

NANCY E. FELLOWS
President of Council

JOHN PLECNIK
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
DAVID M. FIEBIG
JENNIFER SOMMERS GREER
CHRISTOPHER HALLUM
JANET R. MAJKA

NOTE: Prior to the opening of the Regular Council Meeting of May 26, 2016 resident Jackie Herriman had requested an opportunity to present to Council the delegation of Shemshat Altyyeva, Selbi Atayeva, Maysa Charyyeva, and Akpamyk Chamyyeva who are heads of libraries in the Turkmenistan capital of Ashgabat, located in the Central Asia along the Caspian Sea and North of Iran. Turkmenistan, formerly part of the USSR is politically only 25 years old, having gained their independence in 1991.

As reported in the Lake County News-Herald article *“Turmen librarians tour Northeast Ohio”* the Turkmen’s visit and studies have been sponsored by Open World Leadership Center which is an independent government agency of the United States Congress which administers and funds the Open World Program. The program is an exchange and partnership program designed to enhance understanding and cooperation between Eurasian and American leaders.

The program brings Eurasian government and civic leaders to the United States to work with their American Counterparts during a 10-day professional visit which covers specific areas of interest and studies, according to Friendship Force of Northeast Ohio, which is hosting the Turkmen during their visit.

One of the first stops on the Turkmen’s Northeast Ohio tour included the Holden Arboretum’s library in Kirtland. Additional stops included Lakeland Community College in Kirtland, Willoughby Law Director John Wiles, Willoughby Public Library, Willoughby Hills Council, Lake County Board of Elections and Lake County History Center in Painesville along with several stops in Cleveland.

The Turkmen librarians are hosted by Friendship Force of Northeast Ohio which provides lodging, meals, transportation and to those participating in citizen exchange programs.

Regular Meeting of Council

Minutes of May 26, 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, May 26, 2016 at 7:18pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

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 May 12, 2016.

Councilman Fiebig moved to accept the Regular Council Meeting Minutes of May 12, 2016. Councilwoman Majka seconded.

Roll Call: YEAS: Fiebig, Greer, Hallum, Majka, Plecnik, Fellows

ABSENTION: Biro

With six affirmative votes, motion passed.

COMMUNICATIONS

President Fellows: In terms of Correspondence, Notifications, Meeting Minutes and On File, due to the amount of legislation that we have on the docket this evening, I am not going to ask the Clerk to read this as they will be listed in the Journal as they are presented on this agenda. So the next order of business is the Mayor's Report.

CORRESPONDENCE

Email: Fred Wyss to the Members of Council, Council Office, Law Director dated May 17, 2016 re: Letter: Mary Kostansek

Letter from Ambassador Girl Scout Troop 71009 to Mayor Robert Weger dated May 11, 2016, cc'd to City Council by Administration (Emailed: May 23, 2016)

City Engineer's Report dated May 19, 2016 (Emailed: May 19, 2016)

Email: Frank Brichacek to Members of Council, Council Office, Mayor and Law Director dated May 18, 2016 re: Ordinance No. 2016-16

Email from Mayor Weger to Members, Council Office, Mayor, Law Director, Willoughby Hills Recreation Department dated May 20, 2016 re: Natureworks Application

Email from Gloria Majeski to 18 applicants for the position of Fire Chief, Members of the Civil Service Commission, Law Director, Council Office, Members of Council, Willoughby Hills Court, Willoughby Hills Building Department, Willoughby Hills Recreation Department, Fred Wyss, Frank Brichacek, Debbie Doles, Willoughby Hills Finance Department Chief Christopher Collins, Willoughby Hills Police, Willoughby Hills Fire Rescue, mark Grubiss, Frank Cihula, dated May 18, 2016 re: Fire Chief Appointment – Contingent on Council Confirmation

Email: Gloria Majeski to Council Office, members of Council, Mayor, Law Director, Frank Brichacek, Bobby DiSanto, dated May 20, 2016 re: Request for Council Confirmation on Fire Chief Appointment

Email: Gloria Majeski to Members of Council, Council Office, Frank Brichacek, Law Director, Mayor, Debbie Doles, Robert DiSanto dated May 23, 2016 re: New Fire Chief; Attachment: Interoffice Memo to Council President, Council Clerk, and the Members of Council dated May 23, 2016 re: Proposed offer to Fire Chief Candidate Robert DiSanto

Email: John Plecnik to Fred Wyss, mark Grubiss, cc'd to Nancy Fellows, Council Office dated May 23, 2016 re: Complaint on 38705 Chardon Road

Email: Gloria Majeski to Members of Council, Council Office, Frank Brichacek, Law Director, Mayor, Debbie Doles, Robert DiSanto, Law Director dated May 24, 2016 re: New Fire Chief

Email: Gloria Majeski to Council Office, Members of Council, cc'd Christopher Collins, Mayor, Law Director dated May 24, 2016 re: Request for Legislation for Surplus PD Equipment; Attachment: Interoffice Memo from Mayor to Council President, Council Clerk, and Members of Council, dated May 24, 2016 – Request to Dispose of Surplus Equipment - WHPD

NOTIFICATIONS

Email: Lake Council General Health District to Mark Grubiss, Members of Council, Council Office dated May 18, 2016 re: 2016 Mosquito Open House Invite

Planning & zoning Commission and Architectural board of Review Meeting of May 19, 2016 (Email: May 17, 2016)

MINUTES

Personnel Relations Committee Meeting of May 9, 2016 (Emailed: May 23, 2016)

Rules and Legislation Committee Meeting of May 9, 2016 (Emailed: May 23, 2016)

ON FILE

Willoughby Hills Senior Newsletter for June 2016, Issue Number 98

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR WEGER: Tonight at the Council Meeting, I would to request Council's confirmation of Robert DiSanto as our next Fire Chief. He's currently a ten-year part-time employee with our fire service. He's also got eighteen years of service with the Cleveland Fire Department.

