

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

Regular Meeting of Council Minutes of September 14, 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 Regular Council Meeting was held on Thursday, September 14, 2017 at 7:00pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

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

DISPOSITION OF THE JOURNAL

President Fellows: The first order of business is the Disposition of the Journals. The first one is for the Regular Council Meeting of July 13, 2017.

Councilman Fiebig moved to adopt the Regular Council Meeting Minutes of July 13, 2017. Vice President seconded.

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

Motion PASSED.

Councilman Fiebig moved to adopt the Regular Council Meeting Minutes of July 27, 2017. Councilwoman Majka seconded.

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

Motion PASSED.

Councilman Fiebig moved to adopt the Special Council Meeting Minutes of August 13, 2017. Councilwoman Majka seconded.

Roll call: **YEAS:** Biro, Fellows, Fiebig, ~~Hallum~~, Majka, Pizmoht, Plecnik
Abstention: Hallum

Motion PASSED.

Councilman Hallum: I'm sorry, Madame President, I realized that was the one that I was out. I wasn't actually here. Please change my vote to abstain. I was trying to remember if that was the one that I was gone.

President Fellows: I know, I did that before too.

Clerk Council: So, corrected.

Councilman Fiebig moved to adopt the Special Council Meeting Minutes of August 14, 2017. Councilwoman Majka seconded.

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

Motion PASSED.

President Fellows: If there is no objection from Council, I would like to alter the order of the agenda and bring the resolutions up to the top so that we have an opportunity for Claire to come forward and speak to Resolution 2017-4 about the School of Innovation Stream Restoration.

President Plecnik: So moved to amend the agenda.

Councilman Fiebig: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to amend the agenda for this opportunity. Any other discussions on that?

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

President Fellows: Claire, could you please come forward and share information with us about this exciting project. Thank you.

Claire Posius: Thank you so much for this opportunity. Hi, my name is Clair Posius and I work for the Cuyahoga Soil and Water Conservation District. So, this is our first opportunity as I am the Euclid Creek Watershed Coordinator so I work in the Euclid Creek which is the southwest portion of Willoughby Hills in that watershed. And this is really the first project that we're proposing to do in Willoughby Hills, so it's really exciting. The project is a stream restoration that we're proposing behind the Willoughby-Eastlake School of Innovation and Principle Patrick is incredibly enthusiastic about the project. We had consultants from the consulting firm by Ohio Habitat create a concept plan last year. So, I'm going to pass out the factsheet so that you can see what we've proposing. There's some issues in the stream reach with erosion, with a culvert that is having a lot of problems with backing up, getting a lot of debris jams and we would propose fix that problem with the culvert. And also, to connect the stream to its floodplain so it would actually be able to store and hold more water. And then the really exciting part of the project is being able to use this as a land lab for the students at the School of Innovation. So, I would definitely be partnering with Lake County Soil and Water and with the Lake County Stormwater Management Department and the City. So, we would definitely want to do a whole collaboration and partnership on this project. But really, I wanted the opportunity since we were able to get our 319 funding grant through OEPA but the main issue is that the other grant that I applied for through OEPA we did not get which was supposed to be the match for this grant. So, that's where we're coming to the City of Willoughby Hills asking for some support financially on that project through the Stormwater Management Program. And I've also requested financial support from the Northeast Ohio Regional Sewer District. They are considering it but this is actually outside of their service area so, I'm doing a little finagling trying to get them to see that this will benefit the downstream systems. So, any questions that you have for me? I don't want to hold up the meeting since you have a long agenda.

Councilman Hallum: I was just curious, if everything gets inline, what would your expectation be of a time line.

Clair Posius: So, we would have basically the winter to start getting consultants to do a request for proposals and qualifications and then we would hopefully have a consultant on board in the spring to start with some design. And the way we're doing projects now is design build scenario because with stream restoration you want a little flexibility in implementing the projects. So, really the idea was we would have this under construction by the fall. And it's a pretty short construction timeframe, about four to six weeks and you know, we would definitely allow in the design process, Principle Patrick would love if the kids could get involve through a design charrette with the consultants so there's a lot of fun that would go along with the project.

Councilman Hallum: And then my only other question is would any of the residential properties be directly impacted by the work?

Clair Posius: No, it's strictly on the School of Innovation Project but we would definitely use this opportunity to education the downstream residents about and surrounding residents about what you could do to help with the water quality in the Euclid Creek. See if there's some adjacent projects that we could look at for the future. I know that there's a little bit of erosion downstream as well.

Councilman Hallum: Thank you.

Vice President Plecnik: Madame President. My understanding is that you're asking us to apply back to the Stormwater Management Fee Fund which is something that we reach out to for projects that impact flooding and waterways for more than one resident so, this would not come directly out of the City's coffers.

Clair Posius: Exactly. Yes.

Councilman Fiebig: Madame President. Well, thanks for coming to highlight the importance of this project. I think that it's been a sore spot in the City for quite a number of years and we're particularly excited that the School of Innovation is going to have a bit of an outdoor lab to look at some of this and to educate people, the children about how important stormwater management is and how we control our land and our rivers and kind of the bigger picture of all this right in their own backyard. So, I think we're really excited about this and we're really looking forward to having this approved. So, our Resolution 2017-4 is in support of the work that we're doing on this. This isn't saying that we're definitely moving forward, it's the hope that we're going to move forward with this.

Clair Posius: Great. And I would recommend, just for expediency I have the grant application and agreement sitting on my desk. I'm not signing it until we have all the financial commitments iron out. So, there's a little bit of time sensitivity to this. I think that grant is retroactive starting in July. So, that's another reason that I wanted to make sure that I be here tonight to answer any questions that you may have.

Law Director: Council President. Clair, just as a point of clarification as Law Director. Typical of a Law Director, it's very technical but it's a very small hook but we do have two properties that are covered by the Northeast Regional Sewer District, okay, just so you know. I'm asking to get a hook into them, so if you need a hook they are the two Swagelok properties.

Clair Posius: Okay.

Law Director: In fact they are there because when that whole litigation started we were involved in that, all be it for two properties but if you want to use that, they are here but barely, but they are here. Just so you know. Thank you.

Clair Posius: Will do. Great.

President Fellows: Anyone else this evening? Clair, we so appreciate you coming.

Clair Posius: Thank you. Can I handout...

President Fellows: Yes, you may.

Clair Posius: Thank you so much for changing the agenda for me, I really appreciate it.

President Fellows: So, Vicki will you read the caption.

Resolution 2017-4 - AMENDED

A resolution in support of the East Branch of Euclid Creek, School Innovation Stream Restoration Project.

President Fellows: I just want to make a notation that in the resolution we will change 309 to OEPA 319 grant. We would need to waive the Three Reading Rule before we could adopt.

Councilman Fiebig: Do you want to do that now?

President Fellows: And then we can finish, we only have two.

Councilman Fiebig: Okay, that would be the 309 grant. Correct?

President Fellows: It will be the 319 grant.

Councilman Fiebig: Oh, the 319 grant. It says 301 currently.

President Fellows: I just said that we would change it.

Councilman Fiebig: Okay. Well Madame President, I'll make the motion to amend the "Whereas" to reflect that this is a 319 grant from the OEPA.

President Fellows: Need a second.

Councilwoman Majka: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilwoman Majka to modify the resolution to reflect that it is a OEPA 319 grant. Any discussion on the motion?

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

Councilman Fiebig: Move that Council waive the three readings for resolution 2017-4

Councilwoman Majka: Second.

Law Director: Council President. I'll declare that this is a clerical error and we can just move on if you want. But, that's up to Council. So, you don't have to go through all this, but that's up to you.

President Fellows: Correct. And so, the original communication came from Mr. Di Franco with that number in it...

Law Director: I understand.

President Fellows: And then we got the email from Pete with the updates on it.

Law Director: Just to short circuit things if you want to, I'll declare it just a clerical error and you can proceed without going through all these amendments and three reading rule and etc. But, that's up to you.

Councilman Fiebig: The amendment already passed. We're good.

President Fellows: We're good. So, I'm looking for a motion to waive the three-reading rule.

Councilman Fiebig: I made that motion.

President Fellows: And Councilman Fiebig, and Councilwoman Majka seconded. Any discussion on the motion to waive the three-reading rule?

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

Councilman Fiebig: Madame President. A motion to adopt resolution 2017-4.

Councilman Hallum: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilman Biro to adopt Resolution No. 2017-4. Any discussion on the motion?

Mayor: Madame President. Can I ask Pete how much is in the fund roughly that we're going to ask the stormwater agency to fund? This is a hundred and four thousand dollars (\$104,000).

City Engineer: Yeah, and the City currently has a balance of over seven hundred and fifty thousand (750,000) in that fund.

Mayor: Okay, thank you.

President Fellows: Any other questions?

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

President Fellows: Since we only have one other resolution, we can finish our resolutions. Resolution 2017-5, read the caption please.

Resolution No. 2017-5

A resolution authorizing the City of Willoughby Hills to accept the amounts and rates for the year 2018 as determined by the Budget Commission of Lake County, Ohio and authorizing the necessary tax levies and the certification thereof to the County Auditor; and declaring an emergency.

President Fellows: So, this resolution is time sensitive. We need to have it to the County by October 2nd. And this is something that we do all the time.

Councilman Fiebig: Madame President. I move that Council waive the three readings for Resolution 2017-5.

Councilman Biro: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Councilman Biro to waive the three-reading rule on Resolution No. 2017-5. Is there any discussion on the motion?

Councilman Fiebig: Madame President. As you just said, that was, this is a standard thing that we do every year that sets the inside and outside millage for the City and total property rate. So, this is not anything new or changed and is time sensitive therefore the reason for waiving the three readings.

President Fellows: Thank you. Any other discussion on the motion?

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

President Fellows: The three-reading rule on Resolution No. 2017-5 has been waived.

Councilman Biro moved for passage. Councilman Fiebig seconded.

President Fellows: I have a motion from Councilman Biro and a second from Councilman Fiebig to adopt Resolution No. 2017-5. Is there any discussion on the motion?

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

President Fellows: So, let me go back up to the top of our agenda. The next order of business is the Mayor's Report.

ADMINISTRATION REPORTS & COMMUNICATIONS

MAYOR'S REPORT: Thank you. Our City Newsletter has gone out – it provides a lot of information about our upcoming Recreation events and includes notification of our second Shred Day for this year, which is set for Saturday, October 21st from 9 to noon.

Thanks to all of the first responders, civic groups, volunteers and Recreation Commission who participated in our Second Annual Unity Day.

I would request that Council confirm my appointment this evening for Tony Weissmann as our Building Commissioner. With the forty-three (43) page credentialing booklet provided by our Civil Service Commission and Mr. Weissmann's appearance at the July 27th Council Meeting, I would hope that Council will make the confirmation and honor the salary offer made to him of \$55,625 per year, of which Council has been advised and should be added to Ordinance 2017-55.

With regard to tonight's legislation, I have some concerns, particularly when I heard "Waive the Three Readings and Adopt" at Monday's Rules meeting. After all, council members received roughly twenty-six (26) pieces of legislation at 8:15pm that evening and could not have possibly had a chance to review or double check all of the facts and figures. Several typographical errors were pointed out at the meeting. The public did not have a chance

to review this for comment. The documents were not loaded on the City website until approximately 9:30pm on Tuesday, September 12th. Our residents deserve better.

I have specific concerns over: Ordinance No. 2017-47 – Confirmation of Department Heads. I believe this violates our Charter by removing the Civil Service’s obligation to “report” its proceedings to the Mayor or Council upon request”. The way 2017 is written, it violates this provision. I also have some concerns about HIPPA violating relating to Council have access to complete psychological testing which right now they’re only provided the “results page”. Ordinance No. 2017-49 – Fixing the Compensation of the Police Executive Assistant/Dispatch Supervisor. This position has been terminated by Police Chief Collins and the new Job Description has gone to Human Resources to prepare for Council review and AFSCME Union Legal Department for eligibility. In the interim, I believe Debbie Semik is entitled to the 3% retroactive adjustment to which she has been entitled for some time. Ordinance 2017-55 – Fixing the Compensation for the Building Commissioner. Starting salary needs to be included and should be in compliance with our “promise” to our candidate. Ordinance 2017-63 – Regulations for Security and Safety for the Grange. This ordinance creates an administrative burden for the City of Willoughby Hills. As Safety Director, I feel there is a greater safety concern to remove our dispatchers from their posts to answer their window and give out keys to the Grange. I had new keys made and they were passed out so to ensure that only the people who were sanctioned, insured and background checked got the keys. We should not expect Police Dispatchers to have the responsibility and liability. In addition, putting the additional maintenance responsibility on the Road Superintendent Grubiss is unreasonable. There are individuals associated with the Scouts that have done a great job on a volunteer basis for minor, non-permit needed repairs and I continue, I plan to continue their assistance, rather than outsource and pay for the service. Ordinance 2017-64 – Appointment of Special Prosecutor for Grange Activities. There are many Charter violations with this proposal. Council is assuming clearly, is assuming responsibility, that is clearly our Law Director’s. In addition, there is a conflict of interest which should make at least two Council representatives unqualified to vote. I would caution you not to act on this piece of legislation. Those are my concerns and I hope you take them to heart, for the good of the residents that you represent, as I have.

Upcoming Events: Saturday, September 16th from 10 to 2pm – Touch-A-Truck. Tuesday, September 26th from 5 to 8pm – Open House at Community Center.

President Fellows: Thanks, Mr. Mayor. Any questions for our Mayor this evening? See none, we’ll move to the Law Director’s report, Mr. Lobe.

LAW DIRECTOR’S REPORT: Thank you. I have, I’ll a few comments for all the ordinances which I saw for the first time on Monday at around 8:15pm. So, I’ll reserve those comments when those ordinances come forward. But, I do want to make a comment the legality and the conflict of interest issues on Ordinance 2017-64. I’m declaring it illegal and nonproper. Ordinance No. 2017-64, in the sole “Whereas” clause states: Whereas, this Council has determined it to be in the best interest of the City of Willoughby Hills and its residents to secure the professional services of a special prosecutor to further review and investigate Robert Weger, Gloria Majeski, Thomas Majeski, Rick Thompson and other individuals who may be involved in conjunction with questionable activities at the Maple Grove Grange.” This ordinance, as I stated previously, was presented to me by Council on Monday, September 11th at 2017 at approximately 8:15pm. I, Thomas Lobe, as your Law Director, Mike Germano as your Prosecutor and Christopher Chief Collins were not advised nor consulted or asked for any input as to this ordinance or its contents. This ordinance attempts to allow Council to appoint a special prosecutor and to also declares this as an emergency. Please note that further, this ordinance states that the Council President as opposed to the Law Director or Prosecutor, shall name the special prosecutor to represent the City of Willoughby Hills. I find this to be in violation of the Charter on two grounds, both those that specifically nominate the Law Director’s duties and Council’s duties. I further find it illegal based upon the Ohio Revised Code. Let me start by our Charter; Charter section for the Willoughby Hills 4.32 under the Department of Law. The Law Director shall be administered by a Law Director, who shall be an attorney admitted into the practice of Law and the State of Ohio, and appointed by the Mayor. The duties and

responsibilities are that I shall serve and I'm quoting in verbatim, in pertinent part I should say, not verbatim. The Law Director shall serve the several directors and officers and the officers are in fact members of this Council of the Municipality as its legal counsel and attorney. Further in section 4.32 of the Charter of the Willoughby Hills, when required to do so, by resolution of Council, the Law Director shall and I emphasize the word "shall" which is mandatory in its terms. Prosecute or defend on behalf of the Municipality all complaints, suits and controversies in which the Municipality is a party or such others suits, matters or controversies as he is directed to prosecute by resolution or ordinance.

