

NANCY E. FELLOWS
President of Council

JOHN PLECNIK
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
DAVID M. FIEBIG
CHRISTOPHER HALLUM
JANET R. MAJKA
LAURA PIZMOHT

Special Meeting of Council Minutes of November 22, 2017

Policy No. 2: All Council Meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened wherever possible.

The Special Council Meeting was held on Thursday, November 22, 2017 at 7:00pm in the Willoughby Hills Council Chamber. President Fellows presided.

Members Present: Councilwoman Janet R. Majka, Councilwoman Laura Pizmoht, Vice President John Plecnik, President Nancy E. Fellows, Councilman David M. Fiebig

Others Present: Acting Law Director Stephen L. Byron, Clerk of Council Victoria Ann Savage

Absent: Councilman Christopher L. Biro, Councilman Christopher Hallum, Mayor Robert M. Weger, Finance Director Frank J. Brichacek, Jr. City Engineer Pietro A. Di Franco

CORRESPONDENCE

President Fellows: First order of business is correspondence and this is in relation to the Mayor vetoing Ordinance No. 2017-75. Would you read the caption please?

Ordinance No. 2017-75

An ordinance retaining the Acting Law Director Stephen L. Byron and the Law Firm of Walter | Haverfield, LLP, to represent the City of Willoughby Hills and any public officials of the City in any litigation challenging the validity of Ordinance No. 2017-70 and declaring an emergency.

President Fellows: Thank you. Do I hear a motion from Council?

Councilman Fiebig: Motion to put forth the override of Ordinance No. 2017-75.

Acting Law Director: Try to speak in terms of setting aside.

Councilman Fiebig: Setting aside, excuse me. A motion to set aside the veto of Ordinance No. 2017-75.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Vice President Plecnik to set aside the veto from the Mayor on Ordinance No. 2017-75. Is there any discussion on the motion? Seeing none, call the roll.

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

President Fellows: The motion to set aside the Mayor's veto on Ordinance No. 2017-75 has been passed.

DISPOSITION OF THE JOURNAL

President Fellows: The next order of business is the disposition of the journal for the minutes of the Regular Council Meeting of October 26, 2017.

Vice Plecnik: Madame President. Motion to adopt the minutes of October 26, 2017 for the Regular Council Meeting.

Councilwoman Majka: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Majka to adopt the Regular Council Meeting Minutes of October 26, 2017. Is there any discussion on the motion?

I do want to make the clarification, at the end of that meeting, well during the meeting I had shared information about our liability insurance and the process that is used from the company for us to renew that and the timeframe that it took for us to do it. And at the time that we were voting on it, we were already past the renewal date and Councilman Hallum had indicated that the reason for that was because the Mayor's Assistant had been working on that document to lower the interest on...

Councilman Fiebig: The increase.

President Fellows: On the increase. And I want you to know that these are two separate documents. Councilman Hallum may not realize that what he was referring to which what Mrs. Majeski was working on was our health insurance. And this document is our liability insurance for the City. So, it's like having car insurance and house insurance. They don't mean anything. So, I want that clarification and I want it on the record for that. Any other discussion for that motion for the minutes?

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

President Fellows: The minutes of the Regular Council Meeting of October 26nd have been adopted.

Because this is somewhat of an abbreviated meeting, it is a Special Council meeting because we did not have a quorum for our Regular Council Meeting, we are not going through all of the things that we have on our regular agenda. So, we are discussing the things that are the most pertinent that need to be done before the next meeting. So, we are not going to have any committee reports this evening. So, the next order of business would be 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: This is an opportunity for anybody to come forth share comments, concerns about anything that's going on in the City. We might be able to answer your questions. Administration, the Mayor is not here tonight to answer some, so if we do have questions we will get back to residents in a timely fashion. So, I will call the public portion at 7:05pm.

Pat Grebenc – 2265 River Road. I just have a couple of questions. My first question is for the Personnel Relations Committee. I know that typically when there's legislation it's discussed in committee and what I could uncover, was the last committee meeting that Mr. Plecnik chaired was July 27th. And I see there are a couple of the ordinances tonight, one being an emergency. So, I would just like to know where to find the minutes of the meeting that was held to discuss those ordinances that I might have missed. So, date, time and where those minutes might be. And then my next thing is really just a comment. I know Mr. Fiebig and I are both very concerned about the economic development of our city and I had the opportunity to sit in on a presentation by the CEO of the Nature Conservancy and I just wanted to encourage us as a community to embrace sustainability. I think that there could be a lot of grants available that would help us with the economic development as well as attract companies that have that as part of their own mission and vision. And then if there is anything you have on the calendar between now and the end of the year, I'd love to get involved. So, if you could share any thoughts that you have because I know that you had mentioned during your campaign that it was really important to you. And then, last but not least, I just want to encourage our community to get out and get involved with our city government. I'm very concerned about this supermajority that was campaigning this fall. And I'm really concerned about all representatives really being there for the entire community and not just for their own agenda. That's all.

