk to Pamela D. Kurt re: Personnel Relations Meeting – June 23<sup>rd</sup>

Email of June 15, 2016 (9:03pm): Council Clerk to Mayor, Law Director, Mayor's Assistant re: Personnel Relations Meeting – June 23<sup>rd</sup>; Attachment: Resignation Letter

Email of June 15, 2016 (7:34pm): Pamela D. Kurt to Clerk of Council, Members of Council; cc'd: Members of the Personnel Relations Committee, News Media re: Personnel Relations Meeting – June 23<sup>rd</sup>; Attachment: Letter of Resignation

Email of June 15, 2016 (5:30pm): Clerk of Council to Members of Council, Members of the Personnel Relations Committee, News Media re: Personnel Relations Meeting – June 23<sup>rd</sup>

City Engineer's Report dated June 16, 2016 (Emailed: June 16, 2016)

Email of June 20, 2016 (3:00pm): Mayor's Assistant to Council Clerk, Members of Council; cc'd: Mayor, Law Director, Finance Director, Fire Chief, Police Chief, Building Commissioner re: Mayor's Veto of Ordinance 2016-26 – PT FD Pay Increase & Mayor's Veto of Ordinance No. 2016-27 – Police Chief; Attachment: Personnel Relations Member Pamela Kurt's Resignation Letter

Email of June 20, 2016 (4:55pm): John Plecnik to Mayor's Assistant, Clerk of Council, Members of Council, cc'd: Mayor, Law Director, Finance Director, Fire Chief, Police Chief, Building Commissioner, News-Herald, re: Mayor's Veto of Ordinance 2016-26 – PT FD Pay Increase & Mayor's Veto of Ordinance 2016-27 – Police Chief

Email of June 20, 2016 (9:40pm): Chris Biro to Council Clerk, Members of Council, Members of the Personnel Relations Committee, News Media re: Personnel Relations Meeting – June 23<sup>rd</sup>

Email of June 20, 2016 (4:44pm): John Plecnik to Pamela D. Kurt, Members of the Personnel Relations Committee, Members of Council, News Media re: Personnel Relations Meeting – June 23<sup>rd</sup>

Email of June 21, 2016 (9:07am): John Plecnik to Members of Council, Council Clerk; cc'd: Members of the Personnel Relations Committee, News Media, re: Personnel Relations Meeting – June 23<sup>rd</sup>

Email of June 21, 2016 (2:26pm): Gloria Majeski to Fred Wyss, Mark Grubiss, Frank Brichacek, Debbie Doles, Willoughby Hills Fire Chief DiSanto, Christopher Collins, Willoughby Hills Police, Willoughby Hills Recreation Dept.; cc'd: Willoughby Hills Council, Law Director Personal; Attachments: AFSCME Union Notification.PDF

Email of June 21, 2016 (2:15pm): Clerk of Council to Members of Personnel Relations Committee, Members of Council, Mayor Weger, Mayor's Assistant; cc'd: Law Director, re: Formation of Union-AFSCME Ohio Council 8 AFL-CIO – Petition for Representation Election; Attachment: AFSCME Union Notification

Email of June 21, 2016 (11:49am): Thomas Lobe to Clerk of Council re: Formation of Union-AFSCME Ohio Council 8 AFL-CIO-Petition for Representation Election

Email of June 21, 2016 (5:35pm): Thomas Lobe to Members of Council, Members of Personnel Relations Committee, Mayor,

Clerk of Council, re: Formation of Union-AFSCME Ohio Council 8 AFL-CIO-Petition for Representation Election

Email of June 21, 2016 (3:38pm): Nancy Fellows to Clerk of Council, Members of the Personnel Relations Committee, Mayor; cc'd: Law Director Personal, re: Formation of Union-AFSCME Ohio Council 8 AFL-CIO-Petition for Representation Election