Now, what are the powers of Council pursuant to the Charter, the Willoughby Hills Charter? 3.3 Powers and duties. The Council shall enact all legislation deemed necessary for the preservation of the safety and welfare of the community and provide for the orderly and desirable growth of the community. Under 3.32, Council does have the Charter authority to set salaries and in fact it says and I'm reading now verbatim 3.32 of the Charter, Fixing of Salaries. Council shall be ordinance fix the salary or compensation of every officer or employee of the Municipality. Absent is the authority of Council to appoint the prosecutor. Clearly this ordinance exceeds the legislative authority granted by the Charter and the Ohio Revised Code which specifically states that the Council shall perform no administrative duties and that the legislative authority shall take no further action. What is the Ohio Revised Code on this section? The Ohio Revised Code is 731.05 titled Powers of Legislative Authority. That specifically states the powers of a legislative authority, that is this Council, of a city shall be legislative only. And I am talking, I am repeating this verbatim, the powers of a legislative authority of the city shall be legislative only and it shall, again mandatory, perform no administrative duties and it shall not, shall neither appoint nor confirm any officer or employee of the city except those of its own body unless provided for in Title VII of the Ohio Revised Code. Clearly, this Council is trying to exceed its authority by appointing a special prosecutor and that they want to name it and they have the Council President naming it. My problem with this is there is a plan and there is a procedure that this matter should be handled in the ordinary and customary fashion. If there is a claim of any irregularity or a potential criminality please provide it to the City of Willoughby Hills Police Department. They are competent, they're creditable and I've seen their abilities. To not take it to them, is in effect, in my opinion, a slap in the face to our Police Department. Please note that even having the Council President name the special prosecutor goes way beyond any ability of a legislative body. This ordinance is illegal and I'm hereby advising this Council the same. Now, this Council may or may not take my legal advice. I'm advising this Council that if it decides not to take my legal advice that there may be legal consequences. I must caution all members of Council that if this ordinance is adopted by anyone on this Council is challenged in a Court of Law that Council member may potentially lose their solvent immunity rights and they may be sued in their personal capacity based upon the facts presented. I question the timing and the intent of this ordinance because the ordinary and normal procedures for a matter of this nature are not being followed and adhered. Again, this matter should be referred to the Willoughby Hills Police Department to be handled and reviewed. I further find it interesting and suspect that two of the individuals named in this investigation are Gloria Majeski and Rick Thompson who are candidates for the upcoming November election. Specifically, Gloria Majeski is opposing Councilman Plecnik and Rick Thompson is opposing Councilman Fiebig. If Council proceeds against my advice, and there is a claim for malicious prosecution, abuse of process or any other such claims, all Council members who participated in the furtherance of this ordinance may lose their solvent immunity and they, if so, they may be sued in their personal capacity and not having insurance coverage. You may be liable ultimately for compensatory and punitive damages as well as attorney fees. I know this sounds harsh, but it is my duty as a Law Director to talk in worst case scenarios because in law, that's how it occurs. Very similar to how I write a will. I never talk about happiness, I talk about death, dying, etc. So, I am advising this Council that it is illegal and that if they proceed on this matter, there may be potential personal consequences if litigation is ensued. As to the conflict of interest, I'm advising both Mr. Plecnik and Mr. Fiebig to not further engage, participate or vote on this matter due to the legal and ethical conflicts that are clearly apparent because both, the two of them, the two named individuals are your political opponents in the upcoming election prohibits you from further participation or discussion in this matter. It is clear from my last attendance at the Rules Committee meeting of Monday, 9/11/17 that both of you participated or potentially participated in the preparation and the adopt, the presentation of this ordinance. I'm advising you to cease and desist immediately for your own benefit. I'm

making these comments in the best interest of the City, this Council and all members of Council. As always, I'm always open to any questions you may have. You may contact me at any time both on this Council or privately. I think that everybody in this City, I think, knows my cell number, I've given it out for the last twenty years. I hope that you take my advice with great caution and proceed accordingly. Thank you.

President Fellows: Thank you, Mr. Lobe. Any questions for the Law Director this evening? I do actually have one comment. As I recall sitting on this Council when Mayor Weger was Council President and he brought to that Council an ordinance to hire a prosecutor to investigate then Mayor Ken Lorenz. And I do recall that there were some unusual happenings at the time and I did not vote for it because I didn't that that Mayor Lorenz was engaging in the activities using City funds. And that prosecutor, that ordinance was for no more than five thousand dollars (\$5,000.00) for that individual to do that investigation. So, I'm just curious Mr. Lobe, as I sat on this Council before and that Council President brought to us at that time, to investigate a Mayor, why was it allowed then and it doesn't have any application now?

Law Director: I'd gladly answer that question. Let's go back to 2007. The facts were totally different. We were under FBI investigation for our finances where our Clerk of Council had to give up almost eleven (11), Vicki correct me if I'm wrong, eleven (11) banker boxes worth of documentation. Council members were hit with subpoenas, personally to their residences because of potential, financial issues involved with our Finance Department. Our Finance Department at that time, we were unauditale. We got the worst audits that are capable in the State of Ohio. I was personally subpoena to the State Auditor's Office in 2006 and 2007 because of the shambles of our Finance Department based upon those audit reports. I personally had to guarantee that I would review the matters of the administration at that time. I further had to bring down Council members, I believe it was Reichelt maybe Malecek, I don't know if it was you Mrs. Fellows...

President Fellows: I don't recall.

Law Director: My memory may not serve me right coz it's been ten (10) plus years. Those are the, and we also had a sexual harassment case that was also brewing that ultimately resulted in eighty thousand dollars (\$80,000) judgement against the City all be it paid by insurance presented to Council with only five thousand dollars (\$5,000.00) deductible. Now, if you want to match those facts with these facts at that time based upon all of that perfect storm that was hitting us on multiple fronts I consented and agreed that maybe we need to look further. When I look at what occurred here, I have not been presented with anything. I have not been advised. The Police weren't involved. That is the absolute difference in this and at that time, pursuant to our Charter, I made the decision because at that time I was only appointed by the Mayor and not had to be confirmed by Council. The law has even changed in that regard. So, of course, because it was my direct supervisor, I decided when presented with the totality of all those facts which I have not seen any other municipality go through and I pray that the City of Willoughby Hills never has to go through those facts again, I decided and approved after decisions with Council in executive session and other material meetings to allow it. This is nowhere close to that. Any attempt to relate those two facts to this fact falls woefully short in my opinion. Now, it may rise to that opinion and it may rise to that point, but please, there's no comparison whatsoever.

President Fellows: Thank you. Any other questions for the Law Director?

Councilwoman Pizmoht: Madame President. This is an ordinance, correct? And the Council has the power to enact ordinances.

Law Director: It sure does.

Councilwoman Pizmoht: And under 3.25 we have, or 3.31 we have the ability to draft legislation deemed necessary for the preservation of safety and the welfare of the community and for the orderly operation of local government. We have that ability, correct?

Law Director: That is a standard provision in our ordinance, in our Charter and in others and the answer is absolutely correct.

Councilwoman Pizmoht: Right. So, this is an ordinance and under ordinance, 4.3 where it's the Law Director, you do not have sole discretion to be the prosecuting attorney for the City. Correct?

Law Director: No, I have the ability to allow a prosecutor pursuant...

Councilwoman Pizmoht: But, not the sole ability.

Law Director: Well, it's been a practice that it has been the sole ability...

Councilwoman Pizmoht: Well, you just said it wasn't...

Law Director: Hold on Laura...excuse me, I do have it pursuant to Charter and when I think I have a conflict or I think that I need additional services or that it is something outside of my expertise, I am the one to direct this to that individual. That is how it has worked, that is how the Charter is written and that is the procedure that has been followed for the last twenty years and the twenty years before me.

Councilwoman Pizmoht: It does not say that you have the sole discretion to appoint a prosecutor. And wouldn't you have a conflict of interest if you were representing, if you were prosecuting the Mayor on behalf of Council. And you are all of our attorney, we're all officers of this City and you are all of our attorney. So, wouldn't you have a conflict of interest if you were making the choice for prosecutor.

Law Director: When that decision is brought to me, like last time, I have done that. I've absolutely have done that. The Prosecutor Mr. Germano, has done that. But for this Council to simply jump over and assume that it has that right, that's fine. But, you're also ignoring the other law, Ms. Pizmoht. As a lawyer, you must read all of the ordinances. You cannot just laser beam into one. You have to look at everything in pari materia, the totality of all the laws.

Councilwoman Pizmoht: What else am I missing?

Law Director: You're missing the Ohio Revised Code that I cited 731.05.

Councilwoman Pizmoht: Could you read that please.

Law Director: I absolutely will. Let me read that again to you. The powers and I'm going to read them verbatim and I'll let you check this out later. The powers of a legislative authority of the city shall be legislative only. It shall perform no administrative duties and it shall neither appoint nor confirm any officer or employee of the city government except those of its own body as provided in Title VII of the Ohio Revised Code.

Councilwoman Pizmoht: This is legislation.

Law Director: But, you can't by legislation override the Charter which is our constitution and the Charter and the Ohio Revised Code. If this body thinks it can override our Charter and the Ohio Revised Code please do so. In fact, Laura, Ms. Pizmoht. I apologize. I've given you my advice. I've got a lot of clients that don't follow my advice. Trust me. I've been doing this for thirty-seven (37) years. I give my advice, you don't want to follow it, proceed. I'm also cautioning you, and please warn, please take my cautionary and warning seriously. If a claim is made and litigation is brought for various matters including malicious prosecution, abuse of process which are matters that I have litigated for many years including that if this is done for an ulterior purpose. You may be sued in your personal capacity.

Councilwoman Pizmoht: What would my ulterior purpose be?

Law Director: That is for a judge and jury to decide. I am not, my job is worst case scenario. Please, if you don't agree with me, proceed. I'm fine, trust me. I'm okay with it. Just proceed, vote for it, but I am on record giving strong cautionary advice. I'm not going to tell you how to vote, that's not my province, but my job is to advise. My job is to caution. My job is to tell you legally what can happen and you're a lawyer, licensed to practice in the State of Ohio and I'm just cautioning you. I have been there and it is a distinct possibility and if you don't have it, you may be personally liable. I've given you worst case scenario, of course, that's what lawyers do. So, it's up to you. You decide what to do. My advice is my advice. Thank you.

Vice President Plecnik: Madame President. I just have one question for Mr. Lobe. Have you read section 3.25 of our Charter entitled "The Clerk and Other Employees" which provides that the Council shall appoint a Clerk of Council and such other employees of the Council as it deems necessary?

Law Director: I sure have and I can assure that you are at this time attempting to stretch that provision well beyond its intent and its practice for the last forty for fifty years in this jurisdiction or anywhere else. Now, again, you may listen to the legal advice of Mr. Plecnik. Please do so. You have my advice. I don't want to argue and debate. But, I have read it and I'm cautioning you that, that does not apply. Please proceed with great caution under my advice and please proceed accordingly.

President Fellows: Finance Director, Mr. Brichacek.

FINANCE DIRECTOR'S REPORT: The only thing I have to report tonight is that since Council last met, the State Auditor release publicly the City's audits for 2015 and 2016. The audit was a clean audit. It contained no findings for recovery or significant citations or violations of the City's Codified Ordinances or State or Federal law. The audit included a management letter with two minor recommendations. One a technical accounting recommendation and the other a recommendation regarding the administration of the Clerk of Council. And as a result of our audit, the auditor awarded the City again with the Auditor's Award for the years 2015 and 2016.

President Fellows: Thank Mr. Brichacek. Any questions for the Finance Director this evening? Seeing, none Mr. Di Franco, City Engineer's report.

ENGINEER'S REPORT: Thank you, Madame President. I received an update from ODOT last week regarding the work that they are doing on the Richmond Road bridge. They hope to have the work done and opened to traffic by the end of this month. ODOT must also have been listening to our last council meeting because I've learned that they do have plans for the rehab of the Eddy Road bridge over 271. They are in the process of hiring a consultant. It's approximately a four million-dollar (\$4,000,000) project to be constructed in 2021, so start planning your detours.

The City's Pavement Markings Project is complete. It was finished under budget at approximately thirty-six thousand dollars (\$36,000) which was about twelve thousand dollars (\$12,000) under budget.

The City's Resurfacing Project which included a portion of Rockefeller and Stark Drive is substantially complete. It will also finish under budget, around two hundred and eight thousand dollars (\$280,000) which was, I don't have the amount, but it will be under budget, over fifty thousand dollars under budget.

We advertised for bids on the Pleasant Valley Painting Project, unfortunately, we did not receive any bids. We only had one contractor pickup plans. So, we tried to figure out why. We contacted the supplier of this particular paint that was recommended highly by the Lake County Engineer and the paint supplier said there are several qualified contractors in the area or surrounding states; however, they typically don't bid on projects this

size. These projects are too small and it would cost them way too much just to mobilize. We did talk to the contractor who picked up the plans and we asked him why did you submit? And he gave us the same reason. He said that our estimate was too low. Our estimate was about a hundred and ten thousand (110,000) which was based on a quote from a smaller contractor which I will discuss in a minute. But, this particular contractor who picked up plans, but did not submit, said that his costs would have been twice as much as our estimate. This particular paint supplier also said that this small contractor who gave us an initial quote of about a hundred thousand (100,000) which is what we used for our estimate, has created a niche for himself. He's a small contractor, it's just him and a couple of employees. And they go around working on these particular small bridges for counties and municipalities because they break it down into phases and keep it under the public bidding limit. So, those government authorities can hire them to do the bridge in phases over multiple years and therefore, he doesn't bid on projects. He just works that way. So, we've also talked with the Lake County Engineer and we said, look, would you be able to manage this for us since you already hired this contractor? And he said that would be an option which we would discuss with the Mayor.

We completed our Street Rating Project in July or early August and I distributed that report and I'm hoping to have a council committee to discuss the findings and to come up with an agreed upon budget that can start planning for projects of next year. We'd like to get these out to bid in late winter to get good pricing and in hopes of having these projects done before school starts in late August, early September.

