

# City of Willoughby Hills

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## Regular Meeting of Council

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### Minutes of November 10, 2016

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**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.

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The Regular Council Meeting was held on Thursday, November 10, 2016 at 7:02pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

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

### COMMUNICATIONS

**President Fellows:** I will not have the Clerk read Correspondence, Notifications, Minutes or what's on File as these items will be listed in the Journal.

### CORRESPONDENCE

WH Community Rentals for October 2016 (Emailed: November 8, 2016)

City Engineer's Report dated November 3, 2016 (Emailed: November 3, 2016)

**NOTE:** On a monthly basis, the Finance Director provides a report of the City's financial activity to City Council. The purpose of this reporting practice is to make the City's finances as transparent as possible and to keep the Council informed as to the City's financial activity. Financial Reports for 2014, 2015 and 2016 are posted on the City's Website

### NOTIFICATIONS

Civil Service Commission Meeting of November 9, 2016 (Emailed: November 3, 2016)

Personnel Relations Committee Meeting of November 7, 2016 (Emailed: October 27, 2016)

Planning & Zoning Commission and Architectural Board of Review Meeting of November 3, 2016 (Emailed: October 31, 2016)

Recreation Commission Meeting of November 2, 2016 (Emailed: October 27, 2016)

Rules and Legislation Committee of Council Meeting of November 7, 2016 (Emailed: October 27, 2016)

Working Committee of Council Meeting of November 10, 2016 (Emailed: October 27, 2016)

### ON FILE

WH Senior Center Newsletter for November 2016, Issue No. 103

## ADMINISTRATION REPORTS & COMMUNICATIONS

**MAYOR'S REPORT:** I encourage Council to pass the four pay ordinances this evening 52, 53, 54 and 58. I had hard work by the Administration and Council in preparing the ordinances for tonight and I think that they are ready for passage.

On the subject of NOPEC – NOPEC for electric service only has reached an agreement with NextEra Energy Services. This is effective January 2017 and they terminated their agreement with First Energy this means that all Willoughby Hills residents will be automatically enrolled in a new program and there's no termination charges unless you care to opt-out and...but this is only relative to the electric program and not the gas program. If you have any questions about that you can call Gloria in my office and she can answer any questions.

DeJohn Funeral Home is hosting a Christmas Stocking Drive for military service members. This is one of the efforts by one of our WH businesses and I encourage all residents to consider participation in this donation program for the holidays.

Congratulations to former Recreation Commission member Jeanette Nelson and WH Boy Scout Troop Member 562 Hayden Pasko who received proclamations for their accomplishments at this month's Recreation Commission Meeting.

We want to welcome new employees to our City: PT Police Officer Cory Whitt, PT Police Officer Paul Cocanower, PT Police Officer Eric Sharp and PT Dispatcher Taylor Shreves. All were sworn in this Wednesday.

Congratulations to the Recreation Staff and Administration on receiving the \$18,187 NatureWorks grant to refurbish the Campbell Park tennis courts.

This Friday, tomorrow, at 11:00, it's November 11<sup>th</sup> Veteran's Day Ceremony and this will be held inside the Community Center due to, we expect inclement weather.

I would request an Executive Session to discuss personnel, probably before legislation, not to exceed 10 minutes, inviting all Council, Law Director and myself. That's all I have Ms. President.

**President Fellows:** Thank you. Are there any questions for the Mayor this evening?

**Councilman Fellows:** Mayor, was the NOPEC contract a better one, was it...

**Mayor:** We don't have the rates yet but we'll be getting those. Usually it's 6% less than the current.

**Councilman Fiebig:** Yeah, but you think that's about the same through?

**Mayor:** Yeah.

**Councilman Fiebig:** Okay. What are you going to do to the tennis courts, resurface or?

**Mayor:** Resurface.

**Councilman Fiebig:** Okay, that's just for the...

**Mayor:** Right.

**President Fellows:** Are there any other questions for the Mayor? Seeing none, the Law Director's Report, Mr. Lobe.

**LAW DIRECTOR'S REPORT:** Two matters concerning...two matters tonight concerning ordinances currently on the agenda. One is Ordinance No. 2016-47. This involves the cell tower across the street. This matter has been before you for some time, for a long time. I've been working with Vicki, Council and the Committee led by Ms. Majka. We have before you this document today that reflects the changes that I had requested. They had given us a contract, I had made some changes. They've accepted all of our changes. The signing bonus went down from \$60,000 to \$40,000. This Council told me to go back and try to get some money. I had literally between Vicki and myself because she made calls and I made calls and I made more calls. We got the \$50,000 and then we were ready to go and then we forwarded on to your committee chair person Ms. Majka and she found even a mistake that I'd missed at the time that I had reviewed it, that it just came out this morning, Vicki sent it out, they put \$50,000 in the print but number still said \$40,000. And so, they are giving us a \$50,000 bonus. If and I don't know what the wishes of this Council are but we have a time table because I talked them into the extra \$10,000 but they put...there's an incentive to have it signed before the end of the year, December 20<sup>th</sup>. So, I don't know the wishes of this Council but we have to have it signed and we only have one more meeting. If you want to pass it tonight, I'd ask that you at least waive the 2-Day Notification Rule in an overabundance of caution because of that change and some of the other ones and then if you want to waive the 3-Reading Rule and pass it that would be great and if you don't at least make sure that we have 5 people present at the next council meeting so that can read it. So, I'll leave those two options up to the wisdom and prudence of this Council and Ms. Majka leads that committee. Okay, I've communicated with her but not directly on the phone but through emails and I probably should have picked up the phone, Janet and called you, but I didn't get a chance, I apologize.

As for Ordinance No. 2016-61 that is an issue that has come up with the Western Reserve Land Conservancy who is involved. It's commonly known...referred to as the old Faye Silvazlian property. I've been dealing with this property for 20+ years. I've reported on this previously. There seems to be a lot of action and Mr. Leslie here is the main representative. The matters are before the Planning Commission. There's going to be lot splits, lot consolidation and this Council is involved in an old paper street known as Covert Road. Six years ago, we...10 years ago, 6 years ago, I think, Mr. Fiebig, the Mayor was on it, Mr. Biro, Ms. Fellows, we're about this close to vacating it and at the last minute her attorney came in and said hold the presses, stop it. I looked at this Council and they said give me six months and I said let's go forward tonight and Council decided not to go forward they were generous in not going forward based upon the representations at that time. And they said oh, we'll have everything done in six months and I said it's going to take six years. I was right, that was in 2010, not that I'm right very often, but I was right on that one, okay and it's back before us and we have some buyers that really want to do a lot of preservation. There's some back properties that have to be through the Planning Commission; I'm sure that Councilman Hallum can describe. We've met with them at Administrative hearings with Mr. Wyss, Pete Di Franco, representatives of the Western Land Conservancy to try to get it and they are now on a time table. They were hot to do this matter back in Aug...July and now they've extended and they say that they now have a sort of a drop dateline by the end of the year, okay. And so, we have this meeting and I know that we've going to miss Thanksgiving and the next one. So, the same provision, if we have to I'd really like to get this done because his has been a legal issue that has been a lot of threat of litigation for the last 20+ years. There is one legal catch-up here or hiccup and that is, we are not going to give notice to vacate like we were going to do last time which has to be published for six weeks. If we can as a matter of law, and I've sent emails out, I think to all of Council, I believe and to Pete and to Fred Wyss that if the Land Conservancy can get consent from the abutting property owners, the consent does not have to be notarized, it doesn't have to be a few other things but there is one little hiccup on Mr. Vincent who may be in a nursing home and we have his wife's consent and we need to check that out. I'm in communication with Mr. Leslie about this and their legal counsel. I've been talking with Vicki about it, I've been talking with Pete about it. So, there's that one little legal hiccup as a matter of law that I can't absolutely cross that "T" and dot that "I". So, if you want to pass it tonight, great but do it contingent on, give me about a week or two and see if I

can get that and if I can't get it we can always have the Mayor veto it. We've done that in the past. If you feel more comfortable not doing that then wait till the next meeting. But they have a drop-dead date by the end of the year. They want it done preferably by tonight as you can imagine, okay. But I told them that this Council likes to read 3-readings and everything else. I made them zero promises. In fact, I did just the opposite. I said, don't expect it tonight, okay, and Mr. Leslie is here if you need to discuss this with him. That's it for my Law Director's Report for tonight. Thank you, I'm open for questions.

**President Fellows:** Any questions for the Law Director?

**Councilwoman Majka:** On the cell tower lease, where in this whole process does sending it back to them for their legal review take place?

**Law Director:** It's already done.

**Councilwoman Majka:** Oh that's been done.

**Law Director:** We did that from the last meeting to this meeting. I had made those changes with Vicki. I wanted to talk with you which I did. I was my understanding that you gave me permission to go back to them. I'd like to say that I did it but of course Vicki did it and we sent it back to them and they accepted all of our changes which weren't many. Some jurisdiction, some venue issues, took out the confidentiality of public records stuff and we even kept it at 40 but I had a lot conversations with Onyi whose last name I cannot pronounce, I apologize. And I said that we want more money. Mr. Plecnik, Ms. Greer and everyone down, everyone said try and get some more money, so I got 10 more. They went from 60 to...you've got to remember the life terms of the contract based upon Ms. Majka, Vicki and myself, over the life of the contract we probably netted out well over 200,000 closer to \$250,000 more as a result of being a little steadfast. This Council set the pace when we did the other two cell towers at 1500 which was my game plan and I told you that was my game plan. It sort of worked and I think that it's in good shape. The numbers look good, that's great and that's where we stand. Did I answer your questions, Ms. Majka?

**Councilwoman Majka:** Yes, thank you.

**President Fellows:** Anyone else?

**Councilman Fiebig:** Yes, Tom, the legislation on 61, so you're saying that we don't have, is it James Kerr?

**Law Director:** No, we have his. We have him and his wife. It's Leah Vincent, Bernard Vincent...

**President Fellows:** Bernard.

**Councilman Fiebig:** Oh, I don't even see his name on here. I thought that he was in the hospital or nursing home or something.

**Law Director:** That street goes all the way back...oh, Leah is here, Ms. Vincent. I'm sorry Ms. Vincent, I apologize. We don't have Mr. Vincent's signature down yet.

**Leah Vincent:** I have the power, we have the power of attorney.

**Law Director:** That's exactly what we're going to look for, the power of attorney in that regard and I apologize Ms. Vincent because Bernard Vincent was Chairman of the BZA for many years....

**Councilman Fiebig:** A long time.

**Law Director:** And we had only her signature and when I talked with Mr. Leslie and attorneys for them I said I'm sure that Mrs. Vincent has a power of attorney and if she has that power of attorney and we can see it and that power of attorney covers this particular case, I can then give it the big check to allow it to proceed without any legal hiccup. I can also put on the record that last time that we were going to do this the Vincents were both in favor of it and approved of it and just for the record, Mrs. Vincent is saying yes. When Mr. Vincent was here he was the spokesperson for the family primarily, okay. I'm not too concerned about it, just crossing of legal "T's" and dotting of legal "I's" and we just didn't have that last legal signature formally by Mr. Vincent. But I know what his intention was and if we get that power of attorney then we'll be okay. And truly Mr. Vincent and Mrs. Vincent have always wanted this anyways and I knew it and I just needed to see that document. Fair enough Mrs. Vincent.

**Law Director:** Yes, we'll get to it later, yes.

**Councilman Fiebig:** Prior to us passing this legislation and if you can get that in your hands and verify that's okay then I think that you would give Council a little more feeling of, you know, assuredness that this is all done with...

**Law Director:** With Council President's permission, while you go on to the other reports, myself and Mrs. Vincent will go outside and we'll look at it and at least get a copy of it made, okay. But I'd like to leave the dais if that's okay with you.

**President Fellows:** Mr. Lobe I do have a question concerning the property as well. So, my understanding was when Covert Drive was dedicated we were a Township, not the City of Willoughby Hills and Covert was dedicated by the authority of the County Commissioners at that time. Do we need a statement from them and this is based on Ohio Revised Code 711.39.