Over the last couple of weeks there were eighteen interviews and Tom...the people that participated in it was our Civil Service Commission. Tom Kicher who's a Dean...a retired Dean of Western Reserve University, Engineering Department with an extensive interviewing experience with the students and faculty. Carolyn Patton who is a retired school teacher and Tom Majeski who is a professional fire fighter paramedic for over forty years with Lt. Shift Officer with Pepper Pike and Assistant Fire Chief for the Village of Gates Mills. We also have Mr. Gary Gabram also joined the interview team; he has thirty years firefighting and EMT for Russell Township and the City of Pepper Pike as well as being the former Assistant Principle at Kenston High School and Russell Township so I do ask for the confirmation of Mr. DiSanto as our next Fire Chief.

One of the acknowledgements tonight I'd like to thank the Service Director Mark Grubiss, our Police and Fire Departments for their response last night at Bishop and Eddy Road accident that took out the entire traffic control system for the stop lights at the busy intersection. There's emergency legislation on tonight's agenda to make the necessary permanent repairs and I ask that Council pass it for the health, safety and welfare of our community.

Upcoming events this Monday, May 30th at 11:00am the Memorial Day Ceremony, it's going to be outside at the Gazebo. That's all I have Ms. President.

President Fellows: Thank you, Mr. Mayor are there any questions for the Mayor this evening? Seeing none, next order of business is our Law Director, Mr. Lobe.

LAW DIRECTOR LOBE: Two matters on the Law Director's Report for night, the first was involving questions from Council previously on some issues that arose at the Steeple Chase and I think that it is in the Correspondence for Mary Kostansek, I always mispronounce her name and I apologize to her. We have been doing follow-up work on that, I will gladly talk to any and all Council people if you so desire but the reader's digest version is that I have met with her at the site with the Building Department Representatives, we've try to do some visuals as to this issue concerning the neighbor. We thereafter had a meeting just last week...this week...last week I believe with the Board of Representatives including Mary Kostansek at City Hall with Fred Wyss and two other Board Members and we also met with the property manager who is an independent property manager. I've spoken also with their legal counsel Kaman Kousmanto who I requested that they come to the meeting they were not there. We are now doing further reviews and we're getting all of the facts and assembling all the issues. The Building Inspector together with Mark Grubiss' are going out to the property in question to review matters, we have another meeting scheduled in about another week or two and that is the reader's digest version of what we're doing and where we're going with it just so you know. It's something that did not lay on the shelf and we're aggressively pursuing it. I've made no promises or guarantees to anybody as to what the City's issues will be there are some private issues, there might be some municipal issues and at this time of course I take no stand or position because we are still in the fact finding time.

Next matter, I'd like to thank the Clerk on the quick turn around on today's emergency ordinances for 32 and 33, she got these I think at, I don't know sometime in the early afternoon and she did get them and I will request and hope that the Council will waive the 2-Day Notification Rule and review these matters. I know that these are an emergency issue, I did have the opportunity to talk with the Police Chief about this thing and the repair

that is necessary. I know that you received some emails from Executive Assistant Gloria Majeski and I believe from Mr. Grubiss and I believe that Council was also given at least the bulk of the Police Reports, the Incident Reports and some photographs to show it. This is an incident that started in Wickliffe and of course we get the **brunt** of the problem in Willoughby Hills and I mean just in Willoughby Hills, right over the border, just our luck. To make matters and exacerbate an already conflict of issue please note that we will be pursuing an insurance claim with our insurance company and it will be the first one that we've used so we'll see how the new insurance representative are which is always a unique issue and we'll be pursuing that and that is already in the works. Additionally, please further note that I'm not positive but I suspect and I strongly suspect that there will not be any or much insurance coverage to even cover this matter based upon the age of the car, some of the facts and circumstances, the age the driver, etc. and other facts that I've learned in addition to the Police Report which is what you have so it may not be an insurable event from an ordinary driver that does a negligent act because of the facts and circumstances, okay so I still ask that you pass it because we still need it for the health, welfare and safety of our residents on Bishop Road as everybody already knows is a highly traversed road so thank you. Any questions I stand open.

President Fellows: Thank you Mr. Lobe, any questions?

Councilman Fiebig: How long do we have the temporary box?

Law Director Lobe: I don't...

Mayor Weger: Until the new gets put up.

Councilman Fiebig: Okay, there was no deadline on that?

Mayor Weger: But the box itself doesn't do the activations for the magnetic when cars pull up...it's just a very basic box.

Councilman Hallum: Mr. Lobe, so I read pretty much everything that we were sent but I couldn't quite decide whether...if they...was this a pursuit from Wickliffe?

Law Director Lobe: There was an issue...there was a potential criminal issue that ensued, somebody might have got stabbed, car left in a hurry and we don't even know who was driving, people fled the scene; one person was arrested and we don't even think that the person who was arrested was even part of the people who fled the scene, we don't know how many people were in the car. The owner of the car allegedly was not in the car and it's even suspect...it's even questionable at this time whether or not if it is a stolen car.

Councilman Hallum: I was just curious if Wickliffe has any culpability with regard to the damage done here.

Law Director Lobe: Trust me I'd love to find some, but no and I would not do that to our neighbor unless there really was something and the answer is a definite no. And I don't give a lot of definites as a Law Director as you know but that is a definite.

President Fellows: And some of the information that we received today, I think that it was Mr. Grubiss who indicated that it could take possibly up to a month by the time the parts are ordered and the work is completed.

Councilwoman Greer: Even if there does happen to be some coverage our insurance company could always subrogate so if we get lucky.

Law Director Lobe: We have a better chance of getting it through our own insurance company and let them subrogate and let them chase this, absolutely and I already set those gears in motion as soon as I had the first

conservation with the Police Chief and we'll be following that up in immediate, probably tomorrow morning or in the near future.

President Fellows: Okay, thank you Mr. Lobe. The next is our Finance Director, Mr. Brichacek.

FINANCE DIRECTOR BRICHACEK: Nothing additional, it's already been reported.

President Fellows: Any questions for our Finance Director this evening? And just to congratulate him and his wife on the graduation of their two daughters. Mr. Di Franco, City Engineer's Report.

CITY ENGINEER DI FRANCO: Thank you Madame President. Ordinance Nos. 18 and 19 are on your agenda tonight and I would recommend approval. They are related to stormwater management and erosion and sediment control updates which are required by the EPA and we have been working with Dan Donaldson from Lake County Soil and Water and Heather Elmer from the Chagrin River Watershed Partners who are here today. They've done most of the work to coordinate with EPA to prepare these model ordinances to meet their requirements. So with that I would just recommend approval and that completes my report.