I have a couple concerns about legislation tonight. The first is regarding Ordinance 2017-65 which reduces the Mayor's spending limit to a thousand dollars (\$1,000). My concern is related to Building Department permits. This could potentially delay Building Department permits where the applicant is required to submit a deposit for plan review above a thousand dollars (\$1,000). I also have a concern about Ordinance 2017-66 regarding responsible contracting. I was only, I only had the opportunity to review this since yesterday, but my initial concern was that it's burdensome to contractors and could reduce competition which can ultimately increase costs to the City. I did have an opportunity to talk with Mr. Plecnik yesterday which alleviated some of my concerns; however, I would like some additional time to make sure that I understand it and can implement it. And that concludes my report.

President Fellows: Thank you. Are there any questions for the City Engineer this evening?

Councilman Fiebig: One comment, Madame President. On the mention that you had about the contractor, the small contractor who wanted to go under a spending authority but as you know, you're not allowed to do that because of a sum of the whole, you can't just break it up into pieces and have that be, you know, a separate contract and a separate contract but it's all on the same bridge for example. That's a good example of an unethical way to get around that. Did you guys talk about that at all?

Finance Director: That issue did come up and I pointed that out and that's the reason why we went out for a public bid. Because the term for this is called the "splitting of purchase order" and I did not permit that to happen.

City Engineer: However, I would have to research it a little more. I think that applies to the splitting up of a contract amongst different suppliers or contractors within the same year. But doing it over multiple years, I'd have to research it a little more. But, I would liken it to a road program. You don't do all of your roads in one year.

Councilman Fiebig: Would you liken it to doing the westside of the road one year and the eastside of the road another year? Is that the idea, that you would...anyway, that's something that we want to look into and make sure that it's being done right, that's all.

Finance Director: Actually, I've encountered this situation in the past in my career and we've attempted to get public bids and have been unsuccessful for whatever reason. You know, once we've made, once a valid effort has been made, to do things like public bids then the way that I, it was handled in the past, in other communities, is Council authorizes and then the Engineer, the administration to go out and negotiate a contract without public bidding.

Councilwoman Majka: Mr. Di Franco, I have a question. On Ordinance 65 you mentioned the Building Department permits and you were concerned about the spending limit on those; but, isn't this, the permits are something that the person who is doing the building or say it's a new home. The homeowner is going to pay for that permit, right? So, how does that impact the spending limit?

Finance Director: Because once we accept, once we accept the deposit to contract for the work, it becomes public funds and we have to follow public law.

City Engineer: Yeah. The applicant provides a deposit. The deposit goes into the City accounts and the City then pays the consultant, me.

Councilwoman Majka: Okay, so the permit would directly, it would fully go to you after coming in and being received and then would go back out again to you.

City Engineer: Yeah. Not fully, only what we use.

Councilwoman Majka: Okay. And most of the time, we're talking in excess of a thousand dollars (\$1,000) typically for certain big projects.

City Engineer: Yeah. A new house is minimum of twelve hundred dollars (\$1200) and then commercial projects are above that.

Councilwoman Majka: Okay, thank you.

Councilman Fiebig: And to follow up real quick. As we talked about, just prior to the meeting, you're only talking about to have an additional signature for the additional scrutiny of no more than a day typically for that, but what I wanted to find out and we should may be address, is why does it take six weeks to get to that point. Is there a way that we can streamline that because I don't think that countersigning a purchase order by a council member is going to be a problem? You're not going to have a delay. It's not going to be two weeks until somebody does that. But, why does it take so long to get that ball from plan to Building Department?

City Engineer: Um, I'm not exactly sure, I know that once a deposit is made at the Building Department, it's processed by the clerk who sends it to the Finance Department. But, they can't prepare the purchase order, I think that it needs to be signed off now by the Finance Director and the Mayor so, it depends on when they're available. And then, once it does get signed off, it goes back to the Building Department and then to me. So, there's several steps. That's all I know.

Councilman Fiebig: Okay.

President Fellows: Okay. Thank you.

COMMITTEES OF COUNCIL

President Fellows: Okay, the next order of business is Committee Reports. And I believe that Rules and Legislation has been the only committee that has had a meeting since our last and that would be me as Chair to

report on. And I will interweave those comments with the ordinances so that I'm not duplicating time. But, before we do that, I want to have the Council address Councilwoman Jennifer Greer's position that she held on committees so that we can place Councilwoman Pizmoht in those slots. So, the first one that I have would be to entertain a motion for her to assume the Chair position for the Recreation Committee of Council.

Councilman Biro: Do we need a motion for that or just a...

President Fellows: The Chair, well it's a nomination. Okay, when we have our organizational meeting which now has been more than a year and a half ago, Councilman Hallum and I were trying to think of the appropriate protocol. So, I would entertain a nomination for Councilman Pizmoht to become the Chairman of the Recreation Committee of Council.

Vice President Plecnik: Madame President. I nominate Councilwoman Pizmoht to be Chair of the Recreation Committee of Council.

Councilwoman Majka: Second. **Councilman Hallum:** Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Hallum to nominate Councilman Pizmoht to become the Chair of the Recreation Committee of Council. Any discussion on the motion? On the nomination?

Councilman Hallum: Don't we have to ask three times if there are any other nominations?

President Fellows: I'm just trying to do protocol. Yes, so I have to ask three times. Are there any other nominations for the Chairman of the Recreation Committee? Are there any other nominations? Are there any other nominations? I'm closing the nominations. You are the Chairwoman of Recreation.

All right, the next one would be, there's a vacancy on the Finance Committee. Vice President Plecnik.

Vice President Plecnik: Madame President. I would name Councilman Fiebig to the Finance Committee.

Councilwoman Majka: Second.

Vice President Plecnik: Well, that's just an announcement.

President Fellows: Okay. And then Councilman Fiebig you would have an opening on Safety.

Councilman Fiebig: Madame Chair, I'd like to announce John Plecnik to serve on that Safety Committee vacancy.

President Fellows: And Councilman Hallum, you have a position on Planning and Zoning.

Councilman Hallum: I do and Councilwoman Pizmoht and I did speak about that recently. We didn't speak directly about her being on, but I'd love to have you if you're willing.

Councilwoman Pizmoht: I absolutely am.

Councilman Hallum: Great. She's my new member.

Councilwoman Pizmoht: Thank you.

President Fellows: And then we do have one other committee appointment because Councilwoman Pizmoht was on the Tax, I know that I'm going to get this wrong...

Vice President Plecnik: The Income Tax Board of Review.

President Fellows: The Income Tax Board of Review.

Vice President Plecnik: Madame President. I would make a motion to appoint Christina Luciano-Welch to the vacancy on the Income Tax Board of Review. We have two incredibly competent tax professionals. One appointed by the Mayor. One appointed by Council already on the Board. And I think that Christina, that Ms. Christina Lucian-Welch brings a business owners perspective as someone who's filed the local income tax returns. I think that she will, if there are cases brought before the Board, give that perspective for residents.

Councilman Fiebig: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to appoint Christina Luciano-Welch to the Income Tax Board of Review. Are there any questions on the motion?

Law Director: Comment. Just for everybody's review and Mr. Brichacek, please correct me. I don't think we've had one in twenty years but it's always good and we need this. Okay, but it's not something that pops up very good. I've been Law Director since 1996, so we've never had one but we need one. And sure enough, now that we've appointed one, I'm sure that there will be twenty in a row. But, just for everybody **edification**. Thank you.

President Fellows: Thank you. Any other comments on the motion?

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

Vice President Plecnik: Congratulations. And Madame President, there actually is one more, there's actually two more committee vacancies. I think that Councilman Biro has one to state. I have another with respect to the Personnel Relations Committee. It is somewhat different from the other committees in that it does require a Council vote. And I've asked Councilwoman Pizmoht if she would be willing to serve. She said yes. As long as that answer still stands, I would make a motion to appoint Councilwoman Pizmoht to the Personnel Relations Committee of Council.

Councilwoman Majka: Second.

President Fellows: So, I have a motion from Vice President Plecnik and a second from Councilwoman Majka to appoint Councilman Pizmoht to the Personnel Relations Committee. Any discussion on the motion?

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

Councilman Biro: I had a candidate, I'm not sure if she wants to be involved, but I had graced, I had asked Laura to be on my committee, I'm not sure if she wants to serve...

Councilwoman Pizmoht: Sure I do.

Councilman Biro: I'm sure she is going to be pretty busy, but I appreciate her yes, her affirmative on that. She'll be on Service.

President Fellows: So, Councilman Biro, your Committee for Service is, you're the Chair and Councilman Hallum and Councilwoman Majka are on it.

Councilman Hallum: I don't remember.

Councilwoman Majka: I knew I was on it.

Councilwoman Pizmoht: I'll come anyway. I'll be the spare.

Vice President Plecnik: Madame President. If I could share that there's actually not a limit to the number of committee people. Well, I think that you have four members now.

Councilman Biro: I think that she has her plate full, so...you can come and visit.

Councilwoman Pizmoht: I'll come and visit.

President Fellows: And to Vice President Plecnik statement, there are none; however, over the years we found originally, we had five and then you had to have a quorum for a meeting which was three and sometimes it was very difficult for members to do that. And so, some years back, we did, we put it down to three; therefore, there could be a committee meeting with two members present. Just for courtesy and ease of having committee meetings.

OTHER COUNCIL REPRESENTATIVE REPORTS

President Fellows: Any there any other Council Representative Reports this evening?

Councilman Biro: Madame President, I will be scheduling a Service meeting to discuss some equipment for fire. I had a discussion with Mr. Talcott, our Acting Fire Chief and we're looking, he emailed me a ballpark figure of about eight hundred thousand dollars (\$800,000) in equipment. So, we're going to have to tackle that. We're trying to get our schedules together and schedule that. So, just kind of a heads up and you know, we'll have to talk to Finance and see what we have the ability to do. Okay.

President Fellows: Okay. Any other Council Representative reports? All right, so we're going to move on to 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: Public Portion is an opportunity for individuals to come forward to voice concerns and ask questions. Sometimes this body, between Council and Administration can answer questions and sometimes we have to do some research and get back to the individual in a timely fashion. We ask that you keep your comments to three (3) minutes. I know this evening's agenda is pretty full and there are some issues that are very challenging and also controversial. I caution anybody from coming up and starting to intimidate or say things that we all know aren't very nice to each other. So, make sure that when you come forward you have something pertinent to say and make sure that you have the facts and if you're not sure about something then approach the appropriate individuals whether it's through Administration or Council so that you can be well informed. So, I will open Public Portion at 8:05pm.

Jenna Bing – 36951 Beech Hills Drive. This is for the Mayor. Thank you first for preparing kind of the timeline of what's been going on with the Fire Chief and how it's progressed all the way through and all the different things. My concern is what I, what I understand is, I understand that we have a very well qualified Acting Fire Chief right now. But, what is the process you're going to do? Are you going to interview? When are you going to interview? And to have a permanent one. Because last time it took you eight months between, before you, it was like from September 18th you appointed an Acting Fire Chief and it got approved in like May you did interviews. So, there was like eight months lag before you actually started doing interviews for a Fire Chief. As a citizen, I really don't want an Acting Fire Chief for eight months. I want a full time Fire Chief that's our Fire Chief. So, you also alluded to, I hope he does well, so that we can reassess his future role with the department in your newsletter. Well, I think your job is to interview people, put forward a recommendation and have it approved. And I really don't think it's right to wait eight months for that while we see whether he works out. I just don't think that's the right process. And so that's, hopefully, that's not the process but if you could share with us your process and timing it would be very helpful. The second thing, really quick, has to do with the Grange. The Ordinance 2017-63, I'm just confused about because it says it's only for the Boy Scouts and the Girl Scouts and I would think that there would, is there a process in this Ordinance to allow other people to be able to use it like there is a group of people that want to do Grange history and take care of the Grange. So, that's not very clear in that ordinance for me and it concerns me that Mayor, you say it's an administrative burden. Then why do we have it. I mean, that raises the whole question, what's the purpose of the Grange? And if it's an administrative burden, then we should not be having it. If it's something that we really want as a City, it should not be considered an administrative burden. On 2017-64, with the special prosecutor, first it is only to review and investigate but when my husband and I were talking about it, he's like, you know, it's like water under the bridge, isn't it? Do we really want to spend six thousand dollars (\$6,000.00) on that? The thing that really kind of made me want to talk about this though, was Mr. Lobe, when you like say things like, oh, and it's been called declaring an emergency, I don't know why it's an emergency? That just really bugs me because declaring an emergency use to befuddle me when I use to start coming to these things. And it's my understanding that it means that it takes effect really quickly instead of waiting thirty days after passage. And that's all declaring an emergency means. So, I want that to be clear to people that are listening. That this isn't being declared an emergency, like "oh my God, I've got to do something right now". It is an administrative thing of how you do legislation. But, the way you said it tonight, just didn't necessarily do that. Amazingly enough, I don't think that we should necessarily pass that one, but I do agree if it was legal before, to do a special prosecutor, I don't care what the facts were, law is law. Facts or not. So, if it was legal before, it's legal now. And it doesn't matter if there was a bunch of chaos going on then. And there isn't as much now in your mind, I just think that people need to, your wording and how you say things makes it very confusing to me and it is not making it very clear to me in how you express things. So, I would appreciate a little more clarity speaking about and not making it upskated, things like pointing out not making it an emergency and things like that. Don't do that. Thank you.

Doris Dodge – 37881 Milann Drive. First of all, I would like to express my gratitude on the newsletter for Willoughby Hills that we finally have the Willoughby Hills Adopt a Soldier Program. This is something that is so important to me for so many years and I'm so glad to finally see it happening. I do have one other comment. You know, I've been commenting continuously about the Grange. And all I wanted in the beginning was to have like a baby shower there. It wasn't, you know, a big deal. I just like the atmosphere of the Grange and the Mayor offered me the community room across the highway here. I've been to things up there. The great meeting room up there is a wonderful venue for large parties but I just wanted to have a little baby shower and frankly, the small rooms down below, have all the ambiance of a locker room. So, that was why I wanted the Grange in the beginning. But, I fully understand your position on why you don't want to rent the Grange out. I've read it in the newsletter, I do appreciate that. But, I am concerned about the activities that have gone on in the Grange and one of things, and I'm not trying to pick on this guy, I don't even know him. But, as you have mentioned before, he is running for Council and this is an oath keepers group that had a meeting there on 1/25/14. And oath keepers, when I first looked into it, it looked like, you know, a pretty good thing. But then I got into the next paragraph from the definition of Wikipedia defining the oath keepers and this again involves

Mr. Rick Thompson as the person holding the meeting at the Grange. And there are several groups that monitor domestic terrorism and hate groups described the oath keepers as an extremist or radical. Now, I don't know what oath keepers is, I don't even want to get into this too much, but I would like Council to at least look into these other people that are using the Grange. Who's got the keys? I know the locks were changed. But when I've looked at other people and I'm looking at myself only wanting to have a baby shower and I see postings from the naked mixers and you know, this oath keepers and everything else. Who has the keys now? And who's monitoring these groups? How do we know this isn't bring a negative cogitation to the City of Willoughby Hills? Thank you.