**Law Director:** That is...for tonight we understand that may be an issue because when we tried to have it vacated and I've talked with the attorneys for the Land Conservancy, it's one step at a time, okay. There's an issue as to whether we have to have it done from the County. I'd probably suggest that the County will have to do it. They are going to want to know that we at least want it vacated. And if the Conservancy has to get the second approval from the County when we go to do this, so be it and they may even need it when they have a title agency do it, so they may even be required to have it. But first things first, we'd like to at least do at from the City side and then if they need it later on that will be up to the Conservancy to in fact get that particular thing done, the matter done. Just getting over the first hurdle, the City and if they have to get over the second one which I think that they may have to do. But I'm not the title company and I'm not the County. So you are correct in the analysis.

**President Fellows:** Anything else for the Law Director? Finance Director, Mr. Brichacek.

**Law Director:** May I be excused.

**President Fellows:** Yes, you may. Note: Law Director was excused at 7:18pm.

**FINANCE DIRECTOR'S REPORT:** No report for tonight.

**President Fellows:** Are there any questions for the Finance Director this evening?

**Councilman Fiebig:** How's the City doing financially?

**Finance Director:** We're still here.

**Councilman Fiebig:** Revenues a year over about the same or are they a little ahead, a little behind?

**Finance Director:** They're about the same.

**Councilman Fiebig:** Okay. Expenses?

**Finance Director:** They're similar to last year.

**Councilman Fiebig:** Okay, all right. So, at this point and time you're anticipating a good, accurate budget amount?

**Finance Director:** Yes.

**Councilman Fiebig:** Similar to what you had predicted which was a carryover of what was it, 1.1?

**Finance Director:** We projected the carryover...we projected the carryover at approximately 1 million dollars. I think that we will probably exceed that.

**Councilman Fiebig:** Now in that are sewer fees...

**Finance Director:** No, they're not.

**Councilman Fiebig:** They are separate from that.

**Finance Director:** They are accounted for in the sewer fund.

**Councilman Fiebig:** Right, okay.

**Finance Director:** Sewer fees are restricted to...they are user fees restricted to use for the maintenance of the sewer system and they are segregated into a separate fund.

**Councilman Fiebig:** Yeah, good. Thank you.

**President Fellows:** Anybody else for the Finance Director? Our City Engineer, Mr. Di Franco.

**ENGINEER'S REPORT:** No report, but I'm open to questions.

**President Fellows:** Any questions for the City Engineer this evening?

**Vice President Plecnik:** Mr. Di Franco, one thing that I've heard from a few residents who just asked me to touch base with you is that they were concerned about the striping on SOM Center Road. They said that it wasn't as visible as on some other streets like Worrell Road. I'll admit that I only typically drive on SOM Center at night so I haven't gotten a great look at it yet. So, I'm not judging it as subpar or great striping personally but I have heard from a few people that felt that the striping wasn't as visible. Is that a concern? Is the striping fully complete? I just wanted to pose the question.

**City Engineer:** I haven't heard any concerns, I can look at it in daylight as well as follow up with the Lake County Engineer.

**Vice President Plecnik:** Thank you.

**Mayor:** I'd like to comment on that. It's temporary striping and they'll do the permanent as soon as they can.

**Vice President Plecnik:** I see, so that would explain why it's not as visible as on other roads.

**Mayor:** Right, right. Because they have to take it off.

**Vice President Plecnik:** Thank you.

**Councilman Fiebig:** Pete, or Mayor when is that? Shouldn't it be this upcoming week?

**Mayor:** Yeah. This week or next week but it all depends on weather and it's going to rain Friday and Saturday.

**Councilman Fiebig:** In the last day or two would be great, wouldn't it?

**Mayor:** They're not quite ready with all the curbing and all that.

**Councilman Fiebig:** Okay, I think November 15<sup>th</sup>, you had said, so we're probably a little bit behind.

**Mayor:** Yeah.

**Councilman Fiebig:** Maybe Thanksgiving or...

**Mayor:** Right.

**Councilman Fiebig:** Okay, right.

**Councilman Biro:** I think that Mark Johnson said that probably Wednesday is the best day. Our weatherman.

**President Fellows:** Thanks, Chris.

**Councilwoman Majka:** Mr. Di Franco, I just want to ask a quick question. I had a resident that is on Orchard Drive ask about if there were any plans for new storm sewers, catch basins in that area? Anything coming up or already planned?

**City Engineer:** Not that I'm aware of, no.

**Councilwoman Majka:** Okay, thanks.

**Councilman Fiebig:** Do we know what roads we're attacking next year?

**City Engineer:** No, I don't.

**Mayor:** There will be the retreat on the 14<sup>th</sup> of December.

**Councilman Fiebig:** I'm sorry.

**Mayor:** The retreat that I'm having on the 14<sup>th</sup> of December.

**Councilman Fiebig:** I don't understand.

Mayor: I'm having a retreat. All the Directors will be there. We'll discuss the budget for next year and you're welcome to come. It will start at 9:00 and go till approximately 1:00 and we'll talk about the streets. All the departments will give their updates, what went on last year, what's going on next year. And also, Mr. Scheel from Loehmann's Plaza Shoppes of Willoughby Hills, he'll give a presentation on what his plans are. So right now, we don't know what his plans are, although he's working on the parking lot right now and drainage and he's building some islands in there so we'll hear what he has to say for the future of it.

**Councilman Fiebig:** Okay, all right.

**President Fellows:** Anyone else? Thank you. Thank you for the update, Mayor, appreciate it. Okay, moving on to Committee Reports. I think since the last Council meeting, Vice President Plecnik and I are the only two I think that have committees.

**Vice President Plecnik:** Very good, Madame President. If I may go first.

**President Fellows:** Absolutely.

## COMMITTEES OF COUNCIL

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### Personnel Relations Committee Meeting of November 7, 2016

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**Vice President Plecnik:** The Personnel Relations Committee of Council met this Monday, November 7<sup>th</sup> at 6:07pm. President were myself as Chair as well as all of our members: Chris du Laney, Linda Fulton, and Greg McCarthy. Also present were Councilman Christopher L. Biro, Councilman Chris Hallum, Councilwoman Janet Majka, Mayor Robert Weger and our Finance Director Frank Brichacek.

By way of introduction I announced the order of business was to remind committee members and the public the proper jurisdiction and practices of the Personnel Relations Committee as well as to consider the amended ordinances to grant raises to the part-time police, part-time firefighters and police chief.

I thanked committee members du Laney, Fulton, and McCarthy for their volunteer service and stated that politically motivated attacks on their service were hurtful and needed to end. First, I addressed the jurisdiction and past practices of the Personnel Relations Committee. Some have incorrectly alleged that the Personnel Relations Committee can only consider and discuss currently drafted ordinances referred to the Committee, when in fact it has the jurisdiction to "consider all legislation concerning relations with city employees."

I shared that the plain meaning of the term "legislation" is not limited to City ordinances. Rather, the Merriam-Webster's dictionary alternatively defines legislation as "the action or process of making laws" and "a matter of business for or under consideration by a legislative body." This plain meaning definition clearly encompasses possible ordinances and City business in general. Moreover, the Personnel Relations Committee and every Committee of Council has always considered possible legislation or concerns of council rather than just currently drafted ordinances.

I shared a survey of past practice of the Personnel Relations Committee, prior to my Chairmanship, which showed that the Committee considered issues other than currently drafted ordinances at least 28 times from 1993 to 2015. I expressed hope that this survey conclusively ends the frivolous and politically motivated debate on the jurisdiction of the Personnel Relations Committee.

Second, I noted that the current Personnel Relations Committee and its volunteers have repeatedly been subject to unsubstantiated accusations from Councilman Biro in particular that they have violated the sunshine laws. I want to state for the record, no evidence whatsoever has been presented to show or event suggest such a



violation during the current term. However, in the years past, when Councilman Biro was Chairman of Personnel Relations and Mayor Weger and Councilman Somich were Committee Members, the Personnel Relations Committee did hold at least two meetings without public notice in violation of the sunshine law. In fact, Councilman Chris Biro is the only current Council Member who is an admitted violator of the sunshine laws. In the minutes for the Regular Council Meeting of January 13, 2011, a resident accused Councilman Biro's Personnel Relations Committee of holding meetings without notice in 2010. In response, Councilman Biro admitted to holding two public meetings without notice and apologized, promising it would not happen again: "Councilman Biro addressed Mr. Kowalsky's commentary by stating that it is an issue that we have already discussed. Mr. Kowalsky is right, we did have two meetings, public meetings that notifications were not provided. For that Councilman Biro apologized. It is something that won't happen again." I expressed hope on these issues, I expressed hope that this survey and research would allow Council and personnel Relations to move forward and close the book on these issues without wasting more of the body's time, but pledged to remind Councilman Biro of his admitted sunshine laws violations if he continues to make unsubstantiated accusations against the current Personnel Relations Committee or its volunteers.

The second order of business, Ordinance Numbers 2016-52, 53, and 54 as amended. I summarized the ordinances as amended. They provide for 3% raises for the part-time police, part-time firefighters, and police chief, respectively, who have not received raises in two years. Council President Fellows on behalf of Council, and Finance Director Brichacek on behalf of the Mayor's Administration, had worked together to amend the ordinances to satisfy both sides. The amendments are largely technical and typographical in nature and the ordinances are substantively similar to the three previous ordinances that Personnel Relations unanimously voted to recommend to Council.

Council President Fellows, Finance Director Brichacek and Mayor Weger gave a line-by-line explanation of the changes to the three amended ordinances and corrected some small errors and typos with input from the Personnel relations Committee.

I invited a motion for a recommendation on Ordinance Numbers 2016-52, 53, and 54. Committee Member McCarthy made a motion to recommend passage of Ordinance Numbers 2016-52, 53, and 54, and Committee Member Fulton seconded. The motion passed unanimously.

In public portion, which was called at 7:07pm and closed at 7:08pm. No one came forward to speak.

Discussion after public portion, the only one to speak was Councilman Biro who said that Council and the Mayor working together is important, and expressed his opinion that ordinances for pay raises might have passed sooner if Council tried harder to work together.

The meeting was adjourned at 7:10pm and I stand open to questions.

**Councilman Biro:** Madame President. Can I address Mr. Plecnik comments? Yes, he is correct that Personnel Relations in 2010 met twice. I was not in attendance at those meetings. Unfortunately, I was on vacation, I'm fairly sure, I don't remember that long ago. I did not call the meetings. Mr. Somich, as I recall, was the one that called the meetings. I know that we were in police negotiations at that time and meetings were fast and furious because they were trying to get an agreement before the end of the year. I did apologize for not sending notifications because I wasn't involved in the process. So, yes, I did apologize. I took responsibility because it was my committee but in no way, did I try to violate those sunshine laws. I wasn't present for those meetings so I wasn't in violation but I did take responsibility for it. So, you know I'm not sure what else I did. I wasn't...I know that we discussed that greatly with Council President Mr. Malecek and Mr. Lobe, our Law Director. We were admonished for that and you know, we understood. As Vicki, can attest to that and she did do a little research for me, that is the only time that I've ever not placed a notification for a committee meeting. So, if I wasn't there, I have not knowledge of it, so he's correct in that assumption but I don't like the

assumption that I was actively involved with violating the sunshine laws and that's not true. So, when he talks about political motivations I think that this is potentially a statement that you know exonerates it or at least amplifies it so once again, I did apologize but I was not aware of the meetings and was not in attendance, so that's all I really have to say on the matter.

**President Fellows:** Thank you, Chris.

**Councilwoman Greer:** I just want to comment that a former member of the Committee, Pamela Kurt sent a letter to all of Council saying that we might want to look into potential sunshine violations. She was of the opinion that when she was on the committee that there may have been sunshine violations by other committee members and it's only right that Council would bring that up. If we ignored that letter I think that we would be neglecting our duties.