Joe Grebenc – 2265 River Road. I'm just a little confused regarding the Charter stating Section 4.3, the Department of Law. It seems to me the Law Director is supposed to be appointed by, because it states clearly, by the Mayor. How is it that we have this fellow sitting here who is charging us a lot of money, I believe. And again, we had an opportunity, I think, the Mayor had appointed Mr. Germano who's a prosecutor community, or a, the County Prosecutor and he was willing to do this for no fee. And again, I know that Mr. Plecnik had stated that he was in favor of saving people and the taxpayers' money through a sewer abatement or something but this is confusing to me that we're now paying this law director and we don't need to be doing that. That the Mayor had appointed someone based on our Charter. And how the Council has now put someone in charge that we're paying for. Why is that?

Linda Fulton – 2990 Marcum Boulevard. While I'm sitting back there, and this is an ongoing thing, but this is a suggestion that might be for the beginning of the year, or even at the end of the year, that Council somehow looks into having a better mic system so we can hear everybody. This mic is really bad. So, maybe we can hire someone to look at the whole system and have it better for the people watching it at home also. Thank you.

President Fellows: Anyone else this evening for public portion? I will close public portion at 7:10pm.

I'll address Pat first. The last Public Relations meeting was July 27th. There have been no other Public Relations meetings since. So, there are no dates, no times, and no minutes.

Thank you for the suggestion, Linda. (Addressing the Acting Law Director) Do you want to tackle part that? Thanks, Steve. Speak into the mic, it's not on, press the little red button.

Acting Law Director: Sure. 4.3 does give the Mayor the appointment authority that connects with Section 2.2.1 of the Charter which provides that the Mayor shall appoint the heads of all departments of the municipality including but not limited to the Department of Law and the other departments. And it goes on to say, subject to the confirmation of such appointment by an affirmative vote of four members of Council. So, in order for the Mayor's appointment to be valid under section 2.2.1, there needs to be a confirming vote of the Council. The ordinance that engaged me as the person to provide the services of the Acting Law Director, specifically said once the Mayor appoints and Council confirms, my role here will be done. So, I am the interim person to provide legal counsel to this City during the period of time that the Mayor isn't able to put forward an appointment that Council finds acceptable. He has to get four votes. So, as soon as he can do that, my job here as an Acting Law Director will be done. The other thing that is important to understand is because you have this potential gridlock, if you will, there's a provision of the Charter, Section 1.4 that says you exercise the manner,

the manner of exercise of the authority of the City is pursuant to the Charter. And if the Charter doesn't provide an answer to a question, Council has the ability to pass an ordinance. And so, the specific language is "all powers shall be exercised in the manner prescribed by this Charter, or if not prescribed herein, in such manner as shall be prescribed by an ordinance of Council". So, when Council passed Ordinance No. 2017-70, they were answering a question, what do you do if you have a department head that hasn't been put forward by the Mayor and confirmed by Council to exercise the authority. Does that mean the City has to go without legal advice? And the answer is no. If the answer is not specifically in the Charter, for an Acting Law Director, Council can enact an ordinance that solves that problem. So, that's the answer, that's the legal answer to the question.

President Fellows: Also, I'm not sure, I think that you had mentioned that Mr. Germano is the County Prosecutor. He is not the County Prosecutor for Lake County. I think you may have meant that he is the City Prosecutor, not the County. There's a big difference.

No, public portion is over, I'm sorry.