President Fellows: Thanks Doris. Mr. Zawatski. I haven't seen you forever, Joe.

Joe Zawatski – 28914 Eddy Road. I know, because I really haven't been involved. Mr. Plecnik, I want to tell you, thank you because for years you've railed on that thing, of three reading rule.

President Fellows: Be careful, Joe.

Joe Zawatski: I'm being very nice. But, what I would like to say though, I was here a couple week, I think it was a couple, three, four, whatever weeks ago, at the last meeting. Some of the things that were discussed and if I can and I hope that you will allow me to go on with this because we talked a lot about properties in the City. And I have to throw something back to you Nancy...

President Fellows: As long as you are providing facts...

Joe Zawatski: Talk nice. Talk nice to people.

President Fellows: I don't want to have a Council meeting like we had in the past.

Joe Zawatski: Let's not take my time right now...

President Fellows: I'll add ten seconds to your time.

Joe Zawatski: Thank you. Ms. Majka, at the last meeting, you absolutely railed, railed on a gentleman that has spent millions of dollars in our community. He's purchased the Shoppes of Willoughby Hills. Let's see, what has he done over there so far? Let's see, he's purchased, he's resurfaced, he striped it, he's lite it, he's landscaped it, he's done building renovations. You stated that you used to love going there and how nice it was. Can I ask you, I just have a quick question...

President Fellows: Joe,

Joe Zawatski: Yes.

President Fellows: If I may call you Joe.

Joe Zawatski: You may, please.

President Fellows: So, communication has been...

Joe Zawatski: I just like to know, I'd like to know if this is Ms. Majka's house?

President Fellows: Communication, communication has, I'll answer two questions.

Joe Zawatski: Thank you.

President Fellows: Put the picture down, please.

Joe Zawatski: Keep adding my time. Be my guest.

President Fellows: Some months ago, there was a presentation by this owner and former Council President Ray Somich through the Mayor's retreat, excellent presentation, a lot of great ideas. And some things have already been started and implemented. I had reached out after that meeting to speak to him and I'm sorry, I don't remember his name...

Joe Zawatski: Mr. Scheel.

President Fellows: Mr. Scheel. And I was instructed by Ray that any questions or concerns about this property should be directed to him from anybody on this Council. I said, okay. He's working with this gentleman, that's fine. About a month ago I reached out through Ray because residents had begun to ask what's happening. Now many good things happened before the winter and we're not sure what's going on now, so we wanted to know. So, we've reached out, I reached out to Ray and he was going to come to this meeting, but he could not which was fine because we have a heavy agenda and he's looking to do a presentation in two weeks on the 28th about what's going on at the Village of the Hills which is what they're looking to coin it instead of the Shoppes of Willoughby Hills or Loehmann's Plaza.

Joe Zawatski: Correct.

President Fellows: Okay. To address your second question, the home is being painted.

Joe Zawatski: Did I hear that a year ago.

President Fellows: The home is currently being painted and I'm not going to have you...

Joe Zawatski: May I hand this to you?

President Fellows: No. You may not.

Joe Zawatski: Why not?

President Fellows: We're not going to discuss this tonight, Joe. I asked you not...

Joe Zawatski: Okay, well, the bottom line is that's the worst looking house in Willoughby Hills. It really should be...

Loud Response from the Crowd.

President Fellows: Sit down, Joe. I'm asking you to...

Joe Zawatski: Go ahead and call the Police and throw me out, I have three minutes. That's what I want to know, when that's going to be fixed. On the other side...

Vice President Plecnik: I'd like to know what house you own in Willoughby Hills, oh wait, you don't.

Joe Zawatski: I go down Eddy Road where I live...

President Fellows: Joe, I'm asking you to leave the Council Chambers.

Joe Zawatski: That is still done. I'd like to know...

President Fellows: Joe, Mr. Zawatski, I'm asking you to leave the Council Chambers.

Joe Zawatski: Why isn't Councilman Fiebig's property being taken care of also?

Councilman Fiebig: He's out of order. He needs to be removed.

Joe Zawatski: Just have me removed. Be my guest. Because these are things that you trash everyone else but you don't follow your own rules. That's the point.

Vice President Plecnik: Says the man who lives in Willoughby Hills illegally in a single family zoned house.

Joe Zawatski: That's exactly my point, zoning issues...

Vice President Plecnik: You don't live here legally, Joe.

Joe Zawatski: I don't?

Vice President Plecnik: No. Single family home. Two families, unless you are one family.

Joe Zawatski: But, Mr. Fiebig is legal. And the junkyard behind his building is. And this. And I also question...

Councilman Fiebig: Mr. Zawatski, you're out of order and your time is up.

Joe Zawatski: Why don't we have a Building Inspector? When are we going to get a Building Inspector? Because I'm assuming that we have no Building Inspector because you guys don't want to be cited. So, go ahead, you're above the law. But this is the law.

Loud Response from the Crowd...What about the trailer in your front yard?

Councilwoman Majka: Madame President. I would love the opportunity to rebut that.

Council Clerk: It's not working.

Councilwoman Majka: Oh, no, I have a good response.

Council Clerk: For the record, no police came. We couldn't get police.

President Fellows: This button is stuck in.

President Fellows: Councilwoman Majka would you like to make a statement?

Councilwoman Majka: I really just wanted to respond to Mr. Zawatski. But, it appears that he bullies and leaves. So, really, I don't think anybody else would be interested. But, there is a lot more than meets the eye as there is a lot of times to cases like this.

Clerk of Council: Oh, he came. (Police)

President Fellows: Would anyone else like to come up to Public Portion this evening?

Crowd responded with laughter.

Ed McKenna: Tough act to follow here.

President Fellows: I don't know if you want to follow that act, honestly.

Ed McKenna – 2963 Lamplight Lane. The reason that I'm here is I recently read in the paper a couple weeks back, okay, that the Council is going to consider hiring a special prosecutor because somebody received donations for coffee and donuts and a meeting at the Grange. I said to myself, what is wrong with that picture, okay. The Grange is a building that the City acquired for a hundred dollars (\$100.00) and is largely maintained by the Boy Scouts, okay. It's really been a topic of a lot of discussion that isn't worth it. This is just a hundred-dollar building that we got as a City, okay. Just use it as you can, but we don't want to have a burden of security going over there and a lot of load going over there. Use it as you can, be easy with it. I don't want my tax dollars being spent for special prosecutors for a matter of donuts and coffee, okay. You know, and this comes at a time or our Service Department, I live on a concrete street, our Service Department could not have poured asphalt or could not afford concrete for the cracks in our street. It could only repair with asphalt, okay. If we can't spend money for that, we certainly shouldn't spend it for a special prosecutor. And actually, my second point of this, beyond the tax dollars was, you know, I as an amateur, reading the Charter, it looked like it was illegal. We got that restated tonight and I agree with it as a citizen. So, 64 ought to be dropped and just let go and forget about it and make the Grange a simple thing instead of a matter to be fighting about all the time. Thank you.

President Fellows: Anyone else this evening for Public Portion? Public Portion is closed at 8:21...Cheryl, sorry, I didn't see your hand, Cheryl. You're in the backrow today, can't see you back there.

Cheryl Ota – 2960 Marcum Boulevard. I just wanted to address Mr. McKenna's questions about the Grange. Things that have been risen there since we had the Open House that is suspect that why is it, this is the Boy Scouts and the Girl Scouts using it then why is there a pool table upstairs and a poker table with chips on it. And that leads many people to wonder what's going on. It's a public building paid by our taxes and yet it isn't accessible by the public. It seems to only be accessible by certain people who have keys. I'm all for the Boy Scouts, the Girl Scouts any legitimate club being there, I don't want to see anybody working there that makes money, takes money as a donation, nothing because there should be no money exchanged. And that's my opinion, thank you.

Pat Grebenc – 2265 River Road. I just have a couple comments as a resident. I agree with the Mayor and a lot of the statements Mr. Plecnik has made in the past about the three-reading rule. I do believe that Monday night, pretty late, that a lot of things came out. As someone who has been attending the Personnel Committee meetings, I wanted to have more time. I did get a chance to talk to Laura, who is my District Council Rep what my thoughts were, but I do think it's the right thing for our City to kind of slow down. Let's not put the cart before the horse. I also have a very large concern with limiting the Mayor's spending in one of those ordinances to a thousand dollars (\$1,000). I can't image how our City and it only has ten thousand (10,000) residents but as Mr. Brichacek has said, we are in a pretty good financial position. We need to let the business to run. He is the administrator, that's his job. Unless we see something, that is really out of line I think that then we would then want to make a case, but because we published a newsletter or at least, that's what I understood from listening in on Monday, we feel like we need to take that down to a thousand dollars (\$1,000) and I just don't know if that's necessarily reasonable. Maybe twenty-five down to twenty would be responsible, but I do have a concern about that. And last but not least, around the Grange, I agree with Mr. McKenna. I think that and again, we have a building, we need to figure out what we're supposed to do with it. My following how the dominions go, the Mayor said that the Rec Department needs to handle it. Let's let the Rec Department or the Rec Commission or

Committee do sometime. Let's give them some time to look into this. Let's not jump on to these accusations and assume that what we're hearing is the truth. And let's figure it out and decide if the Law Director and the Police Department can handle it and then we need to go to the next step. But, I just think that it's an unreasonable request tonight. Thank you very much. And because of some of the behaviors and some actions and disrespectful interactions that I've witnessed with Council, I have put my name out there. I am a candidate for a two-year seat because I want to see a professional demeanor represent my community. I want to be proud to say that I'm from Willoughby Hills and I can't right now. Thank you.

Linda Fulton – 2990 Marcum. What I just experienced tonight with Joe Zawatski being up here was deplorable. Anyone that would come up here and complain and ridicule another resident not, let alone a Councilwoman but a resident, a person. He doesn't know her circumstances. Neither do I. But, I'm asking you Mayor, do you condone that behavior? Did you call him up and you know, and...

Crowd response.

Linda Fulton: Go ahead and laugh. You know, but this goes on with, recently you had an altercation with two employees. And with one pushing another person down to floor and she admitted it. And yet, nothing happened to her. There should be zero tolerance for behavior like that. And in my opinion, you and your Executive Assistant Gloria Majeski have created a toxic atmosphere in this City Hall and this is why this is happening. You have employees leaving left and right whether they be retired or just quitting. You have a problem in the Administration and it has to stop. That kind of behavior is not acceptable. And there is, something should be done with that employee. And there should be a ruling in Administration that if anything like that is to be fired immediately. And I also have this QRF Ohio LLC, there's a class price list here, prepper of a hundred dollars (\$100.00) all eight as semester two hundred and forty dollars (\$240.00). So, that's at the Grange, if that group meets there. So, there is money being taken in. Thank you.

President Fellows: Anyone else? I will close Public Portion at 8:28pm. Just a couple comments that I want to make. Doris Dodge came up and was very thankful that the Adopt a Soldier Program was highlighted in a recent City Newsletter. What I found disappointing was that she was not given any credit in that article for her consistent asking for that program to be moved forward in the City and was assigned to someone else to manage. So, I think that was sad.

Mr. McKenna, your comment about the discussion of the Grange "is not worth it" and that you need money for streets, it's a much bigger picture than that. We have salary and wages that come out of the Road Levy, over sixty percent.

The three-reading rule, in the years I've been on Council, it's like a badminton game. It's used against a person at one point when they don't do it, and it's used against the same person when they do, do it. We look at the issues. We look at the urgency of them. We look at the timeframes. Many of the ordinances that are on the agenda tonight have already been vetted in committees. They are not brand new. Some of them are on second and third readings as well. Yes, there were some new ones, don't shake your head. It's not true. I read this legislation every single day with my Clerk. Every single day and on some weekends. These are not all new pieces of legislation. And there weren't multiple typos in them either. There were three and they were not substantive for change.

Also, Pat, you mentioned that we need to figure out what we need to do about the Grange. The Mayor abdicated his authority and responsibilities to Council to deal with the safety and security of the Grange and the residents in this City. Recreation Commission and the Recreation Coordinator at the time, sat in this room and said, I've never even been in the Grange. I don't know anything about it. It's not Council's responsibility but when the Mayor abdicates his duties to us then we feel that we do have a responsibility to the health, safety and welfare of our residents. And one of the reasons that this body has looked to have a prosecutor investigate some of the

activities in the Grange is because there is continued information that is found on the internet that says that there are meetings that have been charged at that Grange. It's not just the Boy Scouts and Girl Scouts. That's why we're doing what we're doing. Because there are activities there that are not just them. They are suspicious and we're not sure if they are safe or not.

Anybody else want to add comments to Public Portion this evening?

Vice President Plecnik: Madame President. With respect to Ms. Jenna Bing's comments, I did want to say for Ordinance 2017-63, I agree with you, it's not a policy. We do need to take the time to really look at who should be using the Grange and best way to access it, whether it should be rented or not. What types of nonprofit groups are appropriate there. But, right now when we have information every meeting about different groups, many of which are disconcerting, meeting at the Grange without our knowledge and the Mayor has previously stated without his knowledge. Keys have been given to people who have given keys to people and they may have given keys to other people. We need to shut that down and say just the Girl Scouts and the Boy Scouts for now who we all agree should be using the Grange. And then we have the Recreation Commission work with the Recreation Committee of Council to see what other groups should be there. I personally think neighborhood groups like Neighbors for the Grange should be allowed to use the Grange and we need to find a policy that allows them to conveniently and safely. But right here, right now, when I hear every meeting from a resident, here's another group we're concerned with that apparently has been meeting at the Grange and here's internet post of it, we need to tamp it down for the safety of our residents. As I think about the Boy Scouts and the Girl Scouts meeting there and maybe an Oath Keeper shows up because they have a key, that's not something that any parent wants to be worried about. We need to make sure that the Grange is safe, first and foremost. That gives us the time to build a policy that is more accessible.

Law Director: Council President.

President Fellows: Council members first.

Law Director: Council members first, I appreciate that.

Councilwoman Pizmoht: Yeah, I would just like to talk about the Grange just for a minute because a lot of people have been saying that it's not a big deal. But I think that it's a little bigger deal than maybe it seems. The City was essentially donated the building in 2008 so we've owned it for nine years now. And at that time, there was no plan for it, that I'm aware of, and what the Mayor did, he has authority to appoint, or to hire employees or to create a position, or to hire employees or to appoint an officer. And when he does that, it goes to Council and Council can vote on the new position and or the officer and through that, the public knows who's running the building. So, whether it's a commission or an officer or an employee, so that person is held accountable of standards that they need to meet. You know, the people know who is running the building. But, instead he gave the keys to someone who is just his friend and may be at the time, it didn't seem like a big deal. But it's eight and a half years before anyone knew what was really going on at the Grange and his friend without any legal authority to make decisions was making decisions about who could access the Grange and who could not. And so, the Boy Scouts and Girl Scouts were using it but then friends were using it and he was giving keys to people who were keeping keys with them at all times and the City couldn't keep track of that. And what happens if somebody is running a business or has a group at the building and something happens to them. Who's liable for an injury? Or who's liable for something happening to somebody at this Grange, right. We are. But, the people never really had a say in who could use the building. Or what the plans were for the building. And I think that's the problem. It's only eight and a half years after we took ownership of that building that people really discovered what was going on with it when the whole cell tower thing was going on and people were upset about that. So, people realized that we owned it. I'm a resident, I drive by the Grange almost every day and I had no idea that we owned it until the cell tower issue came up. So, I think that's a lot of the problem too, it's just that it was never done the correct way. It was never done in a public way and in a way that the

person making the decisions could be held accountable. And so, now we're in these issues that we're having now. So, it's kind of a mess that needs to be cleaned up.