President Fellows: Thank you, Mr. Di Franco are there any questions for him this evening? And Dan and Heather when we get to that section of legislation, if you don't mind, if there are any questions or concerns, you could absolutely address them. Thank you.

COMMITTEES OF COUNCIL

President Fellows: Since our last meeting, I don't believe we've had any committee meetings to report on and I saw today that Councilwoman Greer has scheduled a Recreation Committee Meeting on June 2nd I believe, right?

Councilwoman Greer: Yes, and just so Council knows the Recreation Commission did request that we did have this meeting and the subject is a picnic that they proposed on September 11th and they're looking for funding so if you are interested please come if you can make it, I will try to get the minutes out right away but it is something that they find of immediate importance.

COUNCIL REPRESENTATIVE REPORTS

President Fellows: Are there any other Council Representative reports this evening?

Councilwoman Majka: Madame President, I attended along with our Mayor the 20th Anniversary Reception and Meeting of the Chagrin River Watershed Partners on May 19th so that was last Thursday here at the Community Center. It was basically a program honoring the partners on 20 years of partnership. A lot of their founders and past presidents and many people were in attendance from the twenty years including Billie Kamis who did work with Willoughby Hills Council some years ago. It was a very nice event, we enjoyed ourselves. They had food and refreshments and it was done very nicely. There were representatives from NOPEC there that were explaining options on our utility bills, made it a little more clear, if anybody needs information I have some contact information about that. Not too much in the way of current business just mostly a celebration of the twenty years. So it was very nice.

President Fellows: Thank you Councilwoman Majka. Are there any questions. This would probably jump to the end of the Council meeting but Councilman Fiebig did ask if a resolution could be prepared to honor the Chagrin River Watershed's 20th anniversary and I suggested to Vicki that would be a good idea from us so she will get that ready for the next Council meeting. Thank you Mr. Fiebig.

Councilman Fiebig: Thank you Madame President.

Councilman Hallum: Planning and Zoning did meet last week, nothing significant really just to approve some additions to people's homes and another pool, I think.

President Fellows: Any questions for Councilman Hallum?

Councilman Hallum: Oh, one other thing that I do want to mention, there's a couple of agenda items that I brought up to that group that I really wanted their professional opinions, we've been talking about this vacant property and rental property permit...classifications and monitoring those and they were supposed to be having a meeting that we were going to do that and it keeps getting postponed so I'm just going to schedule and invite them to one of my meetings because I thought that it would have happened a little sooner, it's not happening just because things get in the way so I'm just going to schedule a council meeting of my commission and invite them to that meeting so.

President Fellows: Thank you Councilman Hallum. Just a reminder so when we schedule meetings those meetings have to be scheduled seven days in advance of the meeting.

Our next item of business is Public Portion.

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 7:34 p.m.

Ed McKenna – 2963 Lamplight Lane. I've been appointed by the Mayor as the Mayor's Representative to the Noise Abatement Council for the Cuyahoga County Airport, okay. Since that occurred there is also kind of a conflict that Council has a representative to that commission and it was indicated that Council voted that they would have that representation. A month ago I came and I asked when that vote occurred as I reviewed the minutes I wasn't able to find it. I was given the impression that I would get a status or a report of when that was, I haven't heard any status or report and I also would like to know when I can expect for this to be completed and finished. And it also seemed to kind of go against the guidelines that this Council has in its delegations as it is so I would like this resolved. Not make us look like a sore eye toward our neighboring communities. Okay, thank you.

President Fellows: Mr. McKenna, I'll respond to it right now, so I apologize for the delay, I have been collecting information...that information is on our website; however, I do have actually an email today from Cathy Murphy from the Noise Abatement Council and that information will be shared in your response from Council to you. Shortly, within the week.

Linda Fulton – 2990 Marcum Boulevard. In regards to the interviewing of the new Fire Chief, I would like to know why Personnel Relations was not involved with that and why was the Civil Service? You know this is a salary position and I did not think that the Civil Service was involved with salary positions, am I wrong? So I would like to know why, at least Personnel Relations wasn't included in all these interviews, thank you.

President Fellows: Thank Linda, anyone else? I will close Public Portion at 7:37pm. Mayor and possibly Vice President Plecnik if you could may be make a comment about Personnel Relations and Mayor, your interviewing process, please.

Vice President Plecnik: I guess I will kick it off. Generally Civil Service Commissions only interview civil service employees. The Fire Chief is not Civil Service. I'm not sure why the Civil Service Commission was chosen by the Mayor to work though the interviews but as a typical matter Civil Service Commissions only interview Civil Service employees.

Mayor Weger: Civil Service Commission is very familiar with the job, the Chief and therefore they had the expertise and along with Gary we had the expertise to interview the candidates.

UNFINISHED BUSINESS

President Fellows: Is there any unfinished business? There was none.

LEGISLATION

President Fellows: Okay, so we will begin legislation but before we do I would like to review some basic rules:

When a motion is made and seconded, protocol is to ask if there is any discussion on that motion? At our last Council meeting when there were motions to suspend the 3-Reading Rule there was a tendency to have a discussion on the subject matter of the ordinance. If the motion on the floor is to suspend the 3-Reading Rule then discussion should be centered on whether the 3-Reading Rule should be waived or not. If on a vote it is not to be waived, then the ordinance in question would stay on whatever reading it was, i.e. First or Second. If on the vote, for the 3-Reading Rule has been waived, then there would be motion and a second to adopt the ordinance. At this time the question would be asked is there any discussion on the motion? This is now the appropriate time to discuss the subject matter of the ordinance.

Concerning the subject or topic of an ordinance. Once an ordinance is requested, it is customary to place it into a committee; Rules and Legislation and/or an appropriate committee aligned with the subject/topic at hand. Often administrative representatives or community subject matter experts are present at committee meetings to be a resource for addressing questions, concerns, and/or to provide a presentation or clarification. Committee meetings provide an abundance of time to vet a topic before action on the ordinance needs to be addressed at the Council table. Even if one is not a member of a committee, if time is permitting, I would encourage attending committee meetings, as this is an excellent opportunity to devote time to discussing the topic.