**Vice President Plecnik:** Madame President, if I could just address that. I think that Pamela Kurt should speak for herself on that issue because after she sent the letter I did reply answering all her questions and concerns and to date she has not realleged that there are any violations. And I encouraged her if she was aware of any or if she had commented any herself, she didn't express who are the committee may have, maybe she was referring to her own conduct, I truly don't know because she didn't identify any committee member or any evidence of any committee member violating the sunshine law. So, I think that after her questions were asked and answered it was inappropriate to continue to read her concern as though it was a new concern or there was an open issue given that she when asked, when given the chance to speak did not list any knowledge of any violation and I certainly encouraged her to bring forward any knowledge of any violation of hers or anyone else's. Any every public request made to Personnel Relations has been fulfilled honestly and at every meeting, every single one in my Chairmanship tenure has had public notice that we don't have one or two meetings without notice, we have had public notice for every single meeting, so the insinuation without any evident I think is offensive to the volunteers on Personnel Relations and the only reason I brought this to bear was to show that at all times this committee in the current term has complied with the law, no evidence has been brought to the contrary. While past committees may not have complied, this current committee certainly has if Pamela Kurt has continuing concerns I would encourage her to come to Council to follow up but I do think that it's actually unfair to her to continue to cite her letter after her questions asked and answered. And if she has more concerns I think that she should bring them forward but I think her concerns were adequately answered. Thank you.

**Councilwoman Majka:** If my memory is correct, I believe that when Councilman Biro, when you recently read that letter again from Pam Kurt, I believe at that time that our Law Director Lobe said that he would take that under advisement. So, I take that to mean that he's going to look into the situation and it will be handled appropriately and I think the book should be closed on this at this point.

**Councilwoman Greer:** The only reason that I was commenting on it is because we were discussing this and to my knowledge, the reason that we were discussing this sunshine violation in reference to this Personnel Relations Committee is because of that letter and that was absent in the minutes and that was probably something that should be in there because that is what started the conversation. I don't think that it was Councilman Biro on his own making up allegations of sunshine law violations, I never heard that.

**President Fellows:** But if I recall right, that letter has been read at least twice at this table. I believe we should remind the Law Director that there has been a question as he was taking this comment under advisement to see if we are going to get any resonance or not and then at that point we really should close the books on this.

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## **Rules and Legislation Committee Meeting of November 7, 2016**

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**President Fellows:** Rules and Legislation met on Monday, November 7<sup>th</sup> as well. The meeting began at 7:12pm. All members were present; myself, Vice President John Plecnik and Councilwoman Jan Majka.

Councilmen Biro, the Mayor and the Finance Director were also present. The order of business was the legislation for this evening's meeting.

**Ordinance 2016-44** – so this the ordinance that establishes a program for identifying and registering foreclosed properties, designating owner responsibilities, expediting the rehabilitation of the vacant dwellings, and requiring the responsible property owners(s) to pay the costs of property maintenance. Last Council meeting we discussed some of the number changes, I believe Mr. Hallum on that and so Tom had recommended at the last council meeting would have been a 1<sup>st</sup> Reading because it would have been as amended. So, this evening Rules and Legislation has recommended that it be on 2<sup>nd</sup> Reading now and when it gets adopted at the next meeting that it would have to be stated “as amended” because of the rates.

**Ordinance 2016-46** – this is an ordinance to enter into a new mutual agreement presented by the Lake County Soil and Water Conservation District (SWCD) for continuation of services and technical assistance. Rules and Legislation recommends this on 2<sup>nd</sup> reading as well; however, this will also need to be stated “as amended” because from the last meeting to this meeting there were some updated district identification corrections. Correct, Pete, did I say that right? Thank you.

**Ordinance 2016-47** – This is the ordinance about the cell tower and I won't read what I have here because Mr. Lobe explained quite a bit about what's going on with that. The Rules and Legislation Committee of Council recommended that this be on 2<sup>nd</sup> Reading.

**Ordinance 2016-51** – an ordinance providing for the temporary appropriations to meet the ordinary expenses for the City for the period January 1, 2017 – March 31, 2017. This temporary appropriation does not reflect any increases in wages and benefits that will/may be incurred due to union negotiations. This will be adjusted when the annual budget is renewed. Rules and Legislation Committee of council recommended that this be on 2<sup>nd</sup> - Reading. This will have to be adopted at the next Council Meeting because this is time sensitive and needs to go to the County before the end of the year or I think that it's December 15<sup>th</sup>?

**Finance Director:** December 31<sup>st</sup>.

Law Director returned to the dais at 7:39pm.

**President Fellows:** The next three ordinances, I'm not going to read my notes because we've had a lot of discussion about them and the Mayor has indicated also in his Mayor's Report.

**Ordinance No. 2016-52** – is the ordinance providing for the wages and benefits of the part-time hourly members of the Police Department which includes the Dispatchers as well. Rules and Legislation recommended that the 3-Reading Rule be suspended and this ordinance be adopted.

**Ordinance No. 2016-53** – is the ordinance providing for the wages and benefits of the part-time hourly members of the Fire Department. Rules and Legislation recommended that the 3-Reading Rule be suspended and this ordinance be adopted.

**Ordinance No. 2016-54** – is the ordinance providing for the wages and benefits of the Police Chief. Rules and Legislation recommended that the 3-Reading Rule be suspended and this ordinance be adopted.

The next three **Ordinances 55, 56, and 57** will become obsolete if 52, 53, and 54 are adopted. So, Rules and Legislation recommended that they be tabled and the Mayor mentioned this also in his report.

The next one is **Ordinance No. 2016-58** – this is an ordinance amending compensation (salary table) 157.01 of the Codified Ordinances. Rules and Legislation recommended that this be on 2<sup>nd</sup> Reading.

**Ordinance No. 2016-59** – is a change order for Worrell Road in the amount of \$710.00 and some cents. Rules and Legislation recommended that the 3<sup>rd</sup> Reading Rule be waived and the ordinance be adopted.

**Ordinance No. 2016-60** – is surplus equipment from Road Supervisor. 2 items over \$1000.00. So, we here, this ordinance reflects those. Rules and Legislation recommended that the 3-Reading Rule be waived and the ordinance be adopted. And you'll see on the agenda the other two items on here were less than a \$1000.00 so we just need a motion to pass those.

**Ordinance No. 2016-61** – is the ordinance for the vacation of Covert Drive presently existing as a paper street, neither paved or improved in the City of Willoughby Hills. Rules and Legislation at the time suggested 1<sup>st</sup>-Reading because there were a lot of questions and some of those questions were actually addressed by the Law Director this evening.

**Resolution No. 2016-14** – is a resolution accepting additional Grant Funding monies in the amount of \$2,000.00 for the Plan4Health Project. Rules and Legislation recommended that the 3-Reading Rules be waived and the resolution be adopted.

**Resolution No. 2016-15** – is a resolution of the acceptance of a Grant in the amount of \$18,187.00 through the NatureWorks Grant Program for the revitalization of the Campbell Park tennis courts. Rules and Legislation recommended that the 3-Reading Rule be waived and the resolution be adopted.

No one came forth during public portion at 7:30pm and so the meeting was adjourned at 7:30pm as well and I'm open to question.

**Councilman Fiebig:** In issue of Ordinance No. 2016-59 the change order for that small amount is that because there was no reserve in there of 5% or whatever amount typically is in there?

**President Fellows:** The ordinance was specific to not exceed so we needed an ordinance for the amount, the additional amount for that change order.

**Vice President Plecnik:** Madame President, if I could just add...

**Councilman Fiebig:** Excuse me, Pete, wasn't there usually a little built in

**City Engineer:** You're correct. Usually, we include a contingency. This project was complicated because we had Kirtland doing certain work, we had a contractor doing other work, so it was just over-load.

**Councilman Fiebig:** I see, okay. Is there a potential that there's going to be another change order once down the road, or...

**City Engineer:** No because the contractor's work, he gave us his final bill so that's all the ordinance is for.

**Councilman Fiebig:** Okay. All right, thank you.

**President Fellows:** Thank you, any other questions?

**Vice President Plecnik:** Madame, if I could just add actually, the Finance Director Brichacek raised that issue during Rules and Legislation. He noted that we usually do have 5% or some other percentage up or down but this was included and that in the future it's just neater to have it included in the legislation. Thank you.

**President Fellows:** Thank you.

## **COUNCIL REPRESENTATIVE REPORTS**

**President Fellows:** Okay, are there any other Council Representative Reports this evening?

**Councilman Hallum:** I attended the Planning & Zoning and Architectural Board of Review. People are still doing projects on their homes which is great. Some additions, a pool house, a couple of other things but still working on moving forward on things.

I also attended the Planning and Zoning and Building Seminar, it was an all-day seminar last Friday also Mr. Cihula, Katie, our Clerk, Fred Wyss and another gentlemen Jim Michalski was also in attendance. Really great seminar, a lot of good information that I think will benefit us so more to come on that but thank you administration for paying for the fee to go to that it was really worthwhile and I think some good things will come out of that, so thank you.

**President Fellows:** Thank you, Chris. Any other questions for Councilman Hallum? The next order 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:** Individuals are welcome to come up. Please state your name and your address for the record. Try to keep your comments to 3 minutes. I will not entertain any personnel attacks.

**Public is open at 7:44pm.**

**Frank Cihula – Dixon Road.** It is my observation at these meetings that the Council people in giving their committee reports are typically reading from the minutes of their committee meetings. Recently, I had the occasion to research Robert's Rules for a totally unrelated issue but I happened to notice in Robert's Rules it states that minutes should reflect actions taken and not conversations held. So, I think that we all to keep that in mind when we do our minutes and keep them a bit shorter. Thank you.

**Dave Rowel – 2430 Pine Valley.** I'm here again to see if there's an answer to the decision on Acting Chief. The excuse of answering at a later date is because it can't be justified. Whatever the answer the question now is just another excuse. The true answer to the Acting Chief position is to bring the Assistant Chief into the Acting Chief position. I want everyone to remember this meeting to see if the Mayor is going to just appoint the Acting Chief now, after a few months and not do interviews and review resumes. That would be a disservice to the City. The Council cannot let this happen. You have a strong, professional and well trained Fire Department who needs a qualified leader, not just a manager. I am proud to know most of the department here and I know that my family and community is in good hands 24/7. With that, I can't believe it took me coming to the last meeting and speaking out about staffing in order to gain 5 personnel a day. That is definitely a step in the right direction but hopefully it will get to 6 by the end of the year. This will cover the possibility of two squad calls being out at the same time rather than just one or the minimum for a fire tech until mutual aid arrives. Two members attacking the fire, you have a command person, a pump operator and enforcing the NFPA, 2 men in, 2 men out rule. It's time to talk to the Fire Department union reps and work together to achieve this. I wanted to make it perfectly clear, I'm here on behalf of the citizens and the Fire Department without consultation. I did not talk to anybody there. I did not say what do you want me to say, I actually told them, listen at your next union meeting if there is a problem with me coming up and bad relations with the City,

I will stop. I have no problem with that. I'm here to better the service with the City and to make the Fire Department better. Harassing the people that work for the City is unprofessional and shows a lack of respect which leads me into the next problem. And this is very important. Tom Majeski, your Civil Service Commission contacted my place of employment to talk to my union reps last week and questioned my motives at the last council meeting. He's contacting my union reps. He made the statement to my local Vice President about wondering if he should put me in charges. Tom Majeski who works for you and the City. Really, is this how you run a City, Mayor? That's the second question that I would like you to answer tonight. If anyone questions you or disagrees with you, you try to intimidate or harass them. I wonder that if anyone comes to the next council meeting, questions the leadership, if they will receive a phone call at their work place. Because if they don't that would be you who would be on charges for harassment. He didn't call to talk to me because he didn't ask for me or my phone number. He called to try to silence me. How can we let the City be run this way, trying to intimidate people? This will definitely not silence me, if anything it's going to make it worse.

**President Fellows:** Dave, are you almost done?

**David Rowel:** Home many more, how much time do I have?

**President Fellows:** That was 3 minutes.

**David Rowel:** Okay. So, I have 3 questions and hopefully you can answer them tonight. Why is the Assistant Chief not acting? Is the City being ran with intimidation and vindictiveness? Is it your plan to give interviews along with accepting resumes? If you would like my phone number, you can contact me that way rather than my workplace. Thank you.