Councilman Fiebig: Madame President. Just another really quick point on that. We, as Council, for those of you that are interested in this process, City Council determined that because of the exigence of a lawsuit that was being threatened to us as a community by the union that was formed under the direction of the Mayor's secretary that we needed to have somebody in place, absolutely, from that moment going forward to protect us. Not to have legal counsel in place while there be the Mayor going through resumes or, you know, then there would have to be a council meeting and there would have to be four votes, all of that had to happen. So, what we did is Mr. Byron and his law firm of Walter|Haverfield were engaged. This is someone who's well respected in the community, he represents four or five other communities right now, who's father even has, you know, his hands all over our original Charter, and you're a former resident here, grew up here, this was almost a slam-dunk pick if you ask me with his vast municipal law experience. So, that is why, and I also want you to realize that on that day, we asked the Mayor to give us a name. Two weeks later, we asked the Mayor to give us a name and again, we've asked three times, maybe four times now, please give us names of people to recommend as law director. He told us, in a public meeting, that he had ten names. We had asked him to produce that because he came up with Mike Germano, no resume, no reason why, nothing else, he just had his name and that's it. So, we're suppose to make a decision on a law director based on that? I'm sorry, I can't vote on just that. That's not enough. And we have to do our due diligence to make sure the person that's in place is going to serve our residents the best we possibly can. Otherwise, we're not doing our job. So, again, we've asked the Mayor to produce a name, we have yet to see any resumes, we have yet to see any other names, so...

President Fellows: Thank you, Dave. Okay, we will move on to legislation.

LEGISLATION

Ordinance No. 2017-71 – 3rd READING

1st Reading: October 12, 2017

2nd Reading: October 26, 2017

An ordinance to amend and/or modify the pick-up of mandatory contributions by the full-time employees of the Fire Department in the classification of fire fighter and lieutenant who are members of the Ohio Police & Fire Pension Fund; repealing conflicting legislation and declaring an emergency.

Councilman Fiebig moved for passage. Councilwoman Majka seconded.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to adopt Ordinance No. 2017-71. Is there any discussion on the motion?

Councilman Fiebig: Madame President. This is mandatory in a union contract. So, it's a pickup to pay a portion of their pension. It ends up, it actually saves the City a little bit as opposed to compensation by picking up a contribution. So, it's in the union contract. We sort of have to do this but I just wanted to explain as to why we're doing it.

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

President Fellows: Ordinance No. 2017-71 has been adopted.

Ordinance No. 2017-72 – 3rd READING

1st Reading: October 12, 2017

2nd Reading: October 26, 2017

An ordinance confirming the appointment of and fixing the compensation for the position of part-time Recreation Coordinator and declaring an emergency.

President Fellows: This ordinance is on third reading.

Vice President Plecnik: Madame President. I would make a motion to table Ordinance No. 2017-72. We're going to be going into a new budget season. We have a lot of important priorities for the City. We've already heard from our acting Fire Chief that funding is short and it may be difficult to hire the additional firefighters that we've already authorized and tried to budget for and we're in a position where we're really going to be choosing, do we hire a Rec Department employee? Do we hire a firefighter? Do we pave a road or do we hire an administrator? And I think that we need to look at those decisions together with the budget as a whole. In addition, we've previously budgeted monies which are still being paid to the Mayor's secretary. I believe she received four, five thousand dollar raises, four years in a row with the idea that she would take on these responsibilities and then somehow that went from one person to one person and a part-time person to one person and two part-time people and a whole cadre of high school students who put in hours. So, it's really grown and we need to re-examine the right size for the rec department given that we have so many other priorities that need to be balanced. So, I would make a motion to table Ordinance No. 2017-72 so that we can consider the issue with the whole budget.

Councilman Fiebig: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to table Ordinance No. 2017-72. Is there any other discussion on that motion?

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

President Fellows: Ordinance No. 2017-72 has been tabled.

Ordinance No. 2017-76

An ordinance authorizing the Mayor to accept the quote presented by U.S. Bridge to conduct maintenance on the Pleasant Valley Road Bridge and declaring an emergency.

Vice President Plecnik: Motion to waive the three reading on Ordinance No. 2017-76. We've had extensive discussion on this in the Safety Committee. It's important for our residents to have the bridge reopened as soon as humanly possible, particularly given that inclement weather is on the way. I saw a few snow flakes in the past few days. It's not easy to exit Pleasant Valley Road from the more eastward exist when the weather is poor due to the slant and angles, so we want this bridge repaired as soon as possible and this is one of those times when waiving the three-reading rule is appropriate.

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to waive the three-reading rule on Ordinance No. 2017-76. Is there any discussion on the motion?

Roll call: YEAS: **Majka, Pizmoht, Plecnik, Fellows, Fiebig**
Motion PASSED.

President Fellows: The three-reading rule on Ordinance No. 2017-76 has been waived.

Vice President Plecnik: Motion to adopt Ordinance No. 2017-76.

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to adopt Ordinance No. 2017-76. Is there any discussion on the motion?