## NOTIFICATIONS

Bulletin Board Posting of Ohio Environmental Protection Agency Public Notice No: 16-06-023 – NPDES Permit to Discharge to State Waters for Willoughby Hills United Methodist Church, 34201 Eddy Road, Willoughby Hills, OH 44094

Cancellation: Planning & Zoning Commission and Architectural Board of Review Meeting of June 2, 2016 (Emailed: June 14, 2016)

Personnel Relations Committee Meeting of June 23, 2016 (Emailed: June 15, 2016)

The Global Leadership Summit to be held at Friends Church, Willoughby Hills, Ohio – August 11-12, 2016

**ON FILE**

Letter from Clerk of Council to Joan Mazi, dated June 11, 2016 re: Request for Public Information pertaining to Noise Disturbance

**Councilman Hallum:** Madame President, I just had a quick question looking through all this; there are several...there's one, two, three correspondences that are from a while ago, March and April. One from March and one from April. I was just wondering why those weren't done back then.

**Clerk of Council:** Did you want me to answer?

**President Fellows:** Sure.

**Clerk of Council:** These, if you notice, the top one is, they're tails; so when you guys take an email that was previously done and add an email, and an email and a email to you first email here of June 8, 2016 is the current but underneath that in the same an email of April 4<sup>th</sup> is also included in that email; email of March 21<sup>st</sup> was also included in that email, they were stacked on...so I also identified...it's a "thread of emails" so I identified every email attached with the most current one.

**Councilman Hallum:** So you're saying that prior...during prior minutes, these...I'm going to find these correspondence reported because these were done on these dates when they weren't tails.

**Clerk of Council:** But they weren't given to me, these were attached to John Plecnik's email of June 8, 2016 that I finally got on June 8, 2016.

**Councilman Hallum:** Okay...

**Clerk of Council:** Do you understand...you can see... I was cc'd on them.

**Councilman Hallum:** So you didn't know about these other...

**Clerk of Council:** I did not know but they are all public record now because when I got them in my office, they're in my office, they are therefore a public record.

**Councilman Hallum:** Got cha.

**Clerk of Council:** So be careful when you are doing emails and you attach to...you are going to see all of these are attached to Personnel Relations Meeting Notification; well there were conversations amongst people all with that same title or subject but your subject differed.

**Councilman Hallum:** So you're reporting them as soon as you know about them.

**Clerk of Council:** I'm giving you everything I get in my office.

**Councilman Hallum:** Got it. Thank you.

**Clerk of Council:** I don't care when.

**Councilman Hallum:** Normally you have everything on there so...

**Clerk of Council:** That and it is...full disclosure.

**President Fellows:** Did that help?

**Councilman Hallum:** I understand why that...

**President Fellows:** All right, Mayor's Report, Mr. Mayor.

## **ADMINISTRATION REPORTS & COMMUNICATIONS**

**MAYOR WEGER:** The City Hall phone system is complete now. We have some minor adjustments to do on it to the voicemail so please...I want to thank you for your patience during this emergency transition.

My veto letters regarding for Ordinance No. 2016-26 and Ordinance No. 2016-27 are available on the City website outlining my complete reasons for my veto decision. I encourage residents to read them for a clear understanding and acknowledge my continued support for our part-time Police Officers, part-time Fire Fighters, Police Chief Collins and all the other hard working individuals of our safety forces and in my administration.

I want to thank everybody who volunteered for United Way Day of Caring. It was a very successful day yesterday. We were able to help four residents and worked on cleaning up City Hall grounds.

Thanks to all who participated in Shred Day last Saturday. It was a great day weather-wise and a lot of residents took advantage of this great opportunity to shred their documents and they were able to watch them get shredded.

Condolences to the family of Jackie Basham of Trailard Drive who passed away this week.

Willoughby Hills Lion's Run for the Hills is this Sunday the 26<sup>th</sup>. It's starting a little earlier than last year. It's starting at 8:00am so it's a littler cooler and all are welcome to come.