**Linda Fulton – 2990 Marcum Boulevard.** The first issue is I really hope Council puts this to bed in regards to the Personnel Relations. I'm getting kind of tired of hearing accusations that we're not doing things properly and it's an insult. It's an insult to the whole committee. So, I really hope that this is put to bed. Now, the other one is I am thoroughly discussed with what I just heard. What's going on? Mr. Mayor, you appointed Tom Majeski which was a conflict of interest being that he is the husband of your Executive Assistant for one thing. But because you did appoint him, I think that you should fire him now. That is uncalled for. Thank you.

**President Fellows:** Thank you Linda. Anybody else?

I will close public portion at 7:50pm.

I just want to address Mr. Cihula, while I do understand the rules from Robert's Rules, there is also a prerogative of a chairman of a committee to determine what they will report to the public. And Mr. Mayor, two weeks ago, Mr. Rowel came up and asked a question as well as Linda Fulton and I had asked if you were going to respond to them and you said not at this time. But it has been two weeks, do you have a comment for them this evening?

**Law Director:** No.

**Mayor:** Tom Lobe will speak on my behalf.

**President Fellows:** The next order of business...

**Law Director:** Can I say something?

**President Fellows:** The next order of business...

**Law Director:** I can't comment?

**President Fellows:** The next order of business, I'll entertain a motion for an Executive Session to include Council, the Law Director and the Mayor for 10 minutes to discuss Personnel Relations.

**Councilwoman Greer:** Council President, I don't know if this is out of line but, I'd really like to hear what he has to say, if it's an answer to the question.

**President Fellows:** I believe that it is out of line. Both of these residents have asked the Mayor for a response, not the Law Director.

**Councilwoman Greer:** Perhaps the answer...perhaps he can't answer because of a legal issue.

**President Fellows:** The residents have asked the Mayor two weeks ago, and now for a response. The response should come from the Mayor.

**Councilwoman Greer:** But it could be a legal issue...it may be...

**President Fellows:** Jennifer, if you ask one more time, you will be out of order and I will ask you to leave.

**Councilwoman Greer:** May I please ask a question, it's a question, it's a question.

**President Fellows:** I'm not going to debate this...I'm the facilitator of this meeting. The residents asked the Mayor for a response. The Mayor has a duty and responsibility to respond to his residents. They were not asked of the Law Director.

I'm asking for a motion to go into Executive Session.

**Vice President Plecnik:** You have the motion, I give you my second.

**President Fellows:** I have a motion from Vice President Plecnik and a second to go into Executive Session for not more than 10 minutes including the Law Director, all of Council and the Mayor to discuss Public Relations. We are going into Executive Session at 7:52pm.

**Vice President Plecnik:** Well, don't we need a vote?

**President Fellows:** I'm sorry.

**Councilman Fiebig:** Point of order I guess. Are we in "Unfinished Business"? Or will we come back to have "Unfinished Business"?

**President Fellows:** We can come back and have "Unfinished Business".

**Councilman Fiebig:** Okay, that would satisfy that then I'll second the motion to go into Executive Session.

**Vice President Plecnik:** Well, it's already seconded.

**Councilman Hallum:** I made the motion, John seconded.

**Councilman Fiebig:** Oh, I didn't hear that.

**Councilman Fiebig:** Okay, thanks.

**President Fellows:** Okay, Vicki please call the roll.

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

**Council adjourned into Executive Session at 7:53pm.**

With all Members present, the Regular Council Meeting of November 10, 2016 reconvened at 8:05pm. Also present were the Law Director, the Mayor, Finance Director, City Engineer and Council Clerk.

### **UNFINISHED BUSINESS**

**President Fellows:** Unfinished business, Councilman Fiebig, do you have anything?

**Councilman Fiebig:** I wanted to get a follow up from the Mayor about what's going on with the Fire Chief position?

**Mayor Weger:** We are going to interview; we're going to repost for the job and interview everybody the first of the year.

**Councilman Fiebig:** Why are you waiting till the first of the year?

**Mayor Weger:** Due to the holidays, it's just not time to do it now.

**Councilman Fiebig:** Are you going to revisit the people that had applied before?

**Mayor Weger:** Yes, we'll include all the people that have applied if they're still interested and people who are interested.

**Councilman Fiebig:** Are you going to cast the net a little wider? For example, you know you opened it up to personnel only in the department and then there was some advertising what was it, in the News-Herald and what else?

**Mayor Weger:** That's it.

**Councilman Fiebig:** Well, if you cast the net a little wider you might find that there's some other personnel out there that might be southern Ohio, Indiana, you know other places that would bring an excellent person into this department but you've got to cast the net a little wider using some resources like recruiters or an online ~~monsters~~, **site like monster.com** various different things or even consider a recruiting agency if we really want to look into it; but getting the right person in here is critical for this department. an on-line site like monsters.com

The other issue, this issue about Mr. Majeski making a call to a...are you aware of this?

**Mayor Weger:** Yeah. I was made aware of it afterwards.

**Councilman Fiebig:** And have you addressed it? Or is that Personnel or Executive Session type of thing?

**Mayor Weger:** No.



**Councilman Fiebig:** Okay, it's pretty disturbing that we heard that report, so what...please address that to Council.

**Mayor Weger:** What do you want to hear?

**Councilman Fiebig:** What are you going to do about it?

**Mayor Weger:** Nothing.

**Councilman Fiebig:** Nothing. You think that it's appropriate?

**Mayor Weger:** He's a resident and he has the same rights as anybody.

**Councilman Fiebig:** Well, he's an officer of the City. He's more than just a resident, he's an officer of the City, representing the Administration.

**Mayor Weger:** That doesn't take his rights away as a resident.

**Councilman Fiebig:** It doesn't take his rights away, but it adds some additional responsibilities; he's representing the City. He was not representing the City at the time.

**Councilman Fiebig:** No, you don't take off that hat. He's always representing the City.

**Mayor Weger:** I'm sorry we just...

**Councilman Fiebig:** Than Council we probably need to consider and perhaps we've talked about this in New Business that, you know, that the idea that was brought up here and I have this problem when you have a spouse or a family member who's also an officer in the City and their spouse is an employee it just doesn't seem right, it doesn't look right, it can be construed badly whether they're the best people in the world or not there is an appearance of impropriety when you have a spouse who is an employee in the City and you also have them be an officer in the City. Even if it's a volunteer position and I think Council that it's time that we address that whether these people voluntarily step down, which I doubt will happen but I think it's time that we address nepotism. I think that we should look at it and we should draft something and make that be a tenant of this City. There are plenty of people that we can choose from; plenty of qualified people in the City. There are people who would like to serve in some of these positions and you should look outside of family structure for people to serve in commission, especially ones when you have influence over employees or over funds. Somebody can always be a volunteer in the Recreation Department in these different things. They don't have to direct funds because their spouse is an employee of the City under the direct control of the Mayor of the City, I'm not saying that you do, but a Mayor could exert control over that employee who then has the possibility to exert that influence over his or her spouse. And it's just not right. We should eliminate, we should draft legislation that makes it illegal.

**Vice President Plecnik:** I want to first of all agree with Councilman Fiebig. I think that we need to address nepotism. When I ran for Council, I said that we needed a zero-tolerance policy on nepotism. I don't think that we can afford to continue having these conflicts of interest whether they're legal or not, they are morally wrong and they frankly cost us the trust of our residents. But as we talk about the rights of a resident, I'm far more concern about the right of a resident who comes and speaks to Council and Mayor in Public Portion without being retaliated against by an officer of the City and what makes this even more concerting to me is that what this resident was talking about and criticizing was the action of hiring the Fire Chief which we've established as a Charter violation. The Charter specifically says that an offer of employment cannot be made before credentials, the education, the certifications of a city employee is fully done by Civil Service. We know from what the Mayor has told us that this was not done prior to the offer of employment being made and Tom

Majeski as Chair of the Civil Service bears serious responsibility on that point. So, given that in a real sense, this resident was criticizing Tom Majeski's failure along with the Mayor to comply with the Charter. And then Tom Majeski goes and tries to cause problems for this resident at his place of work this is directly related to his responsibility of Civil Service Chair. It's not unrelated; he's saying you've criticized me, that's the way I take it, as what I hear this resident just shared with us, if it's true, you criticized my performance as an officer of the City, I'm going to try to retaliate against you at your place of work. If this is true, and bear in mind we need to verify this, although it sounds like the Mayor has already done so, it sounds like he has already talked with Tom Majeski, if this is true, Tom Majeski either needs to be resigned from office or removed from office, he should not be there. We all have to take criticism and compliments and comments from the public. It's they're right to speak at an open meeting, under the Sunshine Laws that we talk so much about and for someone to be retaliated against for criticizing one of us in our service that's directly related to the job. It's not Tom Majeski acting as a resident and if what we hear is true, it's Tom Majeski acting as an officer of the City and he doesn't like being criticized. In addition to the conflict of interest which concerns me as much as it does Councilman Fiebig, every single resident has the right to come and speak and criticize me, the Mayor, the Civil Service Commission, anyone at this dais, anyone who works for the City, they have the right to express their opinion without being retaliated against. And when I hear the Mayor says he is not going to do nothing, my jaw drops, my jaw drops. Thank you.

**President Fellows:** Also I would want to go back and look at the audio because we had it on then see because I do think that Mr. Rowel had indicated that when Mr. Majeski called he identified himself as a Civil Service Commission member. And if that's the case, Mr. Mayor, then he is identifying himself as an officer of the City and not just Tom Majeski, the resident. So, there is a difference there.

**Law Director Lobe:** Council President.

**President Fellows:** Mr. Lobe.

**Law Director Lobe:** Number one, I'm going to agree with Mr. Plecnik and with Mr. Fiebig. I am the one in April of 2014 after what we had what I consider a fiasco that this Council adopt and go into committee a nepotism issue and have an ordinance passed. I'm glad that everyone is still talking about doing something. I want to reiterate my recommendation from April of 2014. I made that recommendation last time and this Council did not do anything. We're talking about it, if you're really serious about and I said this in 2014 at two Council meetings and I'm reiterating it again today. We are now here in November of 2016, two and a half years later and to say that you're going to do it and you don't like it then you have the right to do it. But let's do the work. I recommended it and I agree in part, not in totality to that proposition. I also agree with zero tolerance but that will be the ultimate what this Council decides to do. But you've got to do it, you've got to put the work into the committees and prepare it. The other thing is that there's been a lot of legal decisions here or opinion that are not proper. Okay, we have an Ohio Ethics Commission so we are in fact following that. If this Council wants anything more stringent than that, we are a Charter municipality, go into committee and do it. Okay, but to say that there's violations of the Charter or violations of law currently, those are false legal statements. Those are just opinions that are not legal. I just want to make sure of that, because everybody is throwing opinions out again, that's what they think and conflict and this or that, it's not. In fact, we know last time that certain members on this dais made opinions, that there were violations, Charter violations, statutory violations...

**President Fellows:** Mr. Lobe, Mr. Lobe, I think that you've made your point...

**Law Director Lobe:** I did not make my point...

**President Fellows:** I would respectfully ask you to finish. I don't want pontification about all of these things that you've talked to this Council about over and over again. We heard it, we understand it and I'd like to move on.

**Law Director Lobe:** Ms. President, I would only ask for the same tolerance that you gave Plecnik when he said that his jaw dropped.

**President Fellows:** Then stay on topic please.

**Law Director Lobe:** I am on topic. I am still on this thing where people brought these things up. I have not deviated off of topic. I'm being censored here again and I don't appreciate it. Okay.

**President Fellows:** Thank you Mr. Lobe.

**Law Director Lobe:** I have not concluded.

**President Fellows:** Thank you, Mr. Lobe.

**Law Director Lobe:** I will stop talking based upon your order.

**President Greer:** Madame President, I have another question. This question is for the Mayor or the Law Director. Did the Assistant Chief apply for the full-time chief job?

**Law Director:** Yes.

**Mayor Weger:** Yes.

**President Fellows:** Next order of business is legislation. The first one is Ordinance is 2016-44.

**Councilman Fiebig:** Madame President, just to follow up on one thought. Can we make a motion that no family member of...