President Fellows: Mr. Lobe.

Law Director: Yeah, let's start with the Grange. I think that there's a lot of misconception. A lot of lack of knowledge on the Grange. I'll tell you who's to blame for the Grange, it's me. I bought it and I pushed our Council and we did it, not in a rush, not privately, we did it by an ordinance. It was on this Council Chambers by and through an ordinance that was reviewed by then Council and it was a great deal. I, as your Law Director, decided to try and push for it because it was such a good deal. It was a hundred dollars in costs. I thought, let's go for it. Who can pass up an acre of property for a hundred dollars (\$100.00) in costs that ultimately, tax, title and delivery was less than twenty-five hundred (2500). I have pushed for these types of properties in the past and there's all this commotion about the Grange. But let me assure you, I've talked with the Police Chief, there's not one issue of safety in the last eight and a half years. So, this emergency and everything else that's going on only erupted because of the cell tower which I can appreciate. But for eight and a half years, there's not a safety issue. There's been no police action. There's no police reports and I don't expect that there will be. Now, Council can take this action and I'm glad that they are doing so. But to say that nobody knew about this, is not true. It was a presented ordinance discussed, passed and voted on and public funds were used for it. So, this idea that nobody knew about it, etc., is not correct. And there's been no police action over there. Now, is it good that Council gets involved, the answer is absolutely. But, many people on this dais where in charge at Recreation or on the Recreation Committee that could have at that time done something and I'm glad that they're doing it now. But for all this commotion and to say that there's all this calamity over there is not factually correct. And I also want you to know that it's interesting that I bought, that I've recommended for this City other properties that we're not discussing. We're talking about one acre at the Grange. Is this Council worried about the eleven acres that I had this Council purchase on West Miller Road? I did the same thing for a piece of property on Martin Road when the sewers came in. I recommended that we buy that and then we ultimately sold that for eighty thousand dollars. But the prob..., the City owns other properties also that I have pushed for back in 1996. We own some property also, just for everybody's edification that we rent out on SOM Center Road that I pushed for during the O'Ryan administration. That I pushed for and bought for a hundred thousand dollars (\$100,000). A hundred thousand dollars (\$100,000.00) of tax value, of tax payers' money for a piece of property that was valued at a hundred and fifty thousand (150,000). Why did we do it? At that time, if you recall, there was a push to make a commercial development from the Cleveland Clinic on that side of SOM Center Road all the way to the garden center. And we strategically for strategic zoning purposes bought that piece of property, I believe, sometime in the '80's or '90's. So, there are other pieces of property that we've bought. And I hope that this Council looks at all of them. And reviews all of them. But, let's not get everybody excited and say that there's some danger at the Grange. I just want to put everything in perspective so, if you're going to get excited about one, let's get excited about all of them. Thank you.

Councilwoman Pizmoht: Madame President. Are there caretakers that have been appointed to these other properties? Who have discretion without any authority or any accountability to make purchase and to decide who gets to use those properties? Because that is the issue at the Grange. Not that we owned it and we didn't know, but that there was a caretaker that wasn't, who doesn't have legal authority or isn't under any kind of scrutiny or accountability with the public or Council. That's more of the issue, I think.

Law Director: I understand that Laura, but do you understand that we even have tenants at the other property, are you aware of that? If you're aware of that, just tell me. But, if you're not, let's get educated on all the facts...

Councilwoman Pizmoht: I don't think that it's germane to this issue.

Law Director: No, it's very germane. It's a piece of property that's an acre and three-quarters and is much more valuable. So, my point is, I just want to put a perspective on all of this. That's all my point is. That's all my point is. And I have been involved in all of these matters. And they are all city properties that we should all be interested in and let's not focus in on one or another and make mountains out of mole hills. I want Council's attention to it. I'm glad that their attending to it. But, I'll ask you to attend to all of them. Thank you.

UNFINISHED BUSINESS

President Fellows: Next order of business is Unfinished Business. Is there any Unfinished Business this night to talk about? Do you all need a recess?

LEGISLATION

Ordinance No. 2017-43 – 3rd Reading

1st Reading: July 13, 2017

2nd Reading: July 27, 2017

An ordinance authorizing and directing the Mayor to execute an agreement between the City of Willoughby Hills and the American Federation of State, County, and Municipal Employees, Local ----- and Ohio Council 8, AFL-CIO on behalf of the employees who work in the classifications set forth in SERB Certification No. 2016-REP-06-0060.

President Fellows: I just want to make mention that I can hear conversations in the backrow when we're up here. And Mr. McKenna, it's not funny. You can leave if you are going to continue to smirk and talk about us. It's disruptive to the Council.

This ordinance is on third reading. What is the wishes of Council?

Councilman Fiebig moved for passage. Councilman Biro seconded.

Councilman Hallum: Madame President. It's my opinion that we should table this without further understanding some of the things that we asked about during the Rules meeting before we make a vote on this because I think that there were a lot of, in my opinion, we had a lot of questions about this ordinance at the Rules meeting and to vote on it at this point, I think, would be premature. And, so I would like to make a motion that we table this.

Law Director: Council President. I'm going to recommend that you vote on it. As you know, I gave Council a thirty-day time limit and we're on about the seventieth day and we're testing the patience and province of the union. If you vote it down, that's okay. Okay, I'm not saying that or you can vote it up. But, I am cautious about that thirty-day time limit that we discussed. And I don't want to get into that argument and debate of what I advised you of because I'm confident that I advised. But, I would like some action on this because the law does require and you cannot just simply string out the union forever otherwise we will get that ULP, so it's more than ripe, whether it's properly discoursed or understood or etc., I'd really think to take a vote on it. If you're not in favor of it, that's fine, but we need action. Taking action is better than taking no action as a matter of law. That's all my advice and I'm not telling you how to vote.

Councilman Hallum: I'll withdraw my motion to table.

Vice President Plecnik: Madame President. For the benefit of the public, I want to share a little bit of the background on this ordinance as Chair of the Personnel Relations Committee. This is the secretaries of the administration union that recently formed and the request in this union contract is to have what you call a 3-3-3 or

a three percent raise each year, a total of when you have the compounding a 9.272% raise over three years along with over thirty thousand of longevity pay over a career. Two thousand dollars educational stipend per year. Uniform allowances paid in cash that range from a hundred to, I believe, over a thousand dollars depending on the position in the union. An option for the Mayor, in his sole discretion and those are the words used in the contract “sole discretion” to grant additional vacation days to what is already more vacation days than the other unions in the City enjoy as well as tenured employees’ status, something that I haven’t seen outside of academia or the public schools in terms of tenured teachers. So, I think that it is very fair to say in line with the concerns of the Personnel Relations Committee, this is one of the richest, most generous union contracts. Some on Personnel Relations have called it greedy, I think that’s a fair word, although it’s a harsh one. But, a nine percent raise with tenured employee status and potentially unlimited vacation, is fiscally irresponsible and I’m frankly shocked that the two employees of the City who negotiated it, Mr. Lobe and Mayor Weger would not have pushed back on behalf of the City and said this is unacceptable. I’m also concerned to hear Mr. Lobe say that he gave us a thirty-day timeline because he specifically told us at the committee meetings on Monday that thirty days was an aggressive interpretation that came from the union of unfair union practices law. In fact, thirty days does not appear in the Ohio Revised Code in this matter. So, now I’m hearing it came from the Law Director. I find that very disconcerting because we’ve expressed concern to Mr. Lobe that he seemed to be representing the union rather than the City in negotiating such a generous contract and advising us repeatedly to vote on it and to vote in favor of it because we would be in trouble if we, if we went down to Columbus and had it decided by others. Frankly, I’d rather let Columbus decide our fate than vote in favor of this contract. So, my vote will be a resounding no on behalf of my neighbors.

Law Director: Council...

President Fellows: No, I’m not going to have debate, Tom.

Law Director: No, I don’t want a debate. I’d just like to just have...I’d like to have my legal opinion.

President Fellows: You’re already given your legal opinion.

Law Director: No, I have not. No, I’ve got...there are a lot of misstatements of fact and law and it’s not, let me tell you what I’ll do, I’ll be handing to, because I knew that this was going to be happening. I’ll be handing to the Clerk, my ord...my ord, I’m sorry Nancy, I apologize, my memo for tonight of all the misstatements of fact and law. I want that clear on the record because I’m often times not allowed, like tonight, to present it. So, I did take...

President Fellows: No, Tom...look...

Law Director: I’m not done. If you’re not going to allow me to speak after Mr. Plecnik...I will be quiet. I will take your advice. I do not want to be sanctioned by, so I’ve done it in writing.

President Fellows: Thank you. That’s all I have to say.

Councilman Biro: Madame President. I would like to hear him.

Law Director: No, it’s okay. Vicki will send it out to you. Good day. I don’t want to be, I knew this was going to happen. So, I apologize.

President Fellows: You just gave us an opinion on this ordinance before there was other comments. So, we will heed that. Please call the vote.

Roll call: YEAS: Biro

NAYS: Fellows, Fiebig, Hallum, Majka, Pizmoht, Plecnik

Motion FAILED.

President Fellows: Ordinance No. 2017-43 has failed. And we will go back to the drawing board between the union and Personnel Relations and Council.

Councilman Fiebig: Madame President. In regard to that, I had suggested that we hire an outside negotiator who isn't so close to the situation. That would alleviate Mayor Weger and the Law Director from being put in an uncomfortable position of having to go back to the union. So, there was a name or two that were mentioned. I'd ask that the appropriate people look into a good union negotiator and to seek out the advice of Council first and then go negotiate to the union a suitable agreement.

Councilwoman Pizmoht: Madame President. Can I add to that? As I had said in the Rules and Legislation Committee meeting on Monday, I think that this union is actually illegal under Section 4117.01 of the Ohio Revised Code. Many of the employees in this union are mayoral administrative staff which are prohibited from unionizing under this statute. So, I think that as our employer representative, Mr. Lobe and Mr. Weger should have appealed the formation of this union as they had the right to do after a certification of this union to defend the rights of the employer who are our residents, so that we're not spending our residents' money to give excessive pay, vacation time and things like that for these employees when they are already receiving quite a generous pay and benefits package from the City.

Councilwoman Majka: Madame President.

Law Director: Can I speak now?

President Fellows: On this topic.

Law Director: On this topic.

President Fellows: I don't want pontification on everything that you do, Tom. Please.

Councilwoman Pizmoht: It's 4117.01(C)(3).

Law Director: I understand that. Let me assure you that this Council was provided that information in executive session. Let me assure you. Number two, there have been many misstatements of fact on this particular matter. And what nobody did and I just very quickly, nobody from this Council or that committee, they didn't even read it, they didn't ask myself, the Mayor, the Finance Director or the union to explain it. They simply criticize it.

President Fellows: Tom, how can you make a statement that nobody read this.

Law Director: Well, members of the Personnel Relations Committee that said it was greedy...

President Fellows: Not all members of the Personnel Relations Committee, so when you make a statement that nobody read it, that is a definitive term and that is incorrect.

Law Director: I will stand corrected on that. Members of the...

President Fellows: No, we've finished.

Law Director: I'm not finished.

President Fellows: I am finished.

Law Director: You're finished, I'm not.

President Fellows: I'm running this meeting, please...

Law Director: If you don't want me to explain to this audience, I will be quiet.

President Fellows: We made a vote on this. This needs to go back to the drawing board. This needs to be negotiated. This needs to go through Personnel Relations and this needs to come back to Council. It does no good to go backwards. We need to go forward on this.

Law Director: Then why did we have discussion on this after the vote from two Council members that criticized me.

Councilwoman Pizmoht: I didn't criticize you.

Law Director: Yes, you did. Let's move on.

Councilwoman Majka: Madame President.

President Fellows: You're just lucky that I won't say what I want to say.

Councilwoman Majka: I'd like to be the third Council member to throw in too, my remarks on this. As I was reading over the union contract, I found that in addition to the questions people had about certain individuals being in supervisory positions and therefore, not eligible as a public employee, I also found that there was an exception meaning that also not allowed to be in this union contract were students working as part time public employees less than fifty percent of the year which would apply to our monitors who are listed in that union. This is right out of the Ohio Revised Code 4117.01. Where they're defining what words mean. Public employee, who is eligible to be in the formation of the union. So, this is going back to the drawing board again. And I know that Mr. Lobe had expressed that this is a new union. He had not had experience working with this particular union before, so perhaps it would be a wise thing to get a negotiator in here to streamline the process and to make sure that everything is done just by the book to get it all right. If in fact, we are unionizing in the first place. Thank you.

Ordinance No. 2017-44 – 2nd Reading

1st Reading: July 27, 2017

An ordinance amending Section 1 of Ordinance No. 2017-18-AMENDED to comply with state budgetary laws requiring municipalities to maintain positive account balances throughout the year by providing for 2017 operating budget revisions specifically for the purchase of two laptop computers and repealing conflicting legislation.

President Fellows: So, we had discussion on this in the Rules and Legislation meeting on Monday. These two laptops were for the Police Department. There was a two thousand five hundred dollar (\$2500.00) donation from the Rotary Club of Willoughby for that. These laptops, they've already been purchased. With the first reading, the question was if we did three readings, would they not have these laptops? Would they not be able to do their jobs? And the answer was they can do their jobs, they already have the laptops. This is second reading; however, the Rules and Legislation does recommend that we waive the three-reading rule and adopt.

Councilman Biro moved to suspend. Councilwoman Majka seconded.

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

Motion PASSED.

Councilman Biro moved for passage. Councilwoman Majka seconded.

Councilman Hallum: I just want to make clear to the community that these have already been purchased, we already have these laptops, we're just paying the bills.

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

Ordinance No. 2017-45 – 2nd READING

1st Reading: July 27, 2017

An Ordinance amending Part Nine – Streets, Utilities and Public Services code, Title Three – Utilities, Chapter 925 – Sewerage System Regulations, Section 925.06 – Fees, Sub-Section (c) of the Codified Ordinances of the City of Willoughby Hills, Ohio and repealing any and all conflicting legislation.