Willoughby Hills' Day at Classic Park it's Sunday, July 3<sup>rd</sup> at 1:00pm. Please mark your calendars and come.

Now I would like to do a slight correction to a comment that's been made; it was said that Gloria Majeski was my campaign manager. Well John, she's not, she never was, and she donated to your campaign and mine so if you want to say something on face book say it; know your facts and say the truth, okay. My wife was my campaign manager and that's it. So thank you.

**President Fellows:** Any questions for the Mayor this evening?

**Vice President Plecnik:** Madame President. Isn't it true that you listed your wife as your campaign chairwoman, not campaign manager on your literature?

**Mayor Weger:** Yes.

**Vice President Plecnik:** Any other questions? Thank you.

**LAW DIRECTOR LOBE:** Thank you I have one matter. Public's notification, although I've already given Council a heads-up. The City got notified of the formation of a potential new union. As you know, I've notified Council and the Administration of this development. We only received the initial representation for an election from the AFSCME Ohio Council 8 AFL-CIO. This is the first step when someone tries to form a union; this is the initial proceedings. This matter will be controlled by the Ohio State Employment Relations Board also commonly known to as "SERB"; I think that I've mentioned that before, the State Employment Relations Board.

I'll be asking Council for an Executive Session for a time not to exceed 20 minutes. At a time most convenient for Council; I'd asked you to invite all of Council, myself, the Mayor and the Finance Director. And just as a matter of personal and professional courtesy, I'd ask you to dismiss the City Engineer as I don't expect any action to be taken by Council tonight. Thank you and I'm open to any questions.

**President Fellows:** Any questions for the Law Director? Seeing none, thank you Tom. Finance Director, Mr. Brichacek.

**FINANCE DIRECTOR BRICHACEK:** Just a couple pieces of good news. I was notified that a couple days ago that a little bit of money fell out of heaven into our laps. We received a net of approximately \$14,000 in estate tax revenue from an old estate that must have had an adjustment so that was unanticipated revenue. And also, the Fire Department received a \$1,000 donation from Wal-Mart, it's not quite clear what it was for yet, as soon as I know that I will let you know. It's either for some EMS equipment or for a bullet-proof vest. They had two requests in for Walmart; Walmart simply sent the check and it's not really clear at this point what they awarded us.

**President Fellows:** We appreciate that...

**Finance Director Brichacek:** In both cases, in some point ultimately I'll do an appropriation change because the estate tax the County deducted the collection fees which obviously we didn't budget for it and then we would just make a change to the Fire Capital Fund for the Walmart grant.

And I did have just one other item, the Tax Budget is on for first reading tonight. It needs to be done by July the 15<sup>th</sup>. I scheduled the required Public Hearing for the first Council Meeting in July.

**President Fellows:** Any questions for the Finance Director? Thank you Frank. Mr. Di Franco, City Engineer's Report.

**CITY ENGINEER DI FRANCO:** Thank you, no formal report tonight, but I'm open to questions.

**President Fellows:** Any questions for our City Engineer this evening? Thank you Pete.

## **COMMITTEES OF COUNCIL**

**President Fellows:** Councilman Hallum I believe you have Planning and Zoning?

## **PLANNING AND ZONING**

**Councilman Hallum:** Yes, I don't have the formal minutes but I can still tell you...it was a very basic meeting. We just handed out what the current ordinances that we have with regard to rentals, vacant properties, keeping of horses and so I just wanted to hand out to the group, have them start reviewing it, look at what we have currently in place and then we will be having...scheduling another meeting very soon to then discuss those and look at what some of the other cities nearby, neighboring cities are doing so that we can start to formulate something for us.

**President Fellows:** Wonderful, okay, good.

**Councilman Hallum:** In a nut shell that's what we did.

**President Fellows:** Any questions right now for Councilman Hallum on that? And Vice President Plecnik, did you want to do Personnel Relations tonight?