**President Fellows:** Can we do that under "New Business"?

**Councilman Fiebig:** Can we, can that be a motion?

**Law Director Lobe:** Are you asking me? I better get permission to talk.

**President Fellows:** Let's discuss it under "New Business".

**Councilman Fiebig:** Okay, thank you.

## **LEGISLATION**

### **Ordinance No. 2016-44 – AMENDED – 2<sup>nd</sup> READING**

An ordinance amending Part Thirteen – Building Code, Title One – Standards by the establishment of Chapter 1351 – Notice of Foreclosure Filing of the Codified Ordinances of the City of Willoughby Hills.

**President Fellows:** The Rules and Legislation Committee recommended that this ordinance remain on 2<sup>nd</sup>-Reading.

**Ordinance No. 2016-46 – AMENDED – 2<sup>nd</sup> READING**

An ordinance accepting the mutual agreement for technical assistance between the City of Willoughby Hills and Lake County [Ohio] Soil & Water Conservation District.

**President Fellows:** This has also been recommended that this ordinance remain on 2<sup>nd</sup>-Reading.

**Ordinance No. 2016-47 – AMENDED**

An ordinance authorizing and directing the Mayor to enter into the First Amendment to Lease Agreement by and between the City of Willoughby Hills and New PAR d/b/a Verizon Wireless.

Vice President Plecnik moved to suspend the 2-Day Notification on Ordinance No. 2016-47 as amended. Councilman Biro seconded.

**Councilman Fiebig:** This is the lease agreement with Verizon that puts us into a twenty, twenty-five-year arrangement, is that correct?

**President Fellows:** Yes.

**Councilman Fiebig:** I question the...I'm hesitant to approve that because of the length of that without going through at least another reading for interested parties to address the concerns that they might have.

**President Fellows:** Well, this is actually the second reading.

**Councilman Fiebig:** True.

**President Fellows:** And this had been on the docket for quite a few months. This has also been discussed in Councilwoman Majka's Utilities meeting, Mr. Lobe has worked on this. We've had discussion about it before and it's time sensitive.

**Councilwoman Majka:** Madame President. And you can verify this Mr. Lobe, if you would, I believe that the lease is structured in five year increments so rather than giving a straight run-through for twenty-five years, no outs, I believe every five years the tenant has the option to do nothing or put the brakes on and opt-out of the agreement. I'm I right about that Mr. Lobe? So, there is every five years, there's a cycle and if the tenant wanted to get out the lease, in any of those five-year periods, I believe they can do so. So, it's not like a twenty-five-year lock-down necessarily.

**Councilman Fiebig:** I understand, it's a five-year renewable.

**Vice President Plecnik:** Madame President. I'm not trying to persuade any of my colleagues, but just to state my reasoning, not only is this a revenue generating for the City and something that we've been able to negotiate for a better contract, you know a really top of the market in terms of lease, in terms of Mentor and the major cities have gotten but the cell tower of the east side and many portions is something to be desired and this is also a material benefit to residents as they continue to become more cellular. I've had many a call dropped as I call from my Aunts or to my Aunts and I think that this is an opportunity to really improve the service at that site in the City and given that this \$10,000 increase is contingent on getting things done before the end of the year and then the holidays, one never knows when the last-minute problems could come up in the final meeting, we might have some issues, I'm not saying that it will happen, but we've certainly have had meetings before where not every Councilmember have attended and have a concern that we could risk losing the extra \$10,000 if we don't act now. I think that it's good for the City in terms of revenue, it's good for residents in terms of increasing reception on the east side of the City and I think that there is a time sensitive element here which is

why I'm in favor of waiving the 2-Day Notification as well as the 3-Reading Rule. Just wanted to state my own reasons for the record. Thank you.

**President Fellows:** The motion on the table is to waive the 2-Day Notification Rule.

**Councilwoman Greer:** I agree with Councilman Fiebig. It's not going to start...whether we vote today or in the next meeting in December the least will begin the same time, I'm I wrong?

**Law Director Lobe:** You are wrong only in the sense that the \$50,000 signing bonus is contingent on that it be passed by December 20<sup>th</sup>. My fear is that you have a meeting in early December and somebody is on vacation, somebody sick and I have four Councilmembers and that can happen and I can't get the five or something or somebody decides not to waive the 3-Reading Rule it will not pass, so there will be a Special Meeting.

**Councilwoman Greer:** It will be on the 3-Reading through.

**Law Director Lobe:** Technically...it depends on how you want to do this thing. Sometimes when it's amended for the second time, this Council has liked to portray that it's on the first reading, I don't do that but that's traditionally how this Council has acted in the past. So, I'm going with how this Council has acted in the past as this would be similar to a first reading. We've never have done it in the past, but this how this Council

**President Fellows:** Either way, if you leave it on 1<sup>st</sup>-Reading because it was amended, then the next meeting of Council is only the 2<sup>nd</sup>-Reading and you'd have to waive the 3-Reading Rule or because we've been working on this for such a long time, this is the 2<sup>nd</sup>-Reading then we can go until the next Council and then just vote on it for the 3<sup>rd</sup> time. But Mr. Lobe and Jan Majka and individually Onyi have been working constantly on this. And we asked two weeks ago, I think it was, we asked the Law Director to see if he would graciously go back to them and see if they would sign this before the end of the year. They've been asking for this for quite a while and we wanted to do our due diligence which we have. So, it's up to Council what...

**Councilman Hallum:** Madame President. Can I also say that one of things that was mentioned at the Planning Seminar that I heard over and over and over again is that developers want to work in cities that are easy to do business with. So, if we continue to not pass things just to have another reading just to discuss in committee meetings, it comes across to people who want to do business here that it's difficult and let's just go somewhere else. So, if we're really interested in bring business into the City, we need to start thinking that way.

**President Fellows:** This is not a new cell tower, anyway.

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

**With five affirmative votes, motion passed.**

Vice President Plecnik moved to suspend the 3-Reading Rule for Ordinance No. 2016-47 as amended. Councilwoman Majka seconded.

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

**With five affirmative votes, motion passed.**

Vice President Plecnik moved for passage. Councilwoman Majka seconded.

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

**With six affirmative votes, motion passed.**

**Ordinance No. 2016-51 – 2<sup>nd</sup> READING**

An ordinance providing for temporary appropriations to meet the ordinary expenses of the City of Willoughby Hills, State of Ohio for the period beginning January 1, 2017 through March 31, 2017; repealing conflicting legislation and declaring an emergency.

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

**Vice President Plecnik:** Madame President. For the reasons that we had discussed earlier, including the Law Director given that we only have one last meeting in December and the concern that we may or may not have five votes there to waive or...actually this is on 2<sup>nd</sup> Reading. We could get there. But nonetheless...

**President Fellows:** This would have to go to the County.

**Vice President Plecnik:** Is there a reason that we need to waive and adopt at this point?

**Law Director Lobe:** Which one are we on, I apologize.

**Vice President Plecnik:** This one is the temporary budget.

**Finance Director:** You can pass this in December.

**Mayor Weger:** With four votes.

**Vice President Plecnik:** Thank you. I apologize for being a little bit confused there, but thank you for the clarification well given that there's not emergency, I won't support this waiver of the 3-Reading Rule. But I certainly support the temporary budget. It's just a matter of giving some extra time for the residents to see it. Motions were withdrawn.

**Councilman Fiebig:** Madame President, was that referred to Finance, 51?

**President Fellows:** No, I mean Mr. Brichacek already said that it doesn't need to be passed until next month but I think that there was just...Councilman Biro concern was he was just being cautious and he just didn't have enough Councilmembers at December's meeting...is that

**Councilman Fiebig:** It was just a question, that's all.

**President Fellows:** I'm I correct Mr. Biro?

**Councilman Biro:** Yes.

**Vice President Plecnik:** Madame President. If I could just share we did discuss the temporary budget in our last Finance Committee meeting with our Finance Director, so we've already reviewed it.

**Councilman Fiebig:** Thank you.

**Councilman Biro:** I think at that meeting we were in agreement...I am also concern, like Mr. Lobe that things happen and we're at the end of the year. In fact, I'm gone from the 11<sup>th</sup> to the 16<sup>th</sup>, so is that part of the...

**President Fellows:** The next meeting is the 8<sup>th</sup>. Ordinance remains on 2<sup>nd</sup> Reading.

**Ordinance No. 2016-52 – AMENDED – 2<sup>ND</sup> READING**

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 the 3-Reading Rule. Councilwoman Majka seconded.

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

**Motion passed.**

Vice President Plecnik moved for passage. Councilwoman Greer seconded.

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

**Motion passed.**

**Ordinance No. 2016-53 – AMENDED – 2<sup>ND</sup> READING**

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

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

**Motion passed.**

Vice President Plecnik moved for passage. Councilman Hallum seconded.

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

**Motion passed.**

**Ordinance No. 2016-54 – AMENDED – 2<sup>ND</sup> READING**

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

Vice President Plecnik moved to suspend the 3-Reading Rule. Councilman Hallum seconded.

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

**Motion passed.**

Vice President Plecnik moved for passage. Councilwoman Greer seconded.

**Vice President Plecnik:** Madame President, if I could just share the same thoughts that we've heard earlier tonight, I'm grateful for the cooperation of all of Council to finally get these ordinances adopted so that we can get the pay raises for our part-time police, part-time firefighters and Police Chief. It's really moving the City forward in a positive direction showing that we care about our safety forces, so I'm thrilled that we're able to get this job done tonight. Thank you.

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

**Motion passed.**

**Ordinance No. 2016-55 – 2<sup>ND</sup> READING**

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.

**Councilman Fiebig:** Madame President...

**Councilman Hallum:** Mr. Lobe is there any reason why we can't just read all three of these and table them? Do we have to...I know that in the past that we've done them individually but is there a legal precedent?

**Law Director Lobe:** We've always done it individually, I've always you can if you follow a policy in the past and this Council, we've always done it this way, so we should just keep to the same policy. You can do it, in fact in Solon we have a consent agenda where we brunch them all together and past them in one vote. This Council never has in the past nor the past time adhered to that type of policy. So why don't you just stick to your consistent policy.

**Councilman Hallum:** So I will move that we table Ordinance No. 2016-55. Councilwoman Majka seconded.

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

**Ordinance No. 2016-56 – 2<sup>nd</sup> READING**

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.

Councilwoman Majka moved to table Ordinance No. 2016-56. Councilman Fiebig seconded.

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

**Ordinance No. 2016-57 – 2<sup>nd</sup> READING**

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

Councilman Fiebig moved to table Ordinance No. 2016-57. Councilwoman Majka seconded.

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

**Ordinance No. 2016-58**

An ordinance amending Part One – Administrative Code, Title Five – Administrative, Chapter 157 – General Employment Provisions, Section 157.01 – Compensation of the Codified Ordinances of the City of Willoughby Hills; repealing conflicting legislation and declaring an emergency.

**President Fellows:** Rules and Legislation recommended that this stay on 2<sup>nd</sup> Reading.

**Ordinance No. 2016-59**

An ordinance approving Change Order No. 1 increasing the contract amount for the Worrell Road Resurfacing Project and declaring an emergency.

Councilman Biro moved to suspend. Councilman Hallum seconded.

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

Councilman Biro moved for passage. Councilman Hallum seconded.

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



### **Ordinance No. 2016-60**

An ordinance to declare city vehicles(s) and/or equipment as surplus property and granting authorization to sell said surplus vehicle(s) and equipment on the open market upon such terms and at such prices as are deemed most advantageous to the City of Willoughby Hills and declaring an emergency.

Councilman Hallum moved to suspend. Councilman Biro seconded.

**Councilman Fiebig:** Madame President, this is equipment that is sitting in our lot and depreciating daily so getting it off the rolls as quickly as possible makes sense.

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

Councilman Hallum moved for passage. Councilman Biro seconded.

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

### **Ordinance No. 2016-61**

An ordinance for the vacation of Covert Drive presently existing as a paper street, neither paved or improved, in the City of Willoughby Hills and declaring an emergency.