Ordinance No. 2016-14 – SECOND READING

An ordinance amending Part Nine – Streets, Utilities and Public Services Code, Title Three – Utilities, Chapter 925 – Sewerage System Regulations, Section 925.02 – Definitions and Section 925.22 – Hauler Prohibitions of the Codified Ordinances of the City of Willoughby Hills, Ohio and repealing any and all conflicting legislation.

Councilman Fiebig moved for passage. Councilman Biro seconded.

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

Ordinance No. 2016-16 – SECOND READING

An ordinance amending Section 1 of Ordinance No. 2016-3 – AMENDED to comply with state budgetary laws requiring municipalities to maintain positive account balances throughout the year by providing for 2016

operating budget revisions specifically for the Route 91 Resurfacing Project; repealing conflicting legislation and declaring an emergency.

President Fellows: This is also on 3-Reading and I would also like to thank Mr. Brichacek for responding to all the questions that I had about the appropriations for this project. What are the wishes of Council?

Councilman Biro moved for passage. Councilwoman Greer seconded.

Vice President Plecnik: Madame President could I ask a quick question of the City Engineer? I thought that I overheard before the meeting that we've gotten some bids back on the SOM Center Project and they were lower than we had initially anticipated, would you share that with Council.

City Engineer Di Franco: Yeah, actually we got an email from the Lake County Engineer at 4:22pm so I haven't had a chance to digest everything but it appears that the bids came in very close to the original estimate which is less than the Engineer's estimate, the most recent estimate, so it should be on our or near our original budget. But again it came in at 4:22pm so I have had the chance to fully look at it.

Councilman Hallum: Madame President. I just want to mention that I recently sent out to my District, several people who are connected to me within the District, electronically that is through social media and ask them kind of how they felt about this over surplus amount that was going to cost the City and how they would like, you know their tax dollars spent and I was surprised a little bit, not immensely but 75% of the respondents said that they would rather have us finance it than to drain down the surplus or to drain our accounts. So I just wanted to let you all know that, that's the feedback that I got through a poll that I put out. I don't know by the way it's completely anonymous, I don't know who voted I just know that they were residents in my District.

President Fellows: Thank you, interesting. I'll pass this (gavel) on to the Vice President please.

So I would like to make a motion to amend this ordinance and don't get excited, it's just a little tiny thing. So in the 4th "Whereas" that states "as we discussed in the budgeting process, the City has two choices to close the project's funding gap; assuming that the decision to use \$263,900 from the Road Levy Special Revenue Fund's resources is not changed, the City can either borrow the additional \$349,700, repaying this debt from future year's budgets, or finance the additional cost from the City's current available resources" and I would like to add after "current available resources" in parentheses "general fund carryover balance of 12/31/15)". The reason for that is that I felt that there should be further clarification on what resources could mean or be. If anybody agrees with me I would welcome a second.

Councilwoman Majka: I second.

Councilwoman Greer: May I ask clarification is that proper?

President Fellows: John, you have a first and a second.

Vice President Plecnik: Well, we have a first and a second and so we can have discussion on the motion and Councilwoman Greer....

President Fellows: On the amendment.

Vice President Plecnik: On the amendment to the motion, excuse me and Councilwoman Greer now, I believe has discussion on the motion.

Councilwoman Greer: I just...so what is the purpose of that just to clarify exactly what fund the money is coming from? So it doesn't change, it doesn't change the intent of this it just clarifies where the money is coming from, but Frank has already confirmed that via email I believe, right?

Finance Director Brichacek: Yeah, it was explained in the emails as well the appropriations coming out of the General Fund. So I don't have a problem with this, you know this change, it makes it easier to understand for a layperson reading it. Basically the appropriation increases the General Fund appropriation and increases the appropriation of the Road Levy Fund in the same amount of money. So if it makes it easier for a layperson to understand the ordinance, I don't have any problem with it.

Councilwoman Greer: Thank you for the clarification.

Finance Director Brichacek: In terms of the City's local match, if the project has come in under budget and this amount of money is not required for our local match, obviously it won't be transferred, we would only transfer the amount that is necessary to meet our match.

Vice President Plecnik: Any other discussion on the motion?

Councilman Fiebig: Mr. Chair, prior to voting on it could I see this in writing? Is it possible, do you have it written down?

President Fellows: Well, I have Whereas listed number four and it's my chicken scratch there...and I'm not offended that you called me a layperson, Frank.

Councilman Fiebig: I ask Council just a moment to read.

Councilwoman Greer: Could we get some jeopardy music?

Councilman Fiebig: Thank you.

Finance Director Brichaek: Madame Chair I'll just explain this in plain English. Basically what this ordinance is doing is transferring \$349,000 from the General Fund into the Road Levy Fund. And the reason why the appropriation of the two funds is being increased is because, first of all in order to move money between funds that has to be authorized by City Council. So that's the reason for the increase in the General Fund is the movement of the money and then the second part is increasing the appropriation of the Road Levy Fund by the same amount of money and that's increasing this project budget by that amount of money and then the piece that you don't see specifically in the legislation is that moving money from the General Fund to the Road Levy Fund creates revenue for the Road Levy Fund transferred in and the action that you don't see in the legislation as it is not required in the legislation is that once Council authorizes this transfer of money I will notify the County, the Lake County Budget Commission that the resources that are now estimated for the Road Levy Fund are being increased by \$349,000. So budgetarily the whole transaction balances. This is in terms of the City's cash it's a zero net sum transaction because the cash that is to the credit of the General Fund is decreased by \$349,000 the cash that's to the credit of the Road Levy Fund will increase by \$349,000 so that inter fund transfer is a net sum zero in terms of the City's cash. The ultimate effect on the City's cash on the project will be if we spent the full amount of the budget would be to decrease in the City's cash balance by \$349,000.

Law Director Lobe: If it gives anybody comfort up here, the modification, the clarification by Ms. Fellows really is totally substantive, really just a clarification so the motion to amend is really not even that important at least by the Law Department because it's really not adding anything it's just clarifying a sentence so I encourage that you proceed, just an overabundance of caution to amend it but truly it's not a substantive matter,

it's just a clarification matter it's not like we are changing numbers, the intent or anything like that which at least from the legal side I'm really not concerned about it but I really appreciate that you are going about it through the amendment process, if that helps anybody else on Council to vote for it. Thank you.