President Fellows: So, this ordinance is for us to be in compliance with sewerage regulations for the Water Pollution Control Center along with the City of Willoughby and also Eastlake. Vicki had been in contact with Willoughby before our break. There's not timeline on this; however, this is a second reading. What are the wishes of Council?

Councilman Biro moved to suspend. Councilwoman Majka seconded.

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

Motion PASSED.

Councilman Biro moved for passage. Councilwoman Majka seconded.

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

Ordinance No. 2017-46

An ordinance to declare city vehicle(s) and/or equipment as surplus property and granting authorization to sell said surplus vehicles(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.

President Fellows: So, this ordinance does declare a city vehicle, it's actually one of the police vehicles, it's a 2013 Charger. This is on first reading; however, there was a discussion in the Rules and Legislation meeting and they suggested that we waive and adopt so that we can get this car advertised for sale so that it's not sitting in the back. We also have another police cruiser that apparently was sold and then the person changed their mind. So, that cruiser is back there as well. So, it would be nice to get these back on the internet and in the paper so that we can get them sold and get some coffers back to the City.

Councilman Fiebig moved to suspend. Vice President Plecnik seconded.

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

Motion PASSED.

Vice President Plecnik: Madame President. I would just say that we've talked about the three reading rule a little bit tonight and I want to emphasize that the three-reading rule is there for deliberation for a legislative body and to allow the public a chance to see the legislation before it's passed. But, it's appropriate to waive it when there's an exigency or reason to move quickly, for example, to get the best possible price on a police car. If we wait several months, the police car rots in the yard. You'll probably get a lower price, there may be added repairs before you can sale it. So, this is the perfect example of when it's appropriate to waive the three-reading rule. Which by the way, according to Professor Mark Sundahl and myself in our researched into ancient Greek law, originated in Athens as a two-reading rule. To this day, mostly, it just goes back to London and jolly old England, it actually goes back to ancient Athens.

Councilman Fiebig: Thank you for that.

Councilman Fiebig moved passage. Vice President Plecnik seconded.

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

Ordinance No. 2017-47

An Ordinance establishing the terms and conditions required for the confirmation of Mayor appointments of the Heads of all the Departments of the municipality.

President Fellows: So, this was originally Ordinance No. 2017-28 that didn't pass. I have said this many times, this ordinance doesn't not omit the vetting of the Civil Service Commission. It does not omit the exercising of the appointment of a Department Head by the Mayor. This is the ordinance that is the roadmap for Council to use for their confirmation responsibilities. We are not asking for results of HIPAA. We are not looking to violate HIPAA as the Mayor had indicated. We don't want the results of a drug test. We want to know that the person passed the drug test. We don't need the results. We don't necessarily need to know about the criminal background check but, we want to be assured that it was completed. So, these are not the things, we are not asking for the things that the Mayor says that we're trying to dig into. Also, whether we ask, this is our "ask" to the Civil Service Commission that we want the report when they complete it, so that we can use that tool when we are confirming the department head. So, this has come back, it's now number 47 and there was a long discussion on this on Monday night and the Rules and Legislation of Council recommended that it be waived and, the three-reading rule be waived and adopted. It's been discussed many times over the last few months.

Councilwoman Majka: Madame President. I'd just like to add that as I read over this legislation again, just to clarify it in my own mind, I just felt very strongly that this provides Council and all of us with just an extra layer of protection, a safety net so that we're making all together, with Civil Service, the best choice so that we don't have any more situations happen as what happened with the former Fire Chief last year. I don't see how it can hurt to have more eyes on this situation. That's my opinion. Thanks.

Councilman Fiebig moved to suspend. Councilwoman Majka seconded.

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

Vice President Plecnik moved for passage. Councilman Fiebig seconded.

Councilman Hallum: Madame President. I just want to say again that I really believe this is a procedure, a Council procedure. I do think that there are some things in here that we may be should pull out and make ordinances out of. But, I think we're kind of mixing a procedure and some stuff that may be ought to be ordinance/law together. And I just think that we could make this cleaner if we just stripped out the procedure and left that as Council procedures and pulled out the things that we want to make law, like for instance, maybe we need to add the falsification of an applicant, change that into an ordinance. So, that's my, I'm not in favor of this just because I feel this is procedure mixed with somethings that we do need to maybe consider as ordinances. Thank you.

President Fellows: And many months that we could have massaged it. So...

Councilman Hallum: I know, I've been saying it from the beginning.

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

Motion PASSED.

President Fellows: The next several plus are aligned with wages for individuals in the City. These ordinances have been vetted in Personnel Relations and we will take them one by one. So, the first one is Ordinance No. 2017-48.

Councilman Fiebig: Madame President. May I make a little unusual motion since there are so many more ordinances that we dismiss our City Engineer at this time? Since the meeting is going so long.

President Fellows: Ah, Mr. Lobe would like to be...no you cannot be dismissed.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Vice President Plecnik to dismiss Pete for the rest of the evening. We thank you Pete for all that you do.

City Engineer: Thank you.

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

Vice President Plecnik: Madame President. I'd like to make my statements as to all the ordinances on behalf of Personnel Relations because they are substantially similar so that the public understands. We budgeted for a two percent (2%) raise for our nonunion employees this year and there was a three percent (3%) raise granted initially by the Mayor last year. Some employees participated in it fully; some participated partially; some weren't give it at all. There's also in a few of the ordinances a three percent (3%) catchup so that everyone who did not get a full three percent (3%) raise last year gets whatever portion of it they didn't receive so that there's some equity there. We shouldn't, we did not want to treat the employees differently and I think there are only two employees with that three percent (3%) catchup. But, generally, the ordinances that we're going through are a two percent (2%) raise which was budgeted for in March. In each of the employee cases and Personnel Relations unanimously recommended that they be adopted. I would also say, the Law Director mentioned in singling out the Executive Assistant to the Police Chief, I'm concerned that her job description was changed right when her legislation was on the agenda. I think it does single her out and I'm in favor, although we would change the caption to take out Dispatch Supervisor and only leave Executive Assistant so that it's correct. I'd be in favor of passing the ordinance as it is. I'm concerned that this last-minute move to change her job description could cause a

retaliation claim and treat her differently and single her out and I don't want to put the City at risk in that way. Thank you.

President Fellows: We can talk about that when we get to hers. No, he said, Debbie Semik. Debbie Semik, correct?

Vice President Plecnik: Yes.

Law Director: Sorry.

Councilman Hallum: Madame President. I would just, my question is that these all showed up on Monday. And I'm just wondering who wrote these, where did these come from?

President Fellows: These were all in Personnel Relations.

Councilman Hallum: These ordinances were discussed in Personnel Relations.

President Fellows: They have been in Personnel Relations Committee. What we've asked, back in May, when these started to be developed, we had asked the Finance Director for the wages of everybody so that we had the right dollar value. And then September 1st, right around the first of the month, I instructed the Clerk to get the numbers again from Mr. Brichacek to make sure that we had everybody's hourly wage correct. That all of these would be updated. These are not brand new. These have been in committee and have been discussed.

Councilman Hallum: Um, so this is in your minutes then, John.

Vice President Plecnik: The ordinances were completed with the new information given to us by the Finance Director. Obviously, the Council Clerk told me before she could give me the final draft she had to get the information from Mr. Brichacek. But, they all reflect what we had discussed in committee as we looked at the draft ordinances that it is the two percent (2%) with respect to the budget that we passed in March.

Councilman Hallum: So, in fact, these ordinances have not actually been into your committee, is that correct?

Vice President Plecnik: Well, as the absolute draft, no. They were approved in concept asking that the Finance Director be asked to make sure that the final numbers were correct.

Councilman Hallum: So, you brought up the, Debbie Semik, the Police Chief's Admin. As you recently mentioned, the responsibilities of supervisor of the dispatchers, as I understand has been removed from her responsibilities. And I believe, if I'm not mistaken, we actually gave her a five thousand dollar (\$5,000) raise at some point because she was supervising employees and now she is no longer...

President Fellows: Chris, can we have a discussion on that...

Councilman Hallum: I was fine with that. Then when Councilman Plecnik approached all of them at one time, I thought that's what we were doing...

President Fellows: I will share because I was on Council. So, Ordinance No. 2013-1, Councilman David, David Reichelt was Council President at the time. And Debbie Semik was supervising the dispatchers and she desired more income. That's normal. So, she was given and I believe, I'm correct, an 8.35% raise at that time. So, throughout the years there's been different levels of increases. My concern and I shared this with Mr. Lobe yesterday, as Vice President Plecnik brought up, because the Chief went to the Mayor about a month ago, because Debbie felt, I was told, Debbie felt that she wasn't being compensated for her duties. And so, she no longer

wanted to be the supervisor of the dispatch. So, Chief Collins rewrote her job description which she has presented to the Mayor. So, there's concerns that I have and Vice President Plecnik had brought it up, is that this melting about the same time, so her title has changed. So, she's no longer in a supervisory position. She was not part of the union because of being in a supervisory position and I think that she may not have wanted to participate, I'm not quite sure about that. And now the question is, now that she is not in a supervisory position, does she want to be involved in the union. When we had individuals that were identified for the union, Mr. Lobe gave us specific, especially to Vice President Plecnik, as Chairman of the Personnel Relations, that we could not touch their salaries and wages now. So, there's a quandary about what we do. I mean, I think she's desiring of her catchup because she is one of the individuals that was at the top of her range, so she could not get the full three percent (3%) last April. So, there is a percentage to catch her up to last April plus her two percent (2%). The other question could be, if she received an eight plus percent (8+%) wage to be supervisor to dispatchers and is not doing that any longer, is that a concern or not?

Councilman Hallum: Right. And that's something that, in my opinion, could be discussed in Personnel Relations. Now that we know that's what happened. I think that this should be discussed at some length to make sure that we're making the right decision before we vote on this. My other question is regarding the, we got for the Building Administrator, we're basically removing any, actually we're removing almost every salary ban that we have almost. And we're not setting any kind of pay rate for the new Building Commissioner position in general. And so, I'm just wondering if that is such a good idea that we don't have anything in place for that position as well as the Rec...

President Fellows: But, that will be discussed in executive session to be held tonight.

Councilman Hallum: But, we're going to be voting on this ordinance now. Correct? So, we can't...

President Fellows: So, we'll discuss setting salary in executive session.

Councilman Hallum: Right, so we shouldn't vote on this ordinance then at this point. If we're going to be discussing something that may in fact be...

Councilman Biro: I agree...

President Fellows: This ordinance eliminates the compensation schedule.

Councilman Hallum: Well, I'm talking about the ordinance that sets the Building Administrator's rate. There's another ordinance in here that actually talks about his, trying to find which one it is, but I don't think that we should vote on that one. And also, with regard to our Finance Director...

Councilwoman Pizmoht: Was it 62?

President Fellows: We're eliminating the compensation schedule so that we can set a salary in executive session.

Councilman Hallum: 55, thank you. 55 is repealing the compensation for the position of Building Commissioner.

President Fellows: It's repealing the compensation schedule and then in executive session, the rate will be discussed and then fixed by Council by ordinance.

Councilman Biro: The range that is on this ordinance, ordinance 55, that's a new range. Correct?

President Fellows: There's no range.

Councilman Hallum: No, this is the existing range. And they're repealing this, so there is no range. There's no discussion, there's no information at all about...

Councilman Biro: This is the problem, I mean, these things were drafted but without significant discussion. Okay this, the problem that I've had in many cases, and that's why and it's frustrating for us and then to get these, these individual ordinances should have been discussed extensively with other individuals, not you know, like Debbie's.

President Fellows: There was a discussion Monday night, Chris. We were in a meeting from 8:15pm to... you're asking about a discussion, so there was a discussion.

Councilman Biro: And I apologize for not being there. Unfortunately, my work commitment is at an extreme right now.

President Fellows: I know, but don't say, I mean, that there wasn't...

Councilman Biro: I apologize for that. This ordinance was discussed, but the issue should have been discussed in detail. These individual ordinances, these individual people, you know, it would have given in terms of Debbie's, given the Chief a chance to come and express his concerns about these issues. It would give us all a chance to see and listen to you know...

President Fellows: The Chief is on board with her catchup and her two percent (2%).

Councilman Hallum: But I think that she's...

President Fellows: I have communication from him...

Councilman Hallum: Great and that's something that we should bring up in a different, a Personnel Relations meeting...

Councilman Biro: I have a little concern that her duties, she, she, so anyway but...

President Fellows: If we're going to discuss an individual's salary then it needs to be done in executive session. These are set for their raises.

Councilman Hallum: Which is discussing their salaries.

President Fellows: But we approved a two percent (2%) at the beginning of the year to give them.

Councilman Hallum: Okay. Some of these positions there are changes in them that, one of the positions...

President Fellows: We can go through each one of them, I have notes from the meeting.

Councilman Hallum: We should do this in Personnel, that's my point. This should be done in Personnel Relations and then a Finance meeting.

President Fellows: If you want to wait another two months before these individuals get raises...

Councilman Hallum: Why would it take two months?

Councilman Biro: I can go to a meeting next week.

Councilman Hallum: Right. We can combine a Finance and Personnel Relations meeting to get this done.

Vice President Plecnik: Personnel Relations has thoroughly vetted Council's decision to give a two percent (2%) raise in our budget to these employees and is fully supportive of it. There would be no point to calling another Personnel Relations meeting to have that discussion. The only missing piece to the puzzle was to ensure that the Finance Director provided the information to the Clerk which he did. We were waiting for him to tell us as well, whether or not any employees had received an administrative raise this year and it took some time for him to give a direct response. Once we had it, these ordinances were prepared.

Finance Director: That is absolutely incorrect. You received the response within two days of my receiving the request. That is absolutely a false statement. I value my integrity highly, nothing has been hidden from you.

President Fellows: We didn't say that...

Vice President Plecnik: I didn't say Mr. Brichacek...

President Fellows: Nothing was hidden, we were waiting...all right.

Vice President Plecnik: Madame President. If I could just share, I specifically requested of Mr. Brichacek which employees had received an administrative raise. It took some time and he replied back with a table that included the information but I wanted to make sure that I had a direct response because sometimes tables or data dumps of information have inaccuracies. I wanted to have directly from the Finance Director who received a raise and in what amount. It took some time to get it. I'm not saying that you didn't have other priorities and I'm not calling you a liar. But I would ask you Mr. Brichacek, not to call me a liar, not to jump to the microphone, I'm sorry...

Finance Director: What's your definition of some time?

President Fellows: And Mr. Brichacek, let me say...

Vice President Plecnik: The answer that you should know...

President Fellows: Wait, wait, this is the second time that you have taken the floor without permission of the presiding officer of this meeting. The next time, I will ask you to leave the Council Chambers.

Vice President Plecnik: Madame President. If I could just share, it turns out that the answer from Mr. Brichacek was only one employee had received an administrative raise and it was him. A raise of over ten percent (10%) that the Mayor had granted.

President Fellows: We're going to get to that.