**Vice President Plecnik:** I can do a quick synopsis, as much as Councilman Hallum did.

## **PERSONNEL RELATIONS**

**Vice President Plecnik:** We met at 5:30pm tonight. Present were the entire Committee as well as the Mayor and I think as the meeting went along, Councilwoman Majka and I didn't see whether you came in at some point Council President but I did see Councilwoman Majka came later in the meeting but present for the whole meeting were the Committee and the Mayor.

Our first order of business was to consider the history of the Mayor's Ordinance 2016-20 as well as his replacement ordinance. We identified several errors in the ordinance that would have to be resolved for it to be considered and we also had a unanimous vote to leave the ordinance in committee due to the fact the ordinance wasn't complete; the Mayor himself seemed unaware about parts of the ordinance, he thought that the Community Service Officer was listed in the new ordinance it actually wasn't and so there is still a lot of work to be done and so Personnel Relations intends to continue to discuss the ordinance going forward. Although a lot of that may be short-circuited by the potential unionization of many employees subject to that ordinance.

We also discussed the Mayor's veto; I expressed as well as Committee Member Fulton expressed considerable concern with the statements made about the Committee and its work. Ms. Fulton said that she was offended that the Mayor insinuated that the Committee in his veto, was somehow violated the Sunshine Laws which we certainly have not given that we call our committee meetings in exactly the same fashion as every meeting of Council and no Committee Member seems to be aware of any violation.

Mr. du Laney repeated that he thought in his personal opinion age discrimination were an argument that the Committee was recommending age discrimination in the form of a raise for police and fire was not a good argument but he did want to ask the Law Director and hopefully you could make note of this for an opinion on whether or not the Mayor has the legal authority to grant raises even within a pay scale given that the Charter in two places says that Council shall fix whereas the Mayor only has the authority to recommend. So he would be grateful for a Law Director's opinion on whether or not the Mayor had the legal authority to grant raises to any employees without Council's approval.

We also passed out potential replacement ordinances to give raises again for the police, although I should say for the part-time police, part-time fire as well as the Police Chief. But we acknowledged that it was too early to consider them given that we hadn't even voted on the Mayor's veto of two of those ordinances as well as more research that we're hoping to compile and I passed out what we had pulled together from other cities. My general impression is that for some positions we're higher, for some we're lower but we're in the ballpark and I would like to see a chart that really lays it out so that people can look at it quickly as opposed to sorting through Wickliffe verses Willoughby verses Willoughby Hills so hopefully for the next meeting we'll have a chart along those lines ready.

We opened Public Portion at 6:04pm, no one spoke so we closed it at 6:04pm. And after Ms. Fulton asked that we call another meeting as soon as possible, at 6:05pm we closed the meeting. Thank you.

**President Fellows:** Thank you. Are there any questions right now for Vice President Plecnik?

**Councilman Hallum:** Just...I'd like him to know that I was at the meeting as well.

**Vice President Plecnik:** Oh, yes that's right. Thank you.

**Law Director Lobe:** Can I make a comment? I agree with Mr. Plecnik, he touched upon it, the formation, the potential formation of this union may have significant control over anything that we do for salaries and most of

the work that is currently being done by the Personnel Relations. I do not know who is included or who is excluded, we don't have specific names yet. I just want you to proceed with caution during the pendency of this; I don't want to get an unfair labor practice as these are easily filed. So I'd asked you to really proceed judiciously and cautiously, even put the brakes on until we can get a handle as to who's involved, okay.

**Vice President Plecnik:** Can I ask a follow-up question, Madame President. Would it be safe to say though that this union would not include the Police Chief clearly as an administrative head or the part-time police or firefighters given that this a clerical not a police or fire union, am I correct in that?