Councilman Fiebig: As I understand this is in the Whereas section.

Vice President Plecnik: That's correct.

Councilman Fiebig: Which is why I don't know that we need it but I wouldn't object to it.

Law Director Lobe: It's just a clarification, it's not part of the ordinance, it just helps clarify for somebody down the line it's always good to have a better ordinance because someday someone is going to read it and not somebody who...

Councilman Fiebig: Call the question.

Vice President Plecnik: So if there is no further discussion I will call the question.

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

Motion passed.

President Fellows: John...could you pass the...

Vice President Plecnik: Motion passes and so does the gavel.

President Fellows: Thank you. The next ordinance on the docket is Ordinance No. 2016...

Vice President Plecnik: Oh the amendment passes...the motion to amend passes. We still have to deal with the actual ordinance.

President Fellows: So do I have a motion to adopt Ordinance No. 2016-16 – As Amended?

Councilman Fiebig moved for passage. Councilwoman Majka seconded.

Vice President Plecnik: Madame President, if I could just ask when the City Engineer is free if he might be able to forward the emails with the updated estimates, I think that all of Council might like to review them.

City Engineer Di Franco: Absolutely.

Councilman Hallum: Madame President, I just want to restate that it is...at this moment the residents that I represent are not in favor of draining down our surplus they're more in favor of financing over a longer period to instead of everyone who lives here now paying for the entire brunt of this passing part of the cost on to future residents that are going to enjoy that roadway resurfacing so I just think business wise it makes more sense to finance this and clearly the residents who responded to my poll feel the same way. Thank you.

Councilman Biro: Madame President, is this...let me ask a question, it may be a stupid one because I do ask a lot of those. But this is just to allocate the funds correct? Do we have the option down the road if we decide some other, or something happens in the City that we need emergency funds can we look at financing this down the road also? Or no, it just allocates?

Finance Director Brichacek: If you wanted to do that we may need to pass an additional piece of legislation saying that we had to reimburse ourselves from our future borrowing potentially it doesn't do that right now I'd have to talk with Bond Counsel to get the mechanics of it, I don't believe that door is closed yet.

Councilman Biro: Okay, so I mean if the bottom drops out we may need to do something like that we potentially could or no?

Finance Director Brichacek: Yeah, I believe that window is still open.

Councilman Biro: Okay, just a question. Thank you.

Councilman Hallum: Just a follow up if I may. However, if something catastrophic in nature occurs and that money is not there borrowing it isn't going to happen quickly...

Finance Director Brichacek: No it isn't.

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

Motion passed.

Ordinance No. 2016-17 – SECOND READING

An Ordinance amending Part One – Administrative Code, Title Five – Administrative, Chapter 157 – General Employment Provisions, Section 157.05 – Vacations, by the addition of sub-section (i) of the Codified Ordinances of the City of Willoughby Hills; repealing conflicting legislation and declaring an emergency.

Vice President Plecnik moved to table. Councilwoman Majka seconded.

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

With four affirmative votes, motion passed.

Ordinance No. 2016-18 – AMENDED – SECONDED READING

An Ordinance amending Part Thirteen – Building Code, Title Three – Local Building Provisions, Chapter 1367 – Stormwater Management of the Codified Ordinances of the City of Willoughby Hills and repealing any conflicting legislation.

President Fellows: So earlier this evening our City Engineer Di Franco commented on these two ordinances and that they are compliance ordinances and actually, what I'm not sure if some of you may realize is that these ordinances that Vicki has spent an enormous amount of time working on with Don Donaldson from Soil and Water Conservation and Heather Elmer from Chagrin River Watershed Partners will now become, once we pass them, will become the model for other communities to use. Kudos to Vicki and to Dan and to Heather for working so hard and diligently on this project.

Councilman Fiebig moved for passage. Councilwoman Majka seconded.

Heather Elmer: Thank you Council, I'd like to speak just briefly to the updates that are in Ordinance No. 2016-18 which is your Comprehensive Stormwater Management Code. This is a code that the City of Willoughby Hills has on its books in order to comply with the Ohio EPA permit on nonpoint discharge elimination system permit for municipal separate small storm sewer systems and every five years Ohio EPA issues a new permit and often there are updated permit conditions and what the Chagrin River Watershed Partners does in collaboration with the Lake Soil Water and Conservation District is to review those new permit

conditions and ensure that the code update that your local ordinance is compliant with that state permit. So that's the core focus of the updates that we have intergraded in to the model ordinance that you'll be passing tonight and just a brief summary of some of those updates that were required in the new EPA permit included some updated definitions. A lot of that were just some revisions and clarifying language; some updates to the maintenance agreement and plan and that sets out the procedures for how stormwater control systems are inspected and maintained and what the requirements are for them. Also some updates related to the engineering calculations and design standards that are required by the City of Willoughby Hills. The Code now specifies that the ***Rainwater and the Land Development Manual Design Specifications*** which are Ohio's engineering guidance for stormwater systems be the required design standards for any stormwater controls in the City of Willoughby Hills. In addition, there are best practices for the types of the engineering calculations to be done for stormwater designs and those are recommendations made by the Ohio Department of Natural Resources and finally there are a number of additional recommendations that the Chagrin River Watershed Partners compiled based on our research that can enhance the stormwater management within the City of Willoughby Hills and also help the City to meet certain requirements of the stormwater permit that your Stormwater Program must address total maximum daily load requirements of which are requirements for reducing pollutant loads to the Chagrin River. And I would be happy to answer any questions in regard to Ordinance No. 2016-18- Amended and separately Dan Donaldson can speak to the updates that were in the Erosion and Sediment Control Ordinance 2016-19-Amended.

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

Ordinance No. 2016-19 – AMENDED – SECOND READING

An Ordinance amending Part Thirteen – Building Code, Title Three – Local Building Provisions, Chapter 1369 – Erosion and Sediment Control of the Codified Ordinances of the City of Willoughby Hills and repealing conflicting legislation.

Councilman Biro moved for passage. Vice President Plecnik seconded.

President Fellows: So Dan do you have anything that you would like to add about this ordinance for us?