**President Fellows:** Rules and Legislation recommended that this stay on 1<sup>st</sup> Reading

**Councilman Biro:** Quick question, was that under the assumption that...we were waiting on this issue...the power of attorney

**President Fellows:** I would ask the Law Director.

**Councilman Biro:** If we just left it on second or first reading because of the signature issue?

**Law Director Lobe:** I just know that was one issue that I had. I talked with the Conservancy, talked with Pete, talked with Fred, talked with Vicki. I have now and would like to get on record that we have all the signatures just so you know Mrs. Vincent has in fact signed, amended her consent. So, that she signed it individually and as spouse of Bernard Vincent, General Power of Attorney, dated August 22, 2013 which gives her the authority to sign for him so that we have all the signatures, Mr. Di Franco's issue and my issue and I'm going to hand this over to the Clerk with permission of Council President. Vicki if you could just keep that with the records, giving a copy to Pete, myself, probably all of Council and of course Fred. The only thing that I would say is that I've had discussions with the Western Reserve Land Conservancy and there are two representatives here tonight, they have a drop-dead date of by the end of the year. They were hoping to have it done by tonight. They still have a lot of work; they still may need to go back to the County as I said this is the first hurdle. They asked me to push for it, as I did in my Law Director's report. Now it's up to the will, the wishes of this Council how they would like to proceed on it.

**Vice President Plecnik:** Madame President, if I could share, I knew Faye Sivilizan and I know how important it was to her to preserve her property. It's some of the most beautiful land in Willoughby Hills and I'm personally thrilled that the Land Conservancy is interested in preserving it so that we can keep the "Country" in "Where the City meets the Country" and given that we have this deadline and we now apparently have the legal authority and I'm not hearing any concerns from our Law Director that this can't be passed. I am probably the most loathed to waive the 3-Reading Rule in most cases but this is something that this Council has talked about not weeks, months but for years and I don't think that there's any debate that this is positive for the City and an

opportunity that we should jump on to preserve the land, so I would be in favor of waiving the 3-Reading Rule on this legislation unless someone has, unless the Law Director has a legal concern here and it sounds like the last one from the City's standpoint has been resolved. Not that there won't be other steps that have to be gone through at the County level. Thank you.

**Councilwoman Majka:** Madame President, would it be appropriate at this time to hear a short statement from the representatives that are here tonight concerning this project?

**Councilwoman Greer:** But what information do you feel that we are missing?

**Councilwoman Majka:** I didn't say that anything was missing, I just...

**Councilwoman Greer:** I'm curious if there is something that you feel that they need to answer?

**Councilwoman Majka:** I haven't seen in writing a whole lot on this, in fact, tonight the ordinance before me, it's the first time that I've seen the maps and such even though I've heard about it and if for no other reason than to just give them the opportunity wrap it up for the public knowledge.

**President Fellows:** Councilwoman Majka, this has also been vetted in the Planning & Zoning Commission and they were in front of Planning & Zoning and there was an opportunity for the public to speak at that time two, three weeks ago. So, the thought too is just if Mr. Lobe could check if the County Commissioners need to make a statement that we can attach to this exhibit as well is necessary. And to John's point, on some of the things that we do, we put the cart before the horse but I'm of the mind that based on the information that we have and what the Law Director has given us at this time that to be able to move forward on some of these other issues, we need to get this done.

**Law Director Lobe:** As for the County that may be required also that's going to be the next step, I'm going to let the County make that legal determination. There is some language in the Revised Code this thing is not as clear because it's a paper street and how old is it. They've already had some communication with the County Representative concerning this. I just want to know if we want to pass this tonight so that we can go to the County and say if at least the City doesn't have a problem with it; the County is going to say if the City...If you can't do it tonight I don't have a problem, I would ask for a Special Meeting just because I understand Ms. Majka's concern that this be dropped on your lap at least it's because you won't part of the planning...

**Councilwoman Majka:** Oh, that's on me, that's on me...

**Law Director Lobe:** No in all fairness a complex issue Ms. Majka. In fairness to you this not just whether it's rock salt in all fairness, okay. It's a little more complicated than that. And so, if you don't, it has to be by the end of the year and my problem is tonight it's the 1<sup>st</sup> Reading and the next meeting will be the 2<sup>nd</sup> Reading so you're still going to have to waive the 3 Reading unless you have a Special Meeting. Mr. Leslie is here if you have any questions.

**Councilman Fiebig:** Madame President.

Councilman Hallum moved to suspend. Councilman Biro seconded.

**Councilman Fiebig:** Madame President, in order to make a good vote on this, for waiving this, Mr. Leslie is here, I'd ask for no more than Council's approval to give a 2, 3 minute, no more than 5-minute statement and avail himself to any questions that any Council member may have regarding this particular legislation.

**President Fellows:** Mr. Leslie would you like to come forward.

**Joe Leslie:** Joe Leslie, Western Reserve Land Conservancy, Moreland Hills, Ohio. We respectfully request that you adopt the recommendation of the Planning Commission to pass this ordinance. It's extremely important because in order for us to acquire this property, it's somewhat of a circular pattern that we're in a conundrum, we need to get the street vacated in order to create the lots that we will ultimately transfer one large portion of the natural area of the property to the park district, ultimately and the balance of the property the 8 or so acres of the home we will attempt to sell to a conservation buyer. It's a great property, anyone who knows the property would agree. The timely is critical and as Law Director Mr. Lobe said December 31st. That's an extreme challenge in terms of a delay in any kind of an action here because we have to have the property transferred by then. We have an awful lot to do in the time before that with the funding sources involved in order to get it to be accomplished. So, it would be very helpful...

**Councilman Feibig:** Thank you Mr. Leslie, thanks for being here tonight. Good luck on the project. The parcels of land, the acre, they're one-acre lots that you will own or rather the land conservancy will own? And then try to sell? Or is there already a buyer in place?

**Joe Leslie:** No there is the home will be on an 8-acre parcel, a one 8-acre parcel.

**Councilman Fiebig:** The existing home?

**Joe Leslie:** With the existing home that runs along Route 6 that we will attempt to find a buyer for with conservation in mind.

**Councilman Fiebig:** Is the pond included in that acre?

**Joe Leslie:** The pond is included. Yes.

**Councilman Fiebig:** Okay.

**Law Director Lobe:** Mr. Fiebig, I believe that the way Ms. Sivazlian had the property, there was property across the creek. It was a very difficult piece of property where they are going to separate it a little bit and then they're going to consolidate and then transfer. And then they are going to try to carve out for one house only the existing house, you know that there were more houses, correct.

**Joe Leslie:** No it doesn't.

**Law Director Lobe:** So if that answers your question. The current house on the hill in fact they have issue and then there is the twenty-five issue and they are going to take care of that and carve out so that one property owner takes over Ms. Sivazlian's house and it's going to be about 8 acres and the balance will be more park, public use.

**Joe Leslie:** Correct.

**Councilman Fiebig:** Where's that access road for public use?

**Joe Leslie:** We don't have one...

**Councilman Fiebig:** Where is the proposed to be?

**Joe Leslie:** I don't know what they are going to do as far as a public access to that property. I know that there's already a trail on the adjacent property but I really don't know the park's plan.

**Councilman Fiebig:** Okay. And I know that's a separate issue besides this legislation. But thank you for being here and welcome to the City.

**Joe Leslie:** Thank you.

**President Fellows:** Councilwoman Majka, do you have any questions?

**Councilwoman Majka:** No, I don't I'm just grateful that once again that there's another piece fragile, delicate watershed property that's being preserved. So, thank you for all your work.

**Joe Leslie:** Thank you.

**President Fellows:** Thank you very much.

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

Councilman Hallum moved for passage. Councilman Biro seconded.

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

**Resolution No. 2016-14**

A resolution in continued support of and for the acceptance of the Lake County Plan4Health additional grant funding to develop a plan for the Roemisch Complex Wellness Revitalization by and through the Collaborative efforts of Cleveland Metroparks, Lake County Planning and Community Development and Chagrin River Watershed Partners and declaring an emergency.

Councilman Biro moved to suspend. Councilman Hallum seconded.

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

Councilman Biro moved for passage. Councilman Hallum seconded.

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

**Resolution No. 2016-15**

A resolution for the acceptance of a grant in the amount of \$18,187.00 through the NatureWorks Grant Program for the revitalization of Campbell Park tennis courts.

Councilman Fiebig moved to suspend. Councilwoman Majka seconded.

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

Councilman Fiebig moved for passage. Councilwoman Majka seconded.

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

## **NEW BUSINESS**

**President Fellows:** The next order of business is “New Business” and we have two motions.

**Councilman Fiebig:** Madame President. Motion to declare the following items as surplus:

**Plow Wings for Western Plow, estimated value of \$800 and a 36” walk behind mower approximate value of no more than \$75 to \$100.**

Councilman Biro seconded.

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

**President Fellows:** Any other new business?

**Councilman Fiebig:** Yes.

**Mayor Weger:** Can I report? I would like to request a motion to approve a purchase of \$31,385.62 from Concord Road Equipment for a leaf machine. Our current machine, the large one got damaged and it’s about two weeks away from getting fixed because of the parts that were bent. This would allow us to purchase a Titan Leaf Pro, pull behind vacuum and we’re behind on leaves already two-weeks. We tried to borrow one. Everybody is using theirs and we tried to rent one. We can’t rent one because all the ones that they have zero hours on and they...if damaged, the propellers get damaged based on what they pick up. Borrowing one from another city wouldn’t be beneficial because they’re all using it and when you borrow something you have to fix it if it breaks and it’s likely to break seeing as they use it Monday through Saturday and the only time we could possibly use it would be a Sunday. So, I’m asking...this is on State bid, it’s a 15% discount, originally it’s \$36,924.26. The State bid price is \$31,385.62.

**Councilwoman Greer:** Mayor, what is the useful life of a machine like this?

**Mayor Weger:** Probably about...we basically do maintenance on them where we replace the bearings and impeller. The last one last 10-12 years. We purchased a new one two years ago and we have that and our old one that we have right now which is a big leaf machine trailer. It got totally rebuilt about two years ago and now it’s broken.

**Councilwoman Greer:** So what will we do with that? If we approve this expense, then we will have an extra machine.

**Mayor Weger:** We’re going to fix it and what we’ll have, we’ll have three crews...next year we’ll have three crews available to do leaves which will speed up the process.

**President Fellows:** Any other questions for the Mayor?

**Councilwoman Greer:** It sounds like a lot...it sounds like a very large expense. Is it not an option to just wait the two weeks?

**Mayor Weger:** Well, you’re going to have leaves at Christmas time then to pick up on the streets.

**President Fellows:** My concern is that we've been told that motions are ceremonial and that the Mayor is exceeding his \$25,000 authority to purchase a piece of equipment and this should be by an ordinance. Mr. Lobe, I'm I off beat on that?

**Law Director Lobe:** No I think that the Mayor is... you're absolutely correct as a matter of law on that particular thing. I think what the Mayor is trying to do is get some sort of approval here that he could and then you would pass something after the fact due the extenuating circumstances of the time, etc. So, really it's not a 100% legal, it's not binding okay, he's just looking for some sort of pre-approval by Council with hopes that he'll get it after the fact. You will need an ordinance on this.

**Councilwoman Greer:** Would it be feasible to use overtime and run the leaf machine longer and on the weekends to catch up in the...

**Mayor Weger:** We're already doing that.

**President Fellows:** I have a question for the Finance Director, where's the money going to come from?

**Finance Director Brichacek:** It probably will come from the savings on Route 91. I just became aware of this yesterday so I haven't had time to look into that. It is a time of the essence thing. Leaf season is like a war in two weeks and in two weeks the road could be covered in snow.

**Councilman Hallum:** We've heard that before.

**Councilman Fiebig:** Madame President. Mayor, so right now, again just to clarify it for everybody, there's a two-year-old machine right now that we have, a small one that's on a truck. And then we also have...

**Mayor Weger:** It's towed behind a truck.

**Councilman Fiebig:** It's a trailer.

**Mayor Weger:** No...yeah, but it scoops the leaves...

**Councilman Fiebig:** Into the truck.

**Mayor Weger:** And they change trucks.

**Councilman Fiebig:** And that costs \$32,000 roughly? The other trailer then is the one that was rebuilt two years ago.