**Law Director Lobe:** I'm taking a guess estimate but your probably right, 99.9% on the Chiefs.

**Vice President Plecnik:** Could you give us an opinion on that as soon as you could.

**Law Director Lobe:** Yeah, in fact I think that I probably notified everybody; I did call down to the legal counsel for the authority and I did make a phone call and asked if they could at least give me some idea and my message was to the secretary that sent the letter and the lawyer wasn't there, Ms. Evans and I had about a five-minute conversation and I was really looking for some guidance so that we don't do anything wrong because we do have municipal business to attend to. And I didn't get a phone call back today, I did follow it up with a second one but I did try just so you know. And we will get those answers for you.

**Vice President Plecnik:** Thank you.

**Law Director Lobe:** Before the next meeting.

**President Fellows:** Thank you. Anyone else? Thank you Tom. Are there...I don't think that there are any other committee reports right now from any other Council Members.

**NOTE:** The Personnel Relations Committee minutes of June 23, 2016 have been provided:

**Chairman Plecnik** called the meeting to order by passing out the Council Clerk's research on prevailing salaries for part-time firefighters, part-time police, and police chiefs in the area. **Chairman Plecnik** shared that the Council Clerk has not had time to arrange the information in a comparison chart or summary, but he wanted to make the raw data available to the Committee.

#### **Committee Member Pamela Kurt's Resignation**

Since the last meeting, **Committee Member Kurt** submitted her resignation from the Personnel Relations Committee, stating that she was "unavailable to make the time commitment necessary." **Chairman Plecnik** thanked **Committee Member Kurt** for her service on the Personnel Relations Committee and shared a copy of his e-mail to her, which acknowledged and accepted her resignation, while answering various questions and concerns she had about the Committee.

#### **Sunshine Laws**

**Chairman Plecnik** noted that the Personnel Relations Committee operates and calls its meetings according to the exact same procedures as every other Council committee, and shared a copy of the latest public notice provided to the media for the night's meeting. **Committee Member Fulton** stated she was offended and felt it was wrong that anyone would imply that she or the Committee was not complying with the Sunshine laws.

#### **Mayor's Proposed 3% Raise for Non-Union Employees**

**Mayor Weger's** original proposal for a 3% raise for non-union employees—Ordinance 2016-20—was voted down and tabled by Council on the recommendation of the Personnel Relations and Rules & Legislation Committees. **Mayor Weger** proposed a replacement ordinance with very similar terms for Ordinance 2016-20,

and the Personnel Relations Committee was asked to consider it. **Chairman Plecnik** noted that there were many typos and inconsistencies in the new ordinance, and deemed it unready for consideration by Council as a whole. He also noted that there were some differences in the pay scales between the Mayor's old ordinance and its replacement, but there was no explanation as to why. **Committee Member Fulton** asked **Mayor Weger**, who was in attendance, if he could explain why he had different pay scales in each ordinance when both of them purported to give the same 3% raise. **Mayor Weger** looked at the comparison of the legislation and then replied he did not know. **Chairman Plecnik** noted that the Community Service Officer (CSO) position was listed for a raise in the old ordinance but was left out of the new ordinance and asked the Mayor about his logic for excluding the CSO. **Mayor Weger** replied by insisting that the CSO was included in the new legislation. **Chairman Plecnik** corrected **Mayor Weger**, pointing out that the new legislation did not include the CSO, and asked if Mayor had even read the new ordinance he was proposing. **Mayor Weger** did not respond. **Committee Member Fulton** made a motion to recommend leaving **Mayor Weger's** replacement ordinance for the tabled Ordinance 2016-20 in committee because it was not ready for Council. **Committee Member McCarthy** seconded. The motion passed unanimously.