Dan Donaldson: Again, I'm Dan Donaldson from the Lake County Soil and Water Conservation District. I just want to add, first off that the Soil and Water Conservation District acts as your daily administrator for these daily erosion and sediment controls so we provide these plan review and inspection services, notices of violations to your applicants or your clients and then for any enforcement purposes we come back to your legal department, Mayor and Council and act through the legal department for any enforcement action. So we have our own kind of notification process, our first and second violations and then once it's determined that we are not getting the compliance that you need as community for your regulations and as a partner in the Lake County Stormwater Department we will forward those cases on to your legal department.

As for the Erosion and Sediment Control ordinance itself again, again this is kind of a housekeeping update to keep you compliant with the US EPA, the Ohio EPA Phase II regulations for the permit that the City operates under in the case of the erosion and sediment control it is very similar to your existing ordinances mostly definition changes you've got about thirty definition changes in there and that's to harmonize it with other provisions in the same ordinances like your Stormwater ordinance and militant discharge ordinances so both of us are at the same definition for sediment pond and things like that and then are about eight best management practices that are either required on erosion and sediment control plans or required on the ground when at the site. So newer technologies, newer, better proven best management practices keeping erosion from taking place and any sediment on site.

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

Motion passed.

Ordinance No. 2016-22

An ordinance amending Part Nine – Streets, Utilities & Public Services, Title Five – Other Public Services, Chapter 941 – Use of Public Property, Section 941.05 – Campbell Park and Campbell Park Field, sub-section (c); Section 941.07 – Willoughby Hills Community Center, sub-section (g) and (h) of the Codified Ordinances of the City of Willoughby Hills and repealing conflicting legislation.

President Fellows: This is on 2-Reading this evening.

Ordinance No. 2016-25

An ordinance providing for the wages and benefits of the part-time hourly members of the Police Department of the City of Willoughby Hills; repealing conflicting legislation and declaring an emergency.

Vice President Plecnik moved to suspend. Councilwoman Majka seconded.

Councilwoman Greer: I said it last Council meeting and I would like reiterate I don't see the purpose of waiving the 3-Reading Rule in this instance. As a Council body there have been actually several Council Members who have been very, very vocal about the importance of the 3-Reading Rule and in this particular instance even if we do ultimately end up passing this legislation we can make it a retroactive raise which puts them in the very same position had they been...if we had waived the 3-Reading Rule. So I really don't believe we need to waive this 3-Reading Rule I think that it is adverse.

Councilwoman Majka: Madame President, it's my understanding that the way it's written right now it is that this is not written to be retroactive, it's written that it is effective the first pay date after its passage. So these people are waiting and that's my concern is that they are waiting you know, they are waiting for their increase and other employees have enjoyed their 3% raise. The purpose I understood, correct me if I'm wrong, there was first talk of a 2% but then because months had gone by and we're further into the year where it was decided to go with 3% to kind of make up for that retroactivity, kind of a built-in thing. So that's my reasoning for the waive and adopt.

Councilwoman Greer: And I don't see any reason why we can't amend this ordinance it's been done, we've did it...we amended an ordinance this evening, we can easily amend that to have that effect. This is the type of thing when we're talking about expenditures especially long-term as we've talked about before you cannot go back on these things in good faith so it really needs to remain on 2-Reading and voted on at the next Council meeting.

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

Passed.

Vice President Plecnik moved for passage. Councilwoman Majka seconded.

Councilman Hallum: I am going to restate what I said at the last meeting and in addition I'm going to say that we have not had one Rules Meeting to discuss these. It has not been put into any committee to discuss it where Council members have been there to question it and discuss it. I think that all four of these although we are only talking about the one at the moment, are discriminatory in nature to some of the employees in the City and I know for a fact that the employees that these particular ones are impactful for also are concerned and have very clearly stated to us that they don't want to see a picking and choosing of people. So I think that it's a mistake that we should even be voting to pass this or not but I will not be in support of being discriminatory. Thank you.

Vice President Plecnik: Mandame President. I just want to rebut that this is discriminatory this is an ordinance in support of our Police and the other ordinances are in support of our Fire Department they're raises that I think that all Council can agree on there are other position where there is far more controversy as to whether or not a raise is appropriate; whether or not in fact those positions might need to be reduced as opposed to increased. That's why I think that it is important for us to give the raises to the employees where there is agreement rather than hold up their salaries or their raises hostage to the more controversial discussions that have to go through more vetting. I've always said that I support our Police and Fire and that is why I definitely will be voting yes on this tonight and I hope that Council will pass it. Thank you.

Councilman Hallum: While Mr. Plencik is correct it does support Police and Fire and as I do as well, you know he keeps saying that there's some conflict with other people, I'm not aware of any conflict that I have with anybody in this City and I clearly disagree with that statement I think that if there are members of this board that don't feel that their...the Administration can determine who has been doing a good job and who is deserving of a raise, you know, I'd certainly like to hear and if we need to have an Executive Session or a Council of the Whole or some kind of a meeting to discuss what these items are; I'm clearly unaware of who these people are that we...that there's some big hoopla about, I'm not comfortable about saying that is true because I don't feel that way, thank you.

Vice President Plecnik: Madame President, If I could just say that the Mayor's ordinance that gave a blanket 3% raise to all employees was tabled by a majority of Council so I think that speaks for its self without having to bring up any individual names or positions, when possible it's better to talk about these things in the abstract if you can as to not to single people out and I think the fact that ordinance was tabled showed that some positions are controversial and hopefully we can address those that aren't now and continue the discussion and have those meetings to address the others but I certainly would have some proposals to reduce some positions going forward as opposed to increasing them. I think it's not about whether the person is doing a good job or they are deserving. I'd love to be paid the same as LeBron James but I don't think Cleveland State University would view that as responsible and I wouldn't neither although I would certainly enjoy LeBron James salary. We have to be realistic, it's not just whether or not an individual employee is doing a good job, it's whether the position is being paid the market rate and what Willoughby Hills can afford. So I don't want conflate someone doing a good job and deserving with what a position is paid on the market and what the City can afford. Thank you.

Councilman Fiebig: Call the question.

Councilwoman Greer: Madame President...

President Fellows: The question has been called.

Councilman Biro: Madame President...