**Mayor Weger:** Right.

**Councilman Fiebig:** That one is out of commission until and where is it being repaired, somewhere else then?

**Mayor Weger:** No, it's being repaired here but one part that broke has to be manufactured and they have a two-week wait on manufacturing that.

**Councilman Fiebig:** And there's nowhere else to get this part?

**Mayor Weger:** No. It's made by the company. It's like a ¾ inch bit and it's big housing.

**Councilman Fiebig:** Okay. And you had just indicated that you are already running over time with crews

**Mayor Weger:** They can only work from 7:00am till 5:00pm because it gets dark early now.

**Councilman Fiebig:** And they can't affix a good flood light on the back of the truck or anything like that to work into 7 or 8, right?

**Mayor Weger:** Right.

**Councilman Fiebig:** You have checked with neighboring communities?

**Mayor Weger:** Yes.

**Councilman Fiebig:** How many communities have you checked?

**Mayor Weger:** All the neighboring communities.

**Councilman Fiebig:** Five, three, six, twelve?

**Mayor Weger:** Five.

**Councilman Fiebig:** Have you gone outside that ring then at all? To anybody else?

**Mayor Weger:** No.

**Councilwoman Greer:** Is there a possibility of a private vendor performing these operations for use? And would that save money?

**Mayor Weger:** All the private vendors are very small, like this is a machine with a shoot this big; the private vendors have a shoot that big and then they go into a 1-ton truck. It would be full after one yard basically.

**President Fellows:** I have a question of the Finance Director, the Law Director. The Mayor can spend up to \$25,000 without us authorizing him to do that. Can you tell Concord that you can give them \$25,000 so that we can appropriate the \$6,000 plus?

**Councilwoman Greer:** You'll still spending it.

**Councilman Fiebig:** No.

**Finance Director:** No, because you'll still spending it, unless you want to walk away with...

**President Fellows:** I just looking at how to do our legislation correctly.

**Finance Director:** If you're asking me to enter into agreement to purchase a \$32,000 asset with giving them \$25,000 today with the risk that they won't get paid the other \$7,000, they would take the machine back. It's really not in compliance with the spirit of the law. Probably not with the letter of the law as well. In fact, I've had a few things in my career, leaf season in all the communities in Ohio is like a war, it's very limited to a very select period of time. Every community is working overtime, running regular equipment as much as they possibly can. This is not the kind of equipment in the fall that cities are willing lend out. The one thing no one is willing to take the risk. This is also turning out to be a very late leaf season. Typically, by now most of the leaves would be down. Look around, leaves are still falling. We run the risk of a heavy snow fall, there is the risk of not getting the leaves picked up. In terms of contractors, private contractors...look what your

landscapers do, they rake your leaves and take them to the curb to be picked up. Landscapers are not equipped to do this kind of work.

**Councilman Fiebig:** Madame President, I don't disagree with the idea that it's urgent, it's just the planning of this and the fact that you'd increase to have three of these machines it's going to be used for three-weeks let's say and then it's going to sit until next year. Do we really need three of these machines or is there a way that you...in other words, has been working fine with two of these machines for the last fifteen years that we've been doing this?

**Mayor Weger:** I would say no because sometime within the leaf season it breaks and they have to do maintenance on the whole thing. We try to get it ready before leaf season but if you pick up a brick it messes up the bearings and you know you don't have it then for two or three days. Now bearings and impellers, they're a standard order. You can get those in three days. But when you're talking about the whole housing, like we are on the large one, it's...they have to actually build it, weld it together, paint it, get it to us so...

**Councilman Fiebig:** Don't we actually have three guys working that, per crew? You've got a driver and don't you have two people behind it?

**Mayor Weger:** Yeah, you have two people behind it...

**Councilman Fiebig:** You're talking about six people on two crews, we don't even have nine people, do we?

**Mayor Weger:** We do have when we have a full crew. We'd have enough to run three.

**Councilman Fiebig:** How many do we have right now?

**Mayor Weger:** What?

**Councilman Fiebig:** How many people in service?

**Mayor Weger:** Well, we're minus the one...

**Councilman Fiebig:** So, how many people do we have in service, like six, seven?

**Mayor Weger:** Eight.

**Councilman Fiebig:** There's eight right now. One guy's the chief, is he out raking leaves? So, you're going to need to add...to make this work, we appropriate the funds to make this work, you'll also going to have to hire someone else.

**Councilwoman Greer:** They're hiring someone else, anyway, right?

**Mayor Weger:** We only have two, if we purchase...

**Councilman Fiebig:** What I'm talking about is...that was my original point, if you go to three, next year we're going to keep this, we're going to have three, we're also going to need the other person or two.

**Mayor Weger:** We hire part-time help for leave season. On the rakers, they will be part-time people.

**Finance Director Brichacek:** I had the same discussion with the Superintendent yesterday when he told me about this. First of all, so that I would understand it, verifying that...ultimately my question to him was whether



or not the machine that was broken was basically going to go out of service in the near future and he said no that this would be an expansion of the amount of equipment that they have. He also indicated that next year he had planned to do leaves differently, using seasonal help.

**Councilman Fiebig:** Okay, so there is a thought-out plan, that yeah, we do this.

**Finance Director Brichacek:** I pushed him hard on this because the fact that it really is...I don't like to make decisions the last minute, I don't like to make decisions unless they are well thought out. We're not replacing a piece of equipment that died earlier than expected, ultimately that piece of equipment is going to go back online. It is increasing the amount of equipment that we have from the two to the three and he is very conscious of it. And the other thing is that the point that I wanted to make in this discussion, the better note for anybody approaching this time at this time of year, for this care of equipment we're over a barrel. The other option that Mark had indicated that might have been a possibility was the offer to lease us the machine for two months for \$7,000 a month. So, basically in two months the lease cost for the machine, sorry under the assumption that there would be a buyout at the end, so, basically, what they want to charge us in lease fees you know would be roughly half the purchase price of the asset. So, basically if they you're going to lease it they're going to make us pay, basically they don't want to take back a piece of used equipment. So, they basically told Mark pretty much buy or nothing.

**President Fellows:** Councilwoman Greer.

**Councilwoman Greer:** I'm sorry, I think he answered the question.

**President Fellows:** I know I was thinking that you probably lost that momentum so...

**Councilwoman Majka:** I just wanted to ask the Mayor or Mr. Lobe or anybody who knows, is there a possibility of recouping any of this money from City insurance? Since it was an accident.

**Mayor Weger:** We did file for insurance but that doesn't help the short-term getting it running any faster.

**Councilwoman Majka:** But down the road this may come back. Okay, that's good to know.

**Mayor Weger:** There's \$4,000 in damage to the...just in parts to the machine.

**Councilwoman Greer:** Perhaps we do want to look at the lease terms. Even if we do buy it because that could be considered if we are claiming this that might be part of the loss of use if there's loss of use coverage in our policy.

**Mayor Weger:** But it's still a purchase of \$32,000.

**Councilwoman Greer:** But if there is a two-week lease for \$14,000 then the only way that we can get the equipment, I image that we have loss of use there, right, so we don't have the equipment that would likely...that may be somewhere that we could get coverage.

**Councilman Fiebig:** That's what equipment breakdown is. Do we have equipment breakdown in our insurance policy?

**Mayor Weger:** I would have to check.

**Councilwoman Greer:** Well, this was damaged by an accident though a City act, I don't know if that...

**Finance Director Brichacek:** How about if we give at least the Mayor the authorization to make this purchase contingent on confirming that we don't have that kind of reimbursement; if we don't have that kind of reimbursement in the policy then we can proceed with acquiring equipment and then he could sign, we could sign the lease and file a higher claim with our insurance...

**President Fellows:** But we'll still need an appropriation and this will be a Then and Now, correct?

**Finance Director Brichacek:** No, it's not a Then and Now because we haven't actually entered into any agreement yet.

**President Fellows:** But we will. And if that happens, we are agreeing to purchase it before we have an ordinance.

**Finance Director Brichacek:** I have enough appropriations to make sure that it's not a Then and Now. Then and Now is when something is acquired without a purchase order. I don't like coming to you in this situation either but fact of the matter is that this happens quickly and it is what it is. The timing is what it is. This isn't a planned...and you know, the accident wasn't planned. There's no reason to believe that you wouldn't...that this piece of equipment wouldn't be available for this leaf season. You know an accident had occurred and we have a limited window to get this work done.

**Councilwoman Hallum:** So my concern is I'm just thinking it's leaves. I mean I don't know if we need to buy a \$33,000 piece of equipment for leaves. I mean it's...it happened last year, I had my leaves raked and then it snowed. Guess what, they didn't get picked up.

**President Fellows:** Do you have a purchase order already opened?

**Finance Director Brichacek:** Not for this, no. The other thing to keep in mind is that a pile of leaves that sit through the winter will be far more difficult to pick up and take longer in the spring...

**Councilman Biro:** Can I just weigh-in on this real quick. I'm getting calls about leaves and that's what happened to me, it snowed and not that...I'm just a lonely Councilperson. Evidently, I had moved them to the back of my property in January and the grass that it was under was devastated and I had to replant the grass. So, I'm just saying that not just for myself but for other residents that may have a similar issue. I think that this is an important issue, I mean if we come to an agreement that it is necessary, we could have a Special Council Meeting for the purchase. I would be available; I would make myself available this weekend if we needed to.

**Councilwoman Greer:** Like wise.

**Councilman Biro:** Saturday morning.

**Law Director Lobe:** Thanks, Chris. On behalf of the Administration this was a tough thing and unusual circumstances. Something happened, you know what happened, you know it just happened. We're going to withdraw it; we understand the difficulty here. Our hands are locked by it as a matter of law for 25...we need a second, third trailer next year, we'll do it with overtime. I get that, maybe you just need a Special Meeting to do this. It was a harsh request from the Administration. We really appreciate your consternation with it, so we'll be withdrawing it for tonight, okay.

**Finance Director Brichacek:** I'll just add to that my discussion with Mr. Grubiss yesterday is that he strongly feels that use of this equipment is....

**Councilman Hallum:** I'm just hearing this from the Law Director tonight, I'm just not comfortable with it yet. I'd rather talk with the Road Superintendent a little bit more first about it to get the real sense...before I agree to approve \$32,000.

**Law Director Lobe:** The Administration is fine with that, maybe you need that because what we want is some kind of motion that really does not hold binding and then if we came with an ordinance later on, you know, you find out something else maybe like Mr. Fiebig said you could have gone to North Olmsted and maybe they've got an extra one or something way outside our pond and so...it's fast, we wanted to do it and we understand the consternation of it. We're withdrawing the request at this time. Hold a Special Council Meeting or do something. We respect that.

**Councilwoman Greer:** How long if we do purchase this, how long would it take to get it?

**Councilman Fiebig:** I heard him say Monday. I know that the motion has been dropped but just one final thing. Communication with the residents would be imperative. I've pushed leaves into my backyard because it's more convenient anyway but those who are counting on that service might...it might be helpful if you just let them know, look this happened, whether you put it on Channel 12 or we do something else and I think that most residents would understand that it's an accident and the fact that it would be \$32,000 to buy another one to use for two weeks and I think most people being reasonable in our community would understand that but you could also use this time to look to another community as you had mentioned or scour the used market to see if there is one that we could pick up for you know way under \$32,000.

**President Fellows:** Thank you, thank you. Any other new business?

**Councilman Fiebig:** The earlier comment about family members of employees serving as officers in the City. Can we make a motion that prohibits that action, Mr. Lobe?

**Law Director Lobe:** No.

**Councilman Fiebig:** Then I would like us to move forward drafting an ordinance to that affect in whatever manor or method that the Chair feels appropriate.

**President Fellows:** Any other new business?

**Councilman Fiebig:** That's a motion. I make a motion that we draft legislation requesting in essence that no family member of an employee may serve as an officer of the City.

**Vice President Plecnik:** Second.

**President Fellows:** I have a motion from Councilman Fiebig and a second from Vice President Plecnik that an ordinance be drafted to prohibit...