### **Mayor's Veto of Ordinances 2016-25, -26, and -27 to give raises to the part-time police, part-time firefighters, and police chief**

**Chairman Plecnik** noted that **Mayor Weger** had vetoed the raises, which were recommended by Personnel Relations and Rules & Legislation as well as passed by a majority of Council, for the part-time firefighters, part-time police and police chief, none of whom had received a raise for two years. **Mayor Weger** refuses to give a raise to non-union safety forces unless his personal assistant, who is already paid \$65,000 a year, is given a \$2,000 raise. He also noted that **Mayor Weger's** veto letter was libelous and personally attacked the work and Members of the Personnel Relations Committee, accusing the Committee of supporting age discrimination with no evidence whatsoever. **Chairman Plecnik** admonished the Mayor, and stated that while he respects all opinions and responsible dialogue, he would not tolerate more personal attacks against his Committee and its Members, and neither would the Council President. **Committee Member du Laney** stated that he believes **Mayor Weger's** statement that the Committee is engaging in age discrimination is wrong. He also asked for an opinion from the Law Director on whether the Mayor overstepped his legal authority in giving a raise to some employees, but not all, without Council approval, given that the City Charter only authorizes Council to set salaries.

**Chairman Plecnik** shared replacement ordinances for Ordinances 2016-25, -26, and -27, which Council wants Personnel Relations to review for the future.

## **COUNCIL REPRESENTATIVE REPORTS**

**None.**

## **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.**

President Fellows opened Public Portion at 7:18pm.

**Chris du Laney – 37960 Valley Brook Drive.** A comment that relates to...I was quoted during the last Council Meeting as saying a couple of things that I did not say. I went back and checked the specific recording to make sure that was the case. It was said that in my remarks that I had said that we hadn't had a chance to



review a lot of the positions, I did not say that. And I was quoted as saying we had not gotten a lot of work done on the Personnel Relations Committee. I did not say that. Obviously I'm disturbed that I was misquoted and whether or not those ideas are...happen to be accurate I would urge you all when you are quoting other people to make sure exactly what you said because I said it the way that I wanted to say it, not the way it came off.

**Cheryl Ota – 2960 Marcum Boulevard.** Last Council Meeting, Council President Fellows explained Robert's Rules on calling for the question. As I noted when she was talking all Council people were paying attention except for one. One was consistently going through their computer over, and over and over again. Apparently that person knows Robert's Rules right and left. But I think that I would caution all of you to please pay attention to the Council President, she's trying to lead you. Thank you.

**President Fellows:** Thank you Cheryl. I didn't ask Cheryl to come up and say that, just so you know. Anyone else? All right, thank you. I will close Public Portion at 7:21pm.

### **UNFINISHED BUSINESS**

**President Fellows:** I should have mentioned this in "Minutes" but thank you to Jenna Bing for bring it to our attention so Council's minutes, audio minutes are now on the website. And I would really request the Mayor, that you have your commission have their audio minutes placed on the website as well so that individuals may be able to listen to those meetings since they're also audio and televised. So moving forward that's a great thing for our residents to have should they want to listen to the minutes which are a lot quicker to get on the website and then of course, always the minutes follow that for the commissions and for Council as well. So I think that we're moving into the IT world and those people who use that on a regular basis will have these things at their fingertips. So thank you Jenna for helping us move forward with that, we appreciate it.

**President Fellows:** All right any other unfinished business?

**Vice President Plecnik:** Madame President, could I ask a question of the Law Director? Mr. Lobe I intend to make a motion at some point to override the Mayor's veto on ordinances 26 and 27 but given that you have not been able to give a firm response on whether or not the part-time police and fire might be part of this proposed union I feel a little bit uncomfortable making that motion at this meeting. I know that it's something on the order that you have to make a motion to override a veto within a reasonable time. Do you know what that means? Would it be reasonable to wait until the next meeting after we get that response?

**Law Director Lobe:** Good question, I don't...I'm quite sure that they are not part of the union but again I can't give that answer because they have not got back to me John; so I apologize so I can't give you...there is a time frame that you have to try and do it tonight otherwise I believe it's going to be waived so that's up to you to proceed and if you want to preserve that right, I would proceed.