President Fellows: The question has been called.

Councilman Biro: Can I have an opportunity?

President Fellows: Yes, Councilman Biro since you have not had an opportunity.

Councilman Biro: I have not had an opportunity; I do not support these four different ordinances and it's not that I don't support Police and Fire, I absolutely do, I chaired the Safety Committee and I supported them and I tried to give them everything that they wanted but what I see here at this is that people were left out. Okay, we talked about in our budget last year, you know funding, you know non-union individuals who I feel are part of this too and we've left them out and it is a discriminatory thing. Unfortunately, Mr. Plecnik hasn't...these are

issues that weren't really delved well into in his meetings. We didn't look at...he talks about whether people deserve it or not because we didn't really see ranges, what other communities are paying their individuals. So I think in a way that's being prejudicial because we've not being those issues up; we're not addressing these individuals, these non-union administrative people that we've put a halt on and to be honest with you it's my opinion that Mr. Plecnik has some issues with these people. And I guess it was exhibited last week, unfortunately when I wasn't there, in the record you actually admonished Mr. Plecnik for a direct attack against our Administrative Assistant Gloria Majeski. Now to me that seems pretty prejudicial so I can't support this, I think that they needed to be included and I won't support it until we take this ...I think that we should take this out of, you know, John's Personnel Relations, out of his committee, put it into the Committee of the Whole so that we can talk...so we don't have that prejudicial attitude and really vet this out. Really discuss these issues. So that's my opinion...

Councilman Greer: Madame President, I completely agree. I think that would be the responsible thing to do. I support Police and Fire, I really do. Even Mr. Plecnik even said himself, in his committee that right now it's not the time to be giving out raises while we're doing Union contracts soon there's just so many things that are unanswered here. So yes I support Police and Fire but with all of these unanswered questions it is irresponsible to pass these raises right now.

Vice President Plecnik: Madame President, I do feel that I have to say one thing in response to Councilman Biro. I am not being prejudicial to any employee despite that fact that the employees have come to meetings and have said disrespectful things, we've tried to treat them all fairly and we've actually had...

Councilwoman Greer: I don't think...I don't feel...you keep...it's not fair...you keep talking about...

Vice President Plecnik: Madame President, I don't think that this is fair...

President Fellows: Enough, enough.

Councilwoman Greer: But it's not fair you keep talking about this...

President Fellows: We're out of order, we're out of order. There is a motion on the floor to call the question. We need a second to call the question and we need to vote on it. Councilman Fiebig called the question and we need a second.

Councilman Hallum: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilman Hallum to call the question which means that we go back to the original motion of Ordinance No. 2016-25.

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

President Fellows: The motion to call the question has passed with four individuals, so that's a majority. So we're going back to the ordinance. I have a motion from Vice President Plecnik and a second from Councilwoman Majka to adopt Ordinance No. 2016-25.

Law Director Lobe: Okay, it's on the motion to adopt. Is there a second?

President Fellows: Yes, Councilwoman Majka seconded.

Law Director Lobe: You've got the motion to question, you've got to take the vote.

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

Motion passed.

Law Director Lobe: Hold on. It does pass but it doesn't pass with an emergency as a matter of law. An emergency would require a fifth vote and when you only have four it does in fact pass but it does not pass as an emergency. So it does not go into effect immediately as a matter of law. You would need the fifth vote to have it go into effect immediately. So yes it passes but not with the emergency. Okay, so there is a legal clarification. Just on the number of people who voted. It's effect after thirty days. Thank you.

Vice President Plecnik: Madame President, I feel that Councilman Biro should know that we did do an executive compensation study because he said that he didn't know of...

Councilwoman Greer: This isn't right...it isn't right that he should get the last word like this, this is not right

Vice President Plecnik: I want him to be aware of...

Councilman Hallum: No.

Vice President Plecnik: This is not right that you are interrupting me when I'm acknowledged that's not pursuant to Robert's Rules...

President Fellows: Order...come everybody stop. Geez oh man.

Vice President Plecnik: Madame President...

President Fellows: No we're going to go to the next ordinance, John I'm sorry.

Ordinance No. 2016-26

An ordinance providing for the wages and benefits of the part-time hourly members of the Fire Department of the City of Willoughby Hills; repealing conflicting legislation and declaring an emergency.

Vice President moved to suspend the 3-Reading Rule. Councilwoman Majka seconded.

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. 2016-26. Is there any discussion on the motion that hasn't already been said for the last ordinance that would be relative to this one?

Law Director Lobe: Ms. Fellows, just as a point of clarification you need five affirmative votes so everybody understands that here and in the audience, okay.

President Fellows: For...

Law Director Lobe: To waive the 3-Reading Rule. Okay, you need five affirmative votes, we're getting into this so I want to make everybody on the dais and everybody in the public aware. Okay, just so everybody knows. Just so there's a point of clarification going forward that's all. I don't tell anybody how to vote, just so that there's five affirmative.

President Fellows: Five votes to suspend the 3-Reading Rule?

Law Director Lobe: Yes, five affirmative votes.

Vice President Plecnik: Yes, that is the rule for the 3-Reading Rule. It's always five votes.

Councilwoman Greer: Then how did we vote on this last one?

Vice President Plecnik: Because five people voted yes.

President Fellows: To suspend the 3-Reading Rule, got yeah.

Law Director Lobe: Just making sure that as we go forward...

President Fellows: Now you're confusing me.

Law Director Lobe: Just clarifying because the votes are going two different ways, so I just want to clarify before we take the vote that's all. And that is the law so take the vote however you want it, I don't vote.

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

Motion failed.

President Fellows: The 3rd-Reading Rule for Ordinance No. 2016-26 has not been waived, it has not been passed so it will be on 3rd-Reading in two weeks.

Ordinance No. 2016-27

An ordinance fixing the compensation for the position of Police Chief; repealing conflicting legislation and declaring an emergency.

President Fellows: This will be on 2nd-Reading and on 3-Reading in two weeks.

Ordinance No. 2016-28

An ordinance fixing the compensation for the position of Fire Chief; repealing conflicting legislation and declaring an emergency.

Vice President Plecnik: Given that we have a separate ordinance for the Fire Chief at this point for the new hire, I think that this is redundant so I would make a motion to table Ordinance No. 2016-28. Councilwoman Majka seconded.