Vice President Plecnik: I know, but my point is that this is something that he could have replied back in a moment. So, I think even a day is some time given that it was your raise and you were the only one that knew it full well. So, I appreciate that you have other priorities, Mr. Brichacek, but most would say that you should know about your own raise. Thank you.

Councilman Hallum: Madame President. I was in the middle of mine when I got waylaid to be honest. So, I would like to finish. I just have one more thing and I'll be done, thank you. And that's with regard to Mr. Brichacek. Again, this another ordinance that to my knowledge was not discussed in a Personnel Relations

meeting nor in a Finance meeting. It was simply put before us on Monday night's meeting and I believe, if I remember correctly, the recommendation of the Rules Committee was to waive and adopt. So, this is something that hasn't thoroughly been discussed. So, I have an issue with that as well. So, I think that we're not using due process. We're not utilizing the tools that we're expected to use and we're being a little bit neglectful of what we're supposed to be doing here for the citizens. Thank you.

Councilwoman Majka: Madame President. If you would just refer back to your minutes from our July 27th meeting, page 26. It explains the Personnel Relations Committee meeting and how the proposed raises for nonunion employees were in draft forms and we were looking at them and it goes into some detail on the two percent (2%) raises with the exception of the union people. And then it talked about the three percent (3%) administrative raise, I mean, it's all there. This was the end of July.

Councilman Hallum: That's awesome. But, that doesn't, Mr. Plecnik just admitted that these ordinances that we're discussing now have not been discussed by his committee and there are some things that have changed that we've just all talked about that has been changed and there are some of these, including the Finance Director, that had not been discussed. So, that's great that some of them may fall into that category but some of them do not. That's my point.

Councilwoman Majka: Right. We had the proviso that we still need to check with our Finance Director to see if any administrative raises were granted this year because we obviously don't want to give a double raise. So, this was in the process. This was in the process.

Councilman Hallum: Right. Upon finding that out there should have been, a meeting should have been called to discuss whatever changes that were substantive to these to make sure that we still wanted to get all the facts and understand what happened and that we were going to make good decisions instead of doing it at a Rules meeting and now here at this table.

Councilwoman Majka: This is what happens when we're off the entire month of August...

Councilman Hallum: That's not an excuse.

Councilwoman Majka: Our vetting of a new...I'm just saying that's just a fact of what happened with Council. We were on break.

Councilman Hallum: That's not an excuse.

Vice President Plecnik: Madame President. If I could just say, we did discuss...

President Fellows: Please. Mark, Tom feels that someone fell outside. Would you please check.

Law Director: I think I could be wrong. Okay, great.

President Fellows: All right.

Vice President Plecnik: Madame President.

President Fellows: Let's move forward. We can just discuss each one of these.

Councilman Hallum: Thank you.

Ordinance No. 2017-48

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

President Fellows: So, this is an ordinance fixing the compensation of the position of the full time Police Chief. This is a two percent (2%) raise that was budgeted for and approved by Council at the beginning of the year.

Councilman Fiebig moved to suspend. Vice President Plecnik seconded.

Councilman Fiebig: This was discussed, Madame President. This was discussed and budgeted for and this is to simply grant that raise going forward for our Police Chief who does a fine job.

Councilman Biro: Madame President. Is this retroactive?

President Fellows: No. So, let me discuss about retroactive. None of these are retroactive and this is the reason why.

Councilman Fiebig: This is to just waive.

President Fellows: I know, but it's been brought up, so we might as well vet it. Three percent (3%) raises were given to most people last April of 2016 except for those who were already at the top of their range. And we're going to do the catchup because there's only one left and that's Ms. Semik. Generally, people get raises, generally, individuals get raises every year. There are twelve months in a year, April to April. If these were retroactive and that was three percent (3%) and by the way, let me mention that we didn't approve for three percent (3%) last year. Council approved for two percent (2%). The Mayor wanted three percent (3%) because we hadn't addressed it; it was already getting into last spring, earlier summer and he said we've got the money, so let's bump it to three percent (3%) which he unilaterally did himself anyway. So, April, three percent (3%) to April. If we do retroactive now to January, January to April is a five percent (5%) increases. I don't think that would be a very prudent thing for this Council to do with their taxpayers' dollars. That's my opinion, not Council's, mine. That's why they're not retroactive, Chris.

Councilman Fiebig: Did I get a second?

President Fellows: We have a motion on the floor to waive the three-reading rule on Ordinance No. 2017-48.

Vice President Plecnik: I gave a second.

President Fellows: Yes.

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

Motion PASSED.

Councilman Fiebig moved for passage. Vice President Plecnik: Seconded.

Councilman Hallum: I just want to say that I still believe this should have been discussed with the rest of them after they were finalized; however, it's true that we did approve a two percent (2%), it's included in the budget and I'm fine with moving forward with this particular one as a result of this, reasons.

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

Ordinance No. 2017-49

An ordinance fixing the compensation for the position of full time Police Executive Assistant/Dispatch Supervisor; repealing conflicting legislation and declaring an emergency.

Vice President Plecnik: Madame President. I would move to amend this ordinance to strike the title “Dispatch Supervisor”.

Councilman Fiebig: Second.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to amend Ordinance No. 2017-49 to strike “Dispatch Supervisor”. Any discussion on the motion?

Councilman Biro: Madame President. I would like to see this go back to, or I’m sorry, I apologize. No.

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

Vice President Plecnik moved to suspend. Councilwoman Majka seconded.

Councilman Hallum: Madame President. While, I am not begrudging Ms. Semik a raise because I think that she does a wonderful job. This has nothing to do with her, this has to do with us following a process and a procedure that we have set and held that we were going to do. And that has not been done here. So, I’m not in favor of waiving the three-reading rule because this should go back to the Personnel Relations Committee meeting and have the, invite Chief Collins so that we can have a through discussion about and make sure that we are doing the right thing. Thank you.

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

Vice President Plecnik moved for passage. Councilwoman Majka seconded.

Councilman Biro: Madame President. I concur with Mr. Hallum. I would like to see this go back to committee to discuss it. I would like to see more vetting on some of these. I would like to see a few more comps, comparisons to other jobs. I just don’t think, you know, we’ve vetted these the way we probably should have. So, that’s just my opinion.

President Fellows: I hoping that Debbie Semik is watching this, this evening.

Councilman Hallum: That’s fine.

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

President Fellows: Ordinance No. 2017-49 as amended has been adopted. Long time waiting, Debbie. We appreciate your patience.

Ordinance No. 2017-50

An ordinance amending Part One – Administrative Code, Title Five – Administrative, Chapter 139 – Police Department, Subsection (d) of Section 139.02 – Rules, Regulations and Compensation of the Codified Ordinances of the City of Willoughby Hills; repealing conflicting legislation and declaring an emergency.

President Fellows: So, this ordinance is fixing the compensation of two percent (2%) above for the part-time members of the Police Department because they are not in the union.

Vice President Plecnik move to suspend. Councilman Fiebig seconded.

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

Vice President Plecnik moved for passage. Councilman Fiebig seconded.

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

Ordinance No. 2017-51

An ordinance repealing the compensation for the position of Fire Chief as set forth in Exhibit A of Ordinance No. 2014-74 and declaring an emergency.

Councilman Fiebig moved to suspend. Councilwoman Majka seconded.

Councilman Hallum: Madame President. Here, this is another example of, I'm really not understanding why we aren't discussing the removing of a salary range for a position that we're not even filled yet. I just think that this would make it much more difficult for us to make an offer to a perspective candidate depending on their qualifications, their expertise, those kinds of things. So, I've never been part of an organization that doesn't have salary ranges. It's just very strange to me that we would not want to have salary ranges. So, I just think that this needs more conversation.

President Fellows: So, there are organizations that have salary ranges and there are those that do not. We did not have a range when Mr. Di Santo was hired. He was given a salary by the Mayor. The Mayor is allowed to bring to us his recommendation and then we by Charter fix it. So, he was fixed at seventy-one thousand dollars (\$71,000.00). That's how he started. He was not in a range. And there was another discussion about bumping him up months after that. So, while some people like to use ranges, some people can do it. You can still hire someone without a range. You look at the market value for the position. You look at the experience that individual brings to that position when the City needs it filled. And then you determine what is the fair thing to provide to provide a pay for them. And then at that point, you may look at a year later, see how their performance is doing and then you look to increase. I mean, there are different opinions on how to do it but they can all be done in terms of meeting the objective. And what this ordinance is simply doing is because we do not have a Fire Chief in place, is simply repealing the compensation schedule so that when the Mayor does come to us with a candidate for the Fire Chief and his recommendation for his salary then as Council we can discuss it and fix it. And then that will be his or her rate.

Councilman Hallum: So, if I understand you correctly, the purpose of this is so that, the, because in a range, if I understand this correctly, if it's in a range, the Mayor could make an offer and as long as it's within the range we would have no appeal or no conflict with that, that we could make. But, if there is no range, then we can say whether we agree or don't agree with it. Is that correct? That we're trying to usurp his authority to be able to offer a salary within a range?

President Fellows: Not usurp his authority. We have the right per the Charter to fix a salary. As would be discussed and negotiated with the Mayor for the position.

Councilman Hallum: Right. So, we're trying to take more control over the salary as opposed to giving a range.

President Fellows: No, we are not.

Councilman Hallum: That's what it sounds like because we're saying...

President Fellows: We have the right by Charter to fix the rate of an individual...

Councilman Hallum: I understand.

President Fellows: That is negotiated with the Mayor when he comes to us.

Councilman Hallum: I understand that. But, if we approve a range then we've already approved a salary range for that position. So, in effect, the Mayor would be able to offer a salary for that position within that range without needing us to confirm that salary...

President Fellows: As he has already done in the past.

Councilman Hallum: Only the, right, because he's allowed. We've already approved this range. Now, going forward, I'm just trying to make sure that I understand. So, going forward, whatever he would offer, doesn't matter unless he, I guess my question would be, if he offers them the exact amount that was approved in the last thing, then I guess, then we wouldn't have, the last hiring, I guess we wouldn't have any authority to revoke that, right? Because we already approved that particular number.

President Fellows: No.

Councilman Hallum: No, okay. That's, I'm trying to understand what...

President Fellows: This is eliminating that. Yes, Tom, if you would.

Law Director: Part of my other legal discussion was, Council does have the absolute right pursuant to the Charter, for the salaries. I even read that. What Ms. Fellows said in this regard, is absolutely correct. What they are doing is taking away, and they have the right to do it because the Charter allows it to, taking away the ranges. And so, the Mayor when he does interview anybody will have to come back to this Council. And then Council will then set the pay. The Mayor can't say to Joe Blow or Harry Fordorca, I'm going to give you sixty thousand, I'm going to give your seventy thousand, he doesn't have anything at this time. He can offer somebody and then Council will come back and put the number on it. I hope that clarifies it.

Councilman Hallum: I understand it. My question is this...I'm sorry folks, if we had a Personnel Relations Committee meeting on this, I'd be asking doing that. But now I'm being asked to vote for this and I need to understand before I make a vote, okay. Sorry. So, what I'm trying to understand is, Mr. Lobe, is currently we have a range.

Law Director: Correct.

Councilman Hallum: It is a range that we approved.

Law Director: On multiple...

President Fellows: 2014.

Law Director: For multiple employees. A lot of categories have ranges.

Councilman Hallum: I understand.

Law Director: This Council wants to do away with the ranges.

Councilman Hallum: I understand. My question is, as it stands today, with a range, as long as the Mayor would offer someone, say in the Fire Chief position, within this range then we would not need to approve that because its already been in effect and approved by Council, is that not correct?

Law Director: Technically correct, but Council would still have to approve it and he can only give ten percent (10%) above the lowest range. So, when you have the sixty-five to ninety-six range which was set by Council previously, the Mayor can't hire somebody at the ninety-six. He can come in at the sixty-five plus ten percent (10%). There is an ordinance that even controls the Mayor, the lowest part of the range plus ten percent (10%).

Councilman Hallum: Regardless of their experience.

Law Director: That's correct. He can give raises thereafter within the range. But you have to start with the lowest part of the range plus ten percent (10%). And that's why Mr. Di Santo was at seventy-one which is sixty-five plus six, that's seventy-two, not seventy-one. Quick math and I'm not a very good mathematician.

Councilman Hallum: Thank you. That's what I needed.

Councilman Biro: Madame President. I don't want to belabor the point but, so if the Mayor has a candidate and he comes to Council, he doesn't have a number to give Council, correct? I mean, if he comes in and if he says, well, I'd like seventy-five or eighty and the Council does not agree with to that then that candidate is not, is withdrawn.

President Fellows: A prudent Mayor would look at the market value in the nearby communities of a Fire Chief and then would match it against the experience that this individual is coming. And then there's are a lot of places to get information. He doesn't have to have a range to have the information. There's a lot of other things that you can do to look at what a value a position would be.

Councilman Biro: So, the Council would ascertain a value.

President Fellows: No. Not necessarily.

Councilman Biro: Well, I mean...

President Fellows: The Mayor would come to us...we were asked, Personnel Relations was asked to look at what the market value was from the nearby communities that were matched up to some of our other positions where the responsibilities were similar to see what other communities were paying some of their individuals. And we looked at ours and the majority, if I'm not, the majority of them, we were at the higher end. Our employees were at the higher end.

Councilman Biro: But, the only problem is that the Mayor doesn't know what to offer them if we don't have a range or I mean...

President Fellows: Then the Mayor doesn't do homework. I don't know what else to say Chris.

Councilman Biro: Well, I know, I just think that it's, it's...

President Fellows: Where are we?

Councilman Hallum: We waived the three-reading rule and...

Council Clerk: I have a first and second to waive.

President Fellows: To waive the three-reading rule.

Councilman Hallum: Thank you for letting me, I just wanted to make sure that I understood what I was voting on.

President Fellows: We're waiving the three-reading rule on 51.

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

Motion PASSED.

Councilman Fiebig moved to adopt. Vice President Plecnik seconded.

Councilman Hallum: Madame President. I just want to say that I'm fine with doing this, I just, waiving the three-reading rule for something that's really not an emergency and this is declaring an emergency. There's really not any hurry for this, so I felt like, let's just read it out, but...

President Fellows: It's as Jenna Bing said this evening, with an emergency clause...

Councilman Hallum: But, we're waiving a three-reading rule. We could have read this over the next two and passed it. And it would have been no affect at all. So, I'm fine with passing this, I just felt like, you know, what's the, there's no rush. This isn't impacting anything right now. Thank you.