**Vice President Plecnik:** Then I shall move to override the Mayor's veto of Ordinance No. 2016-26.

**Law Director Lobe:** I'm going to put on the record too just to protect this Council, based upon my statement that I don't believe that it is viable... in my opinion, but if it does then of course I will come back to you and Mr. Plecnik I assume that you would then if...

**Vice President Plecnik:** Of course.

**Law Director Lobe:** You would then file a motion to reconsider with Council President's opinion, I want you to proceed otherwise it's waived.

**Vice President Plecnik:** Absolutely.

**Law Director Lobe:** In fairness to the whole issue.

**Vice President Plecnik:** Then I would so move.

**President Fellows:** I have a motion from Vice President Plecnik to over-rule the Mayor's veto on Ordinance No. 2016-26 which is the part-time fire fighters. Councilman Majka seconded.

Roll call:      **YEAS:**            **Majka, Plecnik, Fellows, Fiebig**  
                     **NAYS:**            **Hallum, Greer**

**Motion fails.**

Vice President Plecnik moved to override the Mayor's veto on Ordinance No. 2016-27 for the Police Chief. Councilwoman Majka seconded.

**Law Director:** Again, I'm going to incorporate the same protection on this one; I'm 99.9% sure but just for the record to protect the Council people who've made the motion and seconded...please proceed.

**Councilman Hallum:** I just want to say again that as I did the last time, none of these ordinances went through Finance Committee which with everyone stating how important it is that we be fiscally responsible to make sure budgetarily this makes sense as well as really making sure that the ordinance itself is reviewed, I think that it's premature even to consider these so I am not going to be in support of this.

**President Fellows:** Well I believe Finance is correct, we passed a budget at the beginning of the year and the monies were appropriated for the non-union individuals. So I'm not sure why it would have needed to be in another Finance meeting.

**Councilman Hallum:** It would be; this ordinance would be, in my opinion.

Roll call:      **YEAS:**            **Majka, Plecnik, Fellows, Fiebig**  
                     **NAYS:**            **Hallum, Greer**

**Motion fails.**

## **LEGISLATION**

### **Ordinance No. 2016-35**

An ordinance adopting a Tax Budget for the fiscal year 2017 for the City of Willoughby Hills and declaring an emergency.

**President Fellows:** So I emailed everybody to remind them that this ordinance had been sent to us for review and since I did not have the literature to call a Rules Meeting seven days before, that's why I encouraged everybody to read this and if you have any questions about it to ask our Finance Director. This is housekeeping, we have to do every year by law, so as Mr. Brichacek said earlier, second reading will be at the next Council Meeting and we will need to adopt this to make sure that we have everything into the State appropriately. Any other questions on it right now?

**Law Director Lobe:** I have one. Are you going to have five members here because it has an emergency?

**President Fellows:** Well we are going to have a Public Hearing at the next Council Meeting.

Law Director Lobe: Is anyone going on vacation? If anyone...if any Council Member is going on vacation just get a hold of the Clerk so we have an idea, okay. Thank you.

**President Fellows: Good thing to remember, thank you.**

**Resolution No. 2016-10**

A resolution recognizing former Fire Chief Richard Harmon for his many years of service to the City of Willoughby Hills.

Councilman Fiebig moved for suspension. Vice President Plecnik seconded.

Roll call: **YEAS: Hallum, Majka, Plecnik, Fellows, Fiebig, Greer**  
**Motion passed.**

Councilman Fiebig moved for passage. Vice President Plecnik seconded.

**Vice President Plecnik:** Thank you Chief.

President Fellows: At our last Council Meeting we had indicated that once this resolution was adopted we also have the resolution for the Dispatchers that we have adopted, that we would have representatives for the Dispatchers and ask Chief Harmon to come back so that we can present these to them. And also the resolution for the Chagrin River Watershed Partners for their 20 years of service.