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

Ordinance No. 2016-29

An ordinance authorizing and directing the Mayor to enter into an agreement with TOWERCO for the lease of certain surplus City property located at 2454 River road and declaring an emergency.

President Fellows: This is on 1st-Reading.

Ordinance No. 2016-30

An ordinance authorizing and directing the Mayor to enter into an agreement with TOWERCO for the lease of certain surplus City property a vacant lot located on West Miller Road and declaring an emergency.

President Fellows: This is also on 1st-Reading. Vick can correct me, but I think that it was around the third week in February when we started discussing this and that this project would also be put into Planning & Zoning and I have yet to see it on their agenda Chris so maybe you could bring it to their attention.

Councilman Hallum: It's my understanding that they are waiting to hear what Council is going to do.

President Fellows: Well we really can only vote conceptually on what Planning & Zoning will recommend.

Mayor Weger: They have to apply with the application to Planning & Zoning so they haven't done so yet.

President Fellows: So they have to apply for the application. So they haven't done that yet?

Councilman Hallum: They have not.

President Fellows: Okay that is what I'm saying it needs to go to Planning & Zoning.

Councilman Hallum: Okay, I understand, I'm just telling you that...what I've heard...what I've been hearing is that TOWERCO wants to see if they have the support of Council before they spend money on engineering and costs for permits for Planning & Zoning before they spend a lot of time and effort on something that we're not in support of.

President Fellows: Okay.

Ordinance No. 2016-31

An ordinance confirming the appointment of and fixing the compensation for the position of Fire Chief; Repealing conflicting legislation and declaring an emergency.

President Fellows: So this is on 1st-Reading but I would like to put this under "New Business" so that we can go into Executive Session to discuss the confirmation of the appointment and compensation of the Fire Chief so we'll come back to that after Executive Session but we need a motion to amend the agenda so that we can add the other two ordinances for the emergency needs for the control box at Bishop and Eddy.

First I need a motion to amend the agenda to include Ordinance No. 2016-32 and Ordinance No. 2016-33.

Councilman Hallum moved for amend the agenda to include Ordinance No. 2016-32 and Ordinance No. 2016-33 to this evening's agenda. Councilwoman Greer seconded.

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

Law Director Lobe: I need a motion because this just came today to waive the 2-Day Notification Rule. Okay, sorry.

President Fellows: I need a motion to waive the 2-Day Notification.

Councilman Fiebig moved to suspend the 2-Day Notification. Councilwoman Majka seconded.

Councilman Hallum: Could we amend it to do both, waive them both?

Councilman Fiebig: We could do both at the same time.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilman Hallum to waive the 2-Day Notification on Ordinances 2016-32 and 2016-33.

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

Ordinance No. 2016-32

An ordinance amending Section 1 of Ordinance No. 2016-3-AMENDED to comply with state budgetary laws requiring municipalities to maintain positive account balances throughout the year by providing for 2016 operating budget revisions specifically for the Bishop Road traffic control box replacement and repealing conflicting legislation.

Councilman Fiebig moved to suspended the 3-Reading Rule. Councilman Biro seconded.

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

Councilman Fiebig moved for passage. Councilman Hallum seconded.

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

Ordinance No. 2016-33

An ordinance authorizing the expenditure(s) for the repair of a traffic signal control box and the replacement of required equipment destroyed as a result of a motor vehicle accident and declaring an emergency.

Councilman Fiebig moved to suspend the 3-Reading Rule. Councilwoman Majka seconded.

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

Councilman Hallum moved for passage. Councilman Biro seconded.

Councilman Fiebig: Madame President, one question Bob is there any parts that are left in that, that are salvageable or was it completely

Mayor Weger: They will salvage what is salvageable but not much.

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

NEW BUSINESS

President Fellows: I believe the next business is new business, we have a couple of new motions.

Councilman Biro moved to declare the following items as surplus: Motion of Council to declare the following items surplus with a total estimated dollar value of under \$200: 13 Motorola 800Mhz In-Car Radios from the old system; 6 COBAN In-Car Computer/Video Systems, not Windows compliant. Councilman Fiebig seconded.

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

Motion passed.

President Fellows: Next order of business would be to go into Executive Session on how to address verbal and written communications from Administration staff to residents and elected officials and also to address the confirmation of the appointment and compensation for the Fire Chief. Do I hear a motion?

Councilman Fiebig moved to adjourn into Executive Session. Vice President Plecnik seconded.

President Fellows: Do you want to add who is invited in this motion?

Councilman Fiebig: Yes, the Members of Council, the Mayor perhaps the Fire Chief, can he if requested and to do this after the “Good of the Community”. For a period of time as much as need. Vice President Plecnik seconded.

Councilman Fiebig: Also amending that motion to include the Law Director. Vice President Plecnik: sure.

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

President Fellows: So we will go into Executive Session after “For the Good of the Order” and “For the Good of the Community” that way the City Engineer and the Finance Director can be excused.

FOR THE GOOD OF THE ORDER

None.

FOR THE GOOD OF THE COMMUNITY

Councilman Fiebig: Happy Memorial Weekend for everybody out there, have a safe one. Thanks to you (Dan Donaldson of the Lake County Soil and Water Conservation and Heather Elmer from Chagrin River Watershed) for showing up tonight and giving us some briefing on a very important issue, thank you.

President Fellows: We will go into Executive Session at 8:13pm.

President Fellows: Council will reconvene from Executive Session at 9:18pm. Next order of business is Ordinance No. 2016-31.

Ordinance No. 2016-31

An ordinance confirming the appointment of and fixing the compensation for the position of Fire Chief; Repealing conflicting legislation and declaring an emergency.

Councilman Fiebig moved to suspend the 3-Reading Rule. Councilman Hallum seconded.

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

Councilman Hallum moved for passage. Councilman Biro seconded.

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

President Fellows: Ordinance No. 2016-31 has been adopted and welcome Chief.

ADJOURNMENT

Motion was made by Councilman Hallum to adjourn. Councilman Fiebig seconded.

YEAS: Unanimous.

The Regular Council Meeting of May 26, 2016 was adjourned at 9:28pm.

APPROVED: me 9 2016
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

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