Councilman Fiebig: Madame President. Just to report last Thursday we did have a Safety Committee of Council. There were many people that were here to give us different insights into this including our Road Superintendent, who I see out here today, and I think that this was thoroughly discussed. I'll have a full report and minutes available to the rest of Council. It was a unanimous decision of our Committee to go ahead and waive the three readings and adopt this legislation. And U.S. Bridge is the only apparent firm that is able to complete this job and do it in a timely manner which would be approximately twenty, thirty days from now because of the materials that need to be ordered. So, it is urgent that we do this and I urge its passage tonight.

President Fellows: Anyone else?

Roll call: YEAS: **Majka, Pizmoht, Plecnik, Fellows, Fiebig**
Motion PASSED.

Ordinance No. 2017-77

An Ordinance authorizing Greg Beck and Baker, Dublikar, Beck, Wiley & Matthews, to represent the City of Willoughby Hills and the public officials of the City named in the Compliant filed in *Weger v. City of Willoughby Hills City Council*, Lake County Common Pleas Court Case No. 17CV001758, and declaring an emergency.

Councilman Fiebig: Move that Council waive the three readings for Ordinance No. 2017-77.

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Pizmoht to waive the three-reading rule on Ordinance No. 2017-77. Is there any discussion on the motion?

Roll call: YEAS: **Majka, Pizmoht, Plecnik, Fellows, Fiebig**
Motion PASSED.

President Fellows: The three-reading rule on Ordinance No. 2017-77 has been waived.

Vice President Plecnik: Motion to adopt Ordinance No. 2017-77.

Councilman Fiebig: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to adopt Ordinance No. 2017-77. Is there any discussion on the motion?

Vice President Plecnik: Madame President. I would ask our Law Director, our acting Law Director to elaborate on this point but it's my understanding that our insurance pool has reviewed this case of, that Weger has brought against us and has concluded that the position of the City of Willoughby Hills and City Council is correct and so they are willing to pay for the defense of the City in this case, which is certainly good news. But, I'd like our acting Law Director to elaborate on that point.

Acting Law Director: Sure. Well, the insurance policy provides coverage for this type of claim which was for nonmonetary damages. It's a claim injunction and for declaratory judgment. Many insurance policies, if you get sued outside of your situation here, might not cover that sort of claim. Your policy does. And insurance companies defend a lot of claims whether they are valid or not. So, the mere fact that they picked up the defense of Council members is insignificant. What is significant is, they have reviewed my analysis of the authority by which Council has engaged myself and the law firm, and said Council acted with authority, I am the acting Law Director and therefore, a public official for the purposes of this litigation. So, if we need a third-party validation, outside of this organization, we received that. They will be providing the defense. And under Article 4.3, under Section 4.3 of the Charter, the City's position is taken by the authority of the Council, by legislative action. And so, what this does is, it will engage them to be representing the City. They will then want to come in and talk to you folks about the litigation. And so, this is the first step in that process, giving them authority. I'm pleased to say that under your policy, there is no cost to the City for this representation. You passed 75 earlier, it's not going to be necessary for me to participate in that litigation. You recall, that ordinance was passed originally before there was a claim against anybody and it was in anticipation of a claim. I was named, my firm was named. This is fortuitous that we don't have to worry about the conflict situation that's arisen as a consequence of that. These folks can represent the City. And I've dealt with Greg Beck, Baker before, he is a very competent lawyer.

Vice President Plecnik: Wonderful.

President Fellows: Thank you.

Councilman Fiebig: Madame President. There's some cost to the City though, certainly there's a deductible I think that needs to be met first. Isn't that correct?

Acting Law Director: I'm not sure that's right. I'd have to go back and double check that. There are some policies, I believe this is a first dollar coverage without a deductible.

Councilman Fiebig: Okay. That's good news then. But maybe you could report to as...

Acting Law Director: Absolutely.

Councilman Fiebig: I thought that there was some sort of minimum that needs to be met with. But, if I could just opine that this could go away with Mayor Weger simply dropping the case. We simply vetoed legislation and that's the way government works. The Mayor works with Council, the Council works with the Mayor and this could simply go away and we could move on to more important things like economic development, like communications, like our budget and things like that instead of spending time on this sort of, you know, stuff that really takes away from the spirit of running our government as openly and transparently as we can.

Acting Law Director: I neglected to add one thing, within the policy, there is a limited of fifty thousand dollars (\$50,000) for the resolution of the matter. So, if the attorney fees exceeded that amount, then the City would be into its own pocket at that point.

President Fellows: Any other discussion...