Roll call: **YEAS: Hallum, Majka, Plecnik, Fellows, Fiebig, Greer**  
**With six affirmative votes, motion passed.**

**NEW BUSINESS**

None.

**FOR THE GOOD OF THE ORDER**

None.

**FOR THE GOOD OF THE COMMUNITY**

**Councilman Fiebig:** Just to recognize the passing of Governor Voinovich. The ceremony was held in Willoughby Hills, I'm sorry the service was held in Willoughby Hills just down the street from us and a procession came through the City and I know that there were a few residents that were actually out on the streets to pay their respects. He was a good man, I knew him personally; he knew my father and he will be missed. He was a great public servant who served in office for more years than anybody in contemporary service today. He had four different offices. I don't think that he ever lost an election either, so he is really a remarkable man and quite a credit to our community and even grew up in the same neighborhood as me so hopefully I have a little bit of that from the old north Collinwood area.

**President Fellows:** And I believe his brother lives in Willoughby Hills.

**Councilman Fiebig:** He used to.

**President Fellows:** Yes, he did.

**Councilman Fiebig:** Good man, good man and he will be missed and our condolences to the family of Senator Voinovich.

**Councilman Fiebig:** If I may also on a happy note I'd like to congratulate the Cleveland Cavaliers for bringing a championship to not only Willoughby Hills but to all of Northeast Ohio and Greater Cleveland. What a great accomplishment that our team did. So all the people that went down to the parade or just watched at home; I mean let's all celebrate. It's civic pride for all of us and I think something that we can all hang our hats on and say we are the champions.

**President Fellows:** Thank you David. Well and they sort of got over-shadowed by the Cavaliers because they're not a national team but I like hockey and the Lake Erie Monsters did win the Calder Cup, the first time they have in sixty years or something like that. So they won in overtime with 1.9 seconds left on the clock. So that was a pretty amazing game and Dale and I were there.

So the Indians are in first place now.

**Councilman Fiebig:** There's wrestling now too. Septsnaz Lovish MMA. I mean we have that too; he grew up right up the street from us. And yeah, go Tribe!

**Vice President Plecnik:** Following off of Councilman Fiebig, I want to share my sentiments and my condolences for the loss of Senator Voinovich and say on the eve of Slovenian Statehood Day, you know this Saturday, June 25<sup>th</sup> where Slovenia will celebrate its 25<sup>th</sup> anniversary of independence, Senator Voinovich was one of the major political figures in the United States who pushed for that independence and he actually gave a final speech at Cleveland City Hall two days before he passed and I was privileged to hear it, it's available on U-Tube it was very thankfully taped so as we come on our 25<sup>th</sup> anniversary of Slovenian Independence for anyone who would like to hear Senator Voinovich's last great speech please find it on U-Tube and enjoy it. It was one for the ages. Thank you.

**President Fellows:** Prior to adjourning, I would entertain a motion to adjourn into Executive Session.

Councilman Fiebig moved to adjourn into Executive Session to discuss Personnel Relations Matters pertaining to collective bargaining for a period of time not to exceed 20 minutes, inviting the Mayor, Law Director and Finance Director; excusing the City Engineer. Councilman Hallum seconded.

Roll call:      **YEAS:**              **unanimous.**  
**Motion passed.**

**Council adjourned into Executive Session at 7:34pm.**

With all Members present, the Regular Council Meeting of January 14, 2016 reconvened at 7:57pm. Also present were the Law Director, the Mayor and the Finance Director, and Council Clerk.

## **ADJOURNMENT**

Motion was made by Councilman Fiebig to adjourn. Councilman Hallum seconded.  
**YEAS:**              **Unanimous.**

**The Regular Council Meeting of June 23, 2016 was adjourned at 7:57pm.**

APPROVED:

July 14 2016  
Date

Nancy E. Fellows

Nancy E. Fellows  
President of Council

ATTEST:

Victoria Ann Savage  
Victoria Ann Savage, CMC  
Clerk of Council