**Council Clerk:** That no family member may serve as an officer of the City...

**Councilman Fiebig:** I'll restate it if you wish...no family member of an employee may serve as an officer of the City.

**President Fellows:** Any discussion on the motion?

**Councilwoman Greer:** Madame President. I do...I don't recall the exact wording of the Charter, there were changes and I believe that there is something in the Charter that now says that says something to the effect that

the Charter cannot be amended by motion of Council, it has to be amended in the Charter. The other point that I would like to make is even if we find that to not be the case, family is very broad and vague. I'm not comfortable saying this right now but what if someone's second cousin or a step-son that they've never met, I mean, I really think that we've muddled over this definition for years. So, I think to say in a Council meeting with thirty seconds to make a motion, I don't think that's wise. I think that is something that we should visit first.

**Councilman Fiebig:** Madame president may I speak to the question on the table? The question is, you were into the details, I am asking for a motion for Council to begin to draft in essence the spirit of no family member of an employee may serve as an officer in the corporation. Obviously, we'd have a discussion about this going over in full detail; for example, using...specifically say using the definition of a family member as already prescribed in our Section 104 that allows for funeral leave for example. So, yes there there's a lot more details to it but in essence, I'm just asking under new business that you approve this so that we can begin the process to look into creating that legislation so that we can avoid any conflict that may or may not be there.

**Councilwoman Greer:** Even after having this short discussion, and just the two points that I made and I'm sure there are other points that I haven't had time to think about this, I don't think that drafting legislation is the next step. I think that we put the issue into committee, I don't know where it belongs but putting it in PR, that's fine. Council of the Whole, I don't what it is but...

Councilman Biro: Or the Committee of the Whole.

**Councilman Fiebig:** Again, if I can restate the question...

**Councilwoman Greer:** I think that we are putting the cart before the horse...

**Councilman Fiebig:** If I can restate the motion, I said as the Chair deems necessary. In whichever manor, the Chair deems necessary, that's my motion.

**President Fellows:** Councilman Biro.

**Councilman Biro:** Yes, I know that we've done that in the past with issues but we have remanded it to the Committee of the Whole. In a board issue like this, I think that is probably the best planning for that. That's my opinion.

**Vice President Plecnik:** Madame President, the reason that I seconded this motion, I viewed this essentially as a call to draft legislation for an anti-nepotism policy which is something that even our Law Director has said repeatedly that we need to have. So, I'm not viewing it as more specific than that. I don't think that you can lay out the details at once but when there is a major piece of legislation along these lines, I think that it's helpful to the Clerk to know...a motion is not a binding statement, a motion is simply a motion of Council's intent or where it's at, this is telling the Council Clerk it's appropriate to use a substantial amount of resources to work on these considerations. It's giving guidance to the Council President that it may be appropriate to call a Council Meeting of the Whole because may be there's interest from Council. So, the reason that I seconded the motion and intend to vote for it, is not that I want to lay out the details but that I think that it's important for us, particularly given with what happened today. And what we've heard today to immediately begin the process of considering legislation to address these issues. Of course, we may have to limit it based on the Charter, based on State Law, based on any other issues that might impact employees. You may not be able to and probably would not want to band any type of family member. A third cousin, twice removed would be a pretty tall order and there probably need to be some exceptions and some kinds. But those are things to work out in the details. I think that we can all agree in that in the board sense that nepotism is wrong and that we should begin legislation as our Law Director has shared with us along those lines. But I did not mean in seconding it to say

anything more specific then the time has come to draft this policy. And to put it into ordinance after we've had those discussions but I think that we need to start the process now.

**Councilman Hallum:** Mr. Plecnik, you've developed ordinances out of Personnel Relations that we never asked you to make. I made one out of Planning & Zoning that I was never asked to make, so why do we need to make a motion? Just put this in the Personnel Relations Committee and put something together. You don't really need a motion to do that. You can make it something that your committee starts looking at now, right?

**Vice President Plecnik:** For one, we have Councilman Biro expressing that he would prefer this as a Council of the Whole discussion and I wouldn't object to that. For two, I think that this is a more comprehensive piece of legislation then what we're talking about whether it be potential fines for banks who fail to disclose foreclosures or raises for specific subsets of employees that's different from a comprehensive employment policy on nepotism. I think that's going to...I could be wrong, but I suspect that it's going to take considerably more work than updating a salary or naming a fine. I could be wrong but I think that probably is a more comprehensive policy. We're actually talking about dedicating more resources and more of our collective time which is why I think a motion is appropriate but ultimately a motion is simply an express of the body. It's not ever absolutely necessary but I think that it's a helpful statement tonight particularly given the issue we've seen. So, I for one think that it's important to make that statement as the start of the process to show our seriousness. But I can understand someone else disagreeing but that's why I seconded it and why I'll vote on it.

**Councilman Hallum:** I was just asking if we need it, we've not done that.

**Councilman Biro:** And in terms of urgency, we remand it to a Committee Meeting as we are discussing it, looking at all the provisions, looking at all the State Statutes or whatever. I think that's probably a good way to start. So, let's...once again, just my opinion. That's how we've done it in the past but...

**President Fellows:** I have a question for Councilman Fiebig, So, I know that the situation is exceedingly critical but if we don't have...we only have one Council meeting left for the year. Can we start this fresh at the beginning of the year? Because we're not going to get an action completed in any short period of time.

**Councilwoman Greer:** I agree with you on that and I didn't even think about that. If you make the motion and don't act on it more than likely it will flounder and fall by the wayside again. If we do make the commitment to...

**President Fellows:** So we will put into the Council Committee of the Whole. And if we decide that we are going to do this at the beginning of the year then when we call the first Council Committee meeting, we can do that before the first council meeting in January. Everybody come with some thoughts and spend a little time reading some things and some suggestions so that we just don't come to the Council table and say "okay, we're all together" and now.... instead of just having opinionated conservations, but have things that have some substance to it.

**Councilwoman Greer:** I agree.

**Vice President Plecnik:** Madame President, unless Councilman Fiebig intends to withdraw his motion, my second still stands and I'd be...at this point, we've discussed it and I would be open for a vote at this point.

**Councilman Fiebig:** Madame President, I respectfully disagree with you on this. I think that we need to move forward with it. I'd like to be researching, discussing it with the Clerk and I don't intend to withdraw my motion. I'd just ask my colleagues to please vote for this and let us move forward with it as quickly as possible. It's urgent, it's necessary, it's long overdue.

**Councilwoman Greer:** May I suggest so that you'd have everyone's agreement on this, may I suggest that you take out "draft legislation" and replace it with "put it into the Committee of the Whole".

**Councilwoman Majka:** Madame President.

**Councilman Fiebig:** Again, as I recall, I think that you're splitting hairs there. I said that the motion was and I'm sorry I didn't write down the exact words that I had said.

**Council Clerk:** No family member of an employee may serve as an officer...

**Councilman Fiebig:** Right, those are the words of that but I didn't specifically say draft legislation or put it into a committee or anything like that. I said as the chair so determines. Is that, right? As the chair so determines.

**Councilwoman Greer:** What, I thought I did hear...would you please read it again.

**Council Clerk:** No family member of an employee may serve as an officer of the City. And it's per the chair deems necessary in the committee.

**Councilwoman Greer:** What is this motion for?

**Council Clerk:** To proceed.

**Vice President Plecnik:** My recollection...

**Councilwoman Greer:** Ok, so he's not asking for legislation. No, okay.

**Councilman Fiebig:** Might be, who knows. I don't know, I can't predict the future.

**Councilwoman Greer:** You're not specifically asking for legislation in this. The wording is not specifically, asking for legislation. Correct?

**Councilman Fiebig:** Understand a motion is to get the body to agree on a specific issue. I'm asking for my colleagues to agree on an issue in an up or down vote. Can we move forward with this?

**Councilwoman Greer:** Can you read it one more time.

**Council Clerk:** No family member of an employee may serve as an officer of the City. And he was asking for this to be put into a committee as the chair deems necessary as far as proceeding with it.

**Councilman Fiebig:** I think that's it straight forward enough.

**Councilman Biro:** I agree with in some in the sense, we can look at this at the beginning of the year, in the Committee of the Whole. And you can call that meeting and I certainly will attend. As I've said, I agree with Council President that she can put this into the Committee of the Whole. I don't think that we need a motion for that. We all agree and as Mr. Lobe stated that this is two years overdue. We can come to that meeting at the beginning of the year and have more information. That gives me more to look at what I need to look at and then we just have discussions and then we come up with something.

**Councilman Fiebig:** I'm glad that you agree Chris and I can count on your vote. Thank you I call the questions. I'd like to call the question now.

**President Fellows:** We have a motion on the floor and we have a second. We had discussion. May we take a vote?

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

**Motion passed.**

**President Fellows:** The motion to begin to address the issue of no family member of an employee serving as an officer of the City will be addressed in the Council Committee of the Whole.

### **FOR THE GOOD OF THE ORDER**

**Vice President Plecnik:** As the Mayor shared we have our Veteran's Memorial tomorrow at 11am at the Community Center and I just want to make the note that our very own Councilwoman Majka is going to be part of the ceremony and singing so I'm looking forward to hearing her for the first time.

**Councilman Fiebig:** She has a very nice voice, I've heard.

**Councilwoman Greer:** I believe reservations for the Santa Breakfast are due before the next Council Meeting; so, Chris do you know the date that you're supposed to reserve them?

**Councilman Hallum:** The first Sunday in December, whatever date that it is...the 6<sup>th</sup> or 7<sup>th</sup>?

**Councilwoman Greer:** So, the Santa Breakfast is coming up for more details please see the City Website.

### **FOR THE GOOD OF THE COMMUNITY**

**Councilwoman Majka:** I just wanted to ask anybody that's listening, anybody at home to please keep my daughter in your thoughts and prayers. She is going for a major surgery, Monday, this Monday to remove a cancerous tumor. It's a very extensive operation. She is going to be downtown at Cleveland Clinic. It is a very private family matter but I wanted to share because I'm aware that a lot of the firefighters watch, my daughter is an emergency room nurse at Lake West and she knows a lot of our own firefighters, our own paramedics here as well as many other communities and they've been a huge support to her. They threw a large fund raiser for her during the summer and they've been posting on Facebook and they've been just absolutely awesome. So, guys, if you are listening, if you've stayed with us during his whole time, please keep her in your thoughts and prayers. As well as everybody here. Thank you, audience, for hanging in for a very long meeting, we don't usually go this long. I appreciate your patience in staying with us, thanks.

**Councilman Biro:** Madame President, I was fortunate enough to be invited to an event a couple weeks ago, a couple Sundays ago, to the 2016 St. Vitus Homecoming Dinner and it was kind of a neat event. It started with a mass and went into the auditorium for a reception. And there were people that were recognized. The honorees were Francis "Babe" Cizel, Dana Lobe Leonard and Tom Lobe our Law Director. And it was an unbelievable event. I hadn't been in St. Vitus Church for many years, my brother was married there but it was the first time I've been there in some thirty some years and I just couldn't believe how beautiful that church is and what a gem it is to our City. But it was neat to go to and see just the community of that church. And what was really neat was to see Mr. Lobe being honored for something that he has been very, very involved with. He grew up in the community and he dedicated, he has dedicated most of his life to it. In fact, some his colleagues stated that if it weren't for Mr. Lobe and his professional experience by setting up endowments and you know other things, that it's possible St. Vitus wouldn't be quite what it is today or even around, so it was truly a nice event. And I commend Mr. Lobe because it was attended by about 300 people and many which, some of which I knew from this community. Mr. Zitko, he was one of the speakers in fact. So, I appreciate all his efforts for our City as well as his own community, his Slovenian community. And Mr. Lobe truly is a man for all Slovenians. That was a joke.

## ADJOURNMENT

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

YEAS: Unanimous.

The Regular Council Meeting of November 10, 2016 was adjourned at 9:39pm.

APPROVED:

December 4, 2016  
Date

Nancy E. Fellows

President of Council, Pro Tem

ATTEST:

Victoria Ann Savage  
Victoria Ann Savage, CMC  
Clerk of Council

John Plecnik