Vice President Plecnik: Madame President. Just one question. I know that I have put in a public records request and I think that request had been made by our Acting Law Director as well, for what if any City funds the Mayor has expended in this case in terms of hiring an attorney to sue the City. Have we had any response back from the Mayor? I've received no response. And I want to ask our Acting Law Director and the rest of Council, have we heard back in anyway because public records request must be fulfilled by law and I find it concerning that I haven't heard back yet.

President Fellows: I have put in a request to the Finance Director about two and a half weeks ago, two different emails and I have not heard back from Mr. Brichacek.

Acting Law Director: I have not received a response.

Vice President Plecnik: Very troubling.

Councilman Fiebig: May I ask Madame President. May I ask of our Clerk, how many public records requests are, how many requests for information are outstanding at this time? An approximate number?

Council Clerk: Half a dozen.

Councilman Fiebig: There's half a dozen requests. Not even public records requests, just requests for information because as a body we're entitled to information from our Finance Department, from our Engineer, from, say roads, or police or fire. We're not getting that information and there's at least half a dozen requests that are unfulfilled at this time.

President Fellows: Back to the motion that's on the floor to adopt Ordinance No. 2017-77. Is there any other discussion on that?

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

President Fellows: Ordinance No. 2017-77 has been adopted.

Ordinance No. 2017-78

An ordinance authorizing the expenditure of \$27,948.33 required for the annual support/service contract for the Cody CAD/RMS system.

Councilman Fiebig: Madame President. Move to waive three readings for 2017-78.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to waive the three-reading rule on Ordinance No. 2017-78. Is there any discussion on the motion?

Councilman Fiebig: Madame President. The reason that I did that this is an annual contract that is a requirement. Although I do see that it is for the period of February 1st, I don't that there would be any discussions or any changes in our budget or anything that would change from this so, I think it would be prudent just to go ahead and pass it at this time.

President Fellows: And that is correct. It is budgeted for and we do this annually. This request came through Chief Collins for the Police Department, this is the system that they use.

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

President Fellows: Ordinance No. 2017-78 has been waived.

Councilman Fiebig: Madame President. Move to adopt 2017-78.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to adopt Ordinance No. 2017-78. Is there any discussion on the motion?

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

President Fellows: Ordinance No. 2017-78 has been adopted.

Ordinance No. 2017-79

An ordinance amending Part One – Administrative Code, Title Five – Administrative, Chapter 135 – Department of Finance, Section 135.001 – Position of Director of Finance, Subsection (b) Duties and Responsibilities of the Codified Ordinances of the City of Willoughby Hills; repealing certain ordinances and declaring an emergency.

President Fellows: Council's wishes?

Councilman Fiebig: First reading.

President Fellows: We'll leave this on first reading.

Vice President Plecnik: Madame President. Just the first item of discussion on this ordinance. It's designed, as I read it, to ensure that there's timely responses and provisions of information from the Finance Director to Council and to the public. And given how many public records requests are outstanding, many of which relate to the Finance Department, I think it is of concern to us that we continue to review this ordinance and make sure that it's passed in some form going forward because we need to ensure that when Council asks are funds being expanded by the Mayor, there's an immediate prompt, accurate response by our Finance Department. That's information the City is in procession of, it shouldn't take any lag time for Council to have that information.

Acting Law Director: Well, specifically as drafted, this is intended to codify the practice that has been going on where you get the information that's on the website, I was just glancing at some of the things that are there, and sets a timeline for it so that you get it by, if you're looking at October, you have the information by November 15th for the previous month. Obviously, that's not set in stone. I mean, you could fix the date for a time that works well for the Finance Department. But, the idea is, rather than going several months without having this posted to the website, you get it in a timely fashion.

Councilwoman Pizmoht: And hopefully it would cut down on the record requests. It might be more helpful for us to have this more readily available and we know that we would have it by fifteen days if that is what we stick with and then we wouldn't have to go for the record requests and bother Mr. Brichacek with those.

Ordinance No. 2017-80

An ordinance authorizing the Mayor to enter into State of Ohio Administrative Services contract(s) for the purchase of a compact hydraulic excavator for use by the Service Department and declaring an emergency.

President Fellows: Council's wishes?

Councilman Fiebig: Madame President. I'll make a motion to waive the three-readings for 2017-80.

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Pizmoht to waive the three-reading rule for Ordinance No. 2017-80. Is there any discussion on the motion?

Councilwoman Pizmoht: From my understanding this has been in the budget for 2017, so this is something that we've already budgeted.

President Fellows: It was discussed back in March or May. This is state pricing.

Councilman Fiebig: Madame President. It was also reviewed in committee about a month ago.

President Fellows: Yeah. I have a motion from Councilman Fiebig to waive the three-reading rule, I believe that I still need a second. Oh, did you second it? Okay.

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

President Fellows: The three-reading rule on Ordinance No. 2017-80 has been waived.

Councilman Fiebig: Madame President. Move to adopt Ordinance No. 2017-80.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to adopt Ordinance No. 2017-80. Is there a discussion on the motion?

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

President Fellows: Ordinance No. 2017-80 has been adopted, Mr. Grubiss.

President Fellows: The next order of business is "New Business". Oh, sorry, Ordinance No. 2017-81.

Ordinance No. 2017-81

An ordinance authorizing and directing the Mayor to enter into the First Amendment to the Option and Ground Lease and Amended Memorandum of Lease; repealing certain ordinances and declaring an emergency.

President Fellows: This ordinance will stay on first reading. We did have some response from our City Engineer and there's one point in this ordinance that's a little more complicated.

Acting Law Director: Well, the Engineer's comments were related to the construction of the tower. It's not ready yet. They need to change their documents to satisfy the Engineer. I don't think that there will be any changes to the actual legal description that's incorporated here. But, there's no time urgency. They aren't going to do anything until they get their permit. So, if it stays on first reading, there's no impact.

President Fellows: I agree. Thank you.

Councilman Fiebig: Madame President. Mr. Byron, this is simply to put a memorandum for the recorder to the ground lease. Is that right?

Acting Law Director: Actually, the initial lease did not have the meats ground description of the leased area. They have now, they got the lease, after they get the lease they do the engineering for the locations. So, this is a part of that process that formally lays out the meets and bounds description of the ground lease.

Councilman Fiebig: Okay. Alright, thank you.

President Fellows: So, first reading is okay?

Acting Law Director: No urgency to it.

President Fellows: Actually, the last order of business for this evening is “New Business”.

NEW BUSINESS

Vice President Plecnik: Madame President. I would make a motion in accordance with Section 103.01 of our Administrative Code, a motion to grant approval to the Lake County General Health District to reproduce the City seal so that it may be printed out, framed and displayed in a prominent location within the Health District offices. The Health District would like to display the logos for each of the communities that the Health District represents.

Councilwoman Pizmoht: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilwoman Pizmoht to grant approval for the Lake County Health Department to display our logo (City Seal).

The Health Department has moved and they would like to display all the communities that they serve in Lake County. In some respects, you might consider this to be decorative, I also see that there is a function to it. They want to show who they serve. One thing that I might want to add to this motion, is when the Mayor is authorized to do this, that the logo is only used in this fashion and not anywhere else by the department.

If someone, John, if you could add that.

Vice President Plecnik: I’ll accept that friendly amendment, also I’ll remake the motion with that prescription that we’re only making it for this specific purpose. Would someone second that?

Councilwoman Majka: Second.

President Fellows: So, I have a motion, an amendment to the motion for this, our logo, our crest to only be used for this purpose and a second by Councilwoman Majka. Any other discussion?

Roll call: YEAS: **Majka, Pizmoht, Plecnik, Fellows, Fiebig**
Motion PASSED.

President Fellows: The motion has passed.

Vice President Plecnik: Madame President. Just for background for the audience, Section 103.01 of our Administrative Code specifically states that the City seal of Willoughby Hills can only be reproduced or used with permission granted by Council which of course is a body of seven and only acts officially by vote. So, anytime you see the City seal, it really should only be used or reproduced if there's a vote of Council authorizing it. We've had some issues with that in the past which is why this, I believe this ordinance was initially proposed by Council President Robert Weger back in the day. But, it's certainly one that I support. Thank you.

Councilman Fiebig: Madame President, if I may, I had some communication with a resident on Pine Valley regarding putting a street light at the corner of Maple Grove and Pine Valley. So, I've had some discussions with our City Engineer and we want to look into that. And I know that it's not a requirement, apparently, but there were possibly some concerns for safety. So, we'll be bringing that up at the next appropriate time. Just want to share that with the rest of Council.

President Fellows: Thank you. There is no other business, so I would entertain a motion to adjourn.

ADJOURNMENT

Motion was made by Councilman Fiebig to adjourn. Councilwoman Pizmoht seconded.

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

The Special Council Meeting of November 22, 2017 was adjourned at 7:40pm.

APPROVED:

November 19, 2017
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council