Vice President Plecnik: Madame President. If I could just give the context, we did have extensive conversations in Personnel Relations on the issue of ranges versus having fixed dollar amounts set by Council. And there was a consensus that fixed dollar amounts were the superior option for the City because of what happened with the administrative raises that the Mayor had given overtime. Whether you agree or disagree with the amounts that he chose, for the employees that he chose to give them to, we had budgeted for two percent (2%) and without even telling Council, we found out through our Police Chief, the Mayor had given three percent (3%) to some, not to others, some got a partial amount and we then proceeded to spend the next year trying to make things equitable among the different employees. We're really finishing that process up now by trying to catchup our dispatch or I should say, our Police Chief's executive assistant as well as our Council Clerk who got nothing. And we realized that if we don't have a fixed dollar amount rather than a range, there is nothing to stop the Mayor from exercising his authority to give raises that are outside of the budget, larger than the budget and it inhibits our ability to have those discussions because right in the middle of considering the two percent (2%) raises that we budgeted for in Personnel Relations, the Police Chief comes up and says, by the way, this is outmoded. The Mayor already gave a three percent (3%) raise. It really short circuited the conversation. So, I would say there is exigency here. Because as long as we have ranges there's nothing stopping the Mayor from giving more administrative raises as he sees fit which we're not able to work into our budget and have a deliberative discussion on. So, there's a history here that needs to be understood for why it's important for us to pass this now. Thank you.

Councilman Hallum: I understand, John. But there's no Fire Chief right now.

Vice President Plecnik: But there could be.

President Fellows: That's another topic.

Councilman Hallum: But, there's not.

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

Ordinance No. 2017-52

An ordinance amending Part One – Administrative Code, Title Five – Administrative, Chapter 141 – Sub-Section (b) of Section 141.03 – Part-Time Firefighters of the Codified Ordinances of the City of Willoughby Hills; repealing conflicting legislation and declaring an emergency.

President Fellows: Just to let you, just to remind you, these are the part-time firefighters. They are not in the union, so this is the two percent (2%) raise that we budgeted for that they will be getting once this passes.

Vice President Plecnik moved to suspend. Councilwoman Pizmoht seconded.

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

Councilman Biro moved for passage. Councilwoman Pizmoht seconded.

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

Ordinance No. 2017-53

An ordinance fixing the compensation for the position of full time Road Superintendent; repealing conflicting legislation and declaring an emergency.

Councilman Fiebig moved to suspend. Councilman Hallum seconded.

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

Councilman Fiebig moved for passage. Councilwoman Majka seconded.

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

President Fellows: Ordinance No. 2017-53 has been adopted. Here's a little bump.

Vice President Plecnik: This is your award for staying until the end.

Councilwoman Pizmoht: I think that he should get about five percent (5%).

President Fellows: We do appreciate what you do Mark.

Councilman Biro: He deserves a lot more.

President Fellows: You should have been at the Council; what meeting was it? You should have taped Ms. Cheryl Ota because she had great accolades for you. And we mean it.

Ordinance No. 2017-54

An ordinance fixing the compensation for the position of part-time Road Worker; repealing conflicting legislation and declaring an emergency.

Councilman Fiebig moved to suspend. Councilwoman Majka seconded.

President Fellows: I just want to let you know that we have two Road Workers as part of Mark's team, right now that are part-time.

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

Councilman Hallum: Madame President. Could you remind the folks out here that we can hear them in the back? There's a conversation going on straight back here that's really distracting.

President Fellows: They heard you. Thank you, Chris.

Councilman Hallum: Thank you.

Councilman Fiebig moved for passage. Vice President Plecnik.

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

Ordinance No. 2017-55

An ordinance repealing the compensation for the position of Building Commissioner as set forth in Exhibit A of Ordinance No. 2014-74; and declaring an emergency.

Councilman Fiebig moved to suspend. Councilwoman Majka seconded.

Councilman Hallum: Madame President.

President Fellows: So, Councilman Hallum what this is doing, this is mirroring...

Councilman Hallum: I understand.

President Fellows: The Fire Chief now because we will go into executive session later this evening to discuss the compensation...

Councilman Hallum: I understand. May I just make my statement before you assume what I'm going to say.

President Fellows: Okay.

Councilman Hallum: I was just going to say, I don't oppose this because I know that we're going to be discussing this shortly. Thank you for saying everything that I was going to say anyway.

President Fellows: Thank you.

Councilman Biro: Madame President. This is a similar situation. We don't know, I mean, so we're taking away the range. And so, when the Mayor offers him the job, we still, we just come up with a number and it's whether or not Council accepts it or...

President Fellows: Well, he already has a number.

Councilman Hallum: In this case. Yes.

Councilman Biro: Oh, he does. I didn't know.

President Fellows: He did. And Bob and I discussed it earlier too.

Councilman Biro: As long as there's a number out there that...

President Fellows: There's a number.

Councilman Biro: Thank you.

President Fellows: All right, this is the ordinance to waive the three-reading rule. The motion rather.

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

Vice President Plecnik moved for passage. Councilwoman Majka seconded.

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

Ordinance No. 2017-56

An ordinance fixing the compensation for the position of part-time Field Maintenance; repealing conflicting legislation and declaring an emergency.

Councilman Fiebig moved to suspend. Councilwoman Majka.

President Fellows: Just to let you know right now, we have one Field Maintenance Worker on Mark's team, correct? One right now. Part-time Field Maintenance Worker. No body? Well, this is fixing the compensation. Those are the numbers that we got. Those were the numbers that were given us. All right, this is just to suspend the three-reading rule.

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

Councilman Fiebig moved for passage. Councilwoman Majka.

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

Ordinance No. 2017-57

An ordinance fixing the compensation for the position of part-time Recreation Coordinator; repealing conflicting legislation and declaring an emergency.

Councilman Fiebig moved to suspend. Councilwoman Majka seconded.

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

Councilman Fiebig moved for passage. Councilwoman Majka.

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

President Fellows: Ordinance No. 2017-57 has been adopted. And just so you know, right now we have only one part-time Recreation Coordinator, so this would increase her wages by the two percent (2%) that we budgeted for.

Mayor: If we hire the second coordinator, we interviewing right now, it would be a higher pay rate.

President Fellows: And then you would bring that to us to fix. Okay.

Ordinance No. 2017-58

An ordinance fixing the compensation for the position of part-time Finance Director; repealing conflicting legislation and declaring an emergency.

President Fellows: This will stay on first reading.

Ordinance No. 2017-59

An ordinance fixing the compensation for the position of Assistant Finance Director; repealing conflicting legislation and declaring an emergency.

President Fellows: So, I just want to share a little bit about this ordinance so that there's some clarity to it. This position was filled on March 27 of 2017. The rate of pay that was used was the range. And the individual began at ten percent (10%) above that rate which is customary for the Mayor. And then between that time and now, an additional five percent (5%) was given. So, this ordinance does not give her an additional two percent (2%).

Councilman Hallum: I would like to hear what the Finance Director has to say.

President Fellows: He didn't, Bob is the one that tells the Finance Director what to pay her.

Councilman Hallum: I understand. But, I would like to know, is that correct? Did she get another five percent (5%) after her initial pay?

Finance Director: She was hired at forty thousand dollars (\$40,000.00). After three months, she was promised, if her performance was good, she'd be increased to forty-one, two (\$41,200.00) and then subsequently after that if her performance continued to be good, she'd be increased to forty-two thousand dollars (\$42,000.00). She was hired at the bottom of the pay range and was promised that she would be increased to approximately ten percent (10%) above the pay range. She is being paid significantly below market.

Councilman Hallum: Okay. Thank you.

Mayor: Market value of this job is in the range of fifty to fifty-five thousand dollars (\$55,000.00) in neighboring communities. So, we got a bargain but, we're still below the market range.

President Fellows: That could be discussed futuristically. This is going to set what she is getting paid currently. And it will repeal the compensation schedule. And then as her performance continues to improve or if you feel that the market value is higher than what she is getting paid, Mayor you can bring that to Council and we can discuss that and then we can set an increase.

Councilman Hallum: Madame President. Sorry, I have another question. So, effectively, does this, are we not lowering, this putting her where she is now, is that correct? We're just not giving her another raise.

President Fellows: Two percent (2%). I

Councilman Hallum: Okay. Fair enough. Thank you.

President Fellows: I mean, she has been with the City, April, May, June, July, five months. I'd entertain a motion to waive the three-reading on Ordinance No. 2017-59.

Councilman Fiebig moved to suspend. Councilwoman Majka seconded.

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

Motion PASSED.

Councilman Fiebig moved for passage. Councilwoman Majka seconded.

Councilman Hallum: Sorry. So, she's already at this number? Why are we having, doing anything...oh, thank you. Go ahead. Thanks.

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

Motion PASSED.

Ordinance No. 2017-60

An ordinance fixing the salary and compensation for the position of part-time Clerk of Council; repealing conflicting legislation and declaring an emergency.

Vice President Plecnik moved to suspend. Councilwoman Majka seconded.

Councilman Biro: Madame President. This three percent (3%), two percent (2%). She had a three percent (3%) retro to 10/16.

President Fellows: Vicki never got her three percent (3%) as everybody else did, last April.

Councilman Biro: I didn't know that.

Councilman Hallum: Yep.

President Fellows: So, Vicki's will be retroactive to April and then her two percent (2%) will be now. Not retroactive.

Councilman Biro: Right. Not retroactive. Okay.

President Fellows: I have a motion, I need a second.

Vice President Plecnik: I believe Councilwoman Majka seconded.

President Fellows: So, this is to waive the three-reading rule.

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

Vice President Plecnik moved for passage. Councilman Fiebig seconded.

Vice President Plecnik: I wish it could be more, Vicki. You are worth so much to all of us.

President Fellows: I concur.

Councilman Fiebig: Second.

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

Ordinance No. 2017-61

An ordinance amending Part One – Administrative Code, Title Three – Legislative, Chapter 123 – Clerk of Council, Section 123.01 – Duties, Hours; repealing conflicting legislation and declaring an emergency.

Councilman Fiebig moved to suspend. Councilwoman Pizmoht seconded.

Councilman Biro: Madame President. We've had this discussion before. I will not support this. I think our Council Clerk should be working a regular week, five days a week. I think the hours themselves, late Saturday, late Sunday, I think that she needs to be more responsive in our City Hall. Be there when, you know, our public can come and you know, not on the weekends or late at night. I just, and I've had this discussion with you before and I don't agree with this and I will not support it.

Vice President Plecnik: Madame President. If I could just say, I agree. It would ideal to have our Council Clerk here on a full-time basis. And at some point, I think that we can combine some positions. Eliminate some of the secretarial or administrative posts and then have Vicki here full time. But, until that point, we need to have a flexible part-time schedule so we can keep her talent and have her available for the needs of Council. Thank you.

Councilman Biro: And I've never said, my point was, that I'm fine with her as a part-timer. I just wish she was in that Monday through Friday range, say nine to...

President Fellows: So, this position is a part-time flex.

Councilman Biro: And I get that.

President Fellows: And to address this particular ordinance too, so this ordinance was written back in 2002 for the Council President and Vice President to approve the Clerk's hours. When Ray Somich was President, the Finance Director inquired about him approving Vicki's hours beyond twenty hours per week. Councilman Somich decided it wasn't necessary to have to do that. And then it was questioned about me again as President. So, if you go back, I mean every president, when Bob was President, when Councilman, Kevin Malecek was President, when Dave Reichelt was President, when Ray was President, and now I'm President, we've all been doing the same thing. We've been approving her, but the auditors, through Mr. Brichacek, questioning her working. The auditors brought it to my attention in a meeting that I needed to approve her hours when she got to twenty in a given week. And I said to them, this is random. It depends on what she, what needs to be done. I mean, she can get to twenty hours in two days, she can get to twenty hours in four days. Plus, this ordinance was written back in 2002. So, between the auditor, between Mr. Brichacek questioning the auditors' questioning and to clean up this procedure, this is why this ordinance has been written.

Councilman Biro: And I've had these concerns with all the other Council Presidents. And I know that they had to approve those hours and those times, but my concern was, I wish, and I understand, you know, some days that she can't, you know, can't accommodate, but still I would love to see her on a Monday to Friday range. I've had residents who've complained about that. No having access to that. So, I understand.

President Fellows: Chris, you had mentioned about weekends and nights, and let me tell you, Vicki was assaulted during the day. So, it can happen anytime. Anywhere.

Councilman Biro: And I'm very sad to hear that. Unfortunately, she could be home, she could be by herself on the weekends too. So, I think that was an unfortunate incident, but I think she has a less chance of that happening from the public, from the outside then she has...

President Fellows: The assault wasn't from the public.

Councilman Biro: Well, I'm just saying. You understand my point.

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

Motion PASSED.

Vice President Plecnik moved for passage. Councilman Fiebig seconded.

Councilman Fiebig: Madame President. Specifically, this came up because of the onerous rules that were written specifically in this legislation in 2002 creating which was the only part-time person that works for our City had to have hours approved beyond twenty. So, we eliminated that provision which is only prudent and natural in this City Hall. Thank you.

Councilman Hallum: Madame President. I was just going to point out that this no way changes the amount of hours that she is allowed to work at maximum. She is part-time, so we're not saying that she can work forty hours a week. She's still held at twenty-nine and half, right?

President Fellows: Not necessarily. Depends on what needs to be done.

Councilman Hallum: What is considered part-time. Mr. Lobe, I guess I will ask you what is considered part-time?

President Fellows: There's many levels. Right. Because it's different in labor laws and that twenty-nine and a half hours came with Obama Care.

Councilman Hallum: Insurance. Yes. Right.

Law Director: That's the one that's controlling it.

Councilman Hallum: So, I guess my point, my question is, is there, so as long as she stays under forty, I guess, we don't have to pay her overtime. Does that come into play here?

Finance Director: Overtime hours are in excess of forty.

Councilman Hallum: Even though she's part-time, she...

Finance Director: Thirty hours is where an employee qualifies for healthcare. And Vicki, in the last measuring period, qualified for healthcare.

President Fellows: Which she denies.

Finance Director: And so, she is receiving an extra two hundred and twenty-five dollars a month.

Councilman Hallum: For that. Okay.

President Fellows: And that is a whole other discussion. All right...

Councilman Hallum: Thank you.

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

Motion PASSED.

Ordinance No. 2017-62

An ordinance amending Exhibit A – Willoughby Hills Compensation Schedule A – Revised for 2014 – 2014 Rates effective, first pay of 2014; and declaring an emergency.

President Fellows: So just for clarification, in the abundance of caution, I've heard that term before, this is eliminating the compensation schedule except for the individuals that are in the union that we are working to negotiate for a contract for their salaries.

Councilman Fiebig moves to suspend. Councilwoman Majka seconded.

Councilman Biro: There's seems to be a discussion.

Mayor: Yeah. Repealed...

President Fellows: Yes, it was changed.

Mayor: Can I...you are repealing the Director of Finance and you didn't pass his...

President Fellows: We're going to discuss compensation of officials and employees in executive session this evening.

Mayor: Okay.

President Fellows: And then it will be addressed.

Mayor: Okay.

President Fellows: We have a motion to waive the three-reading rule.

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

Councilman Biro: Madame President. So, this is removing his pay schedule. The Finance Director's.

Councilman Fiebig: Madame President. Discussion is out of order. Can we have a motion to adopt?

President Fellows: We need a motion to adopt.

Councilman Fiebig moved for passage. Vice President Plecnik seconded.

Councilman Biro: Madame President. So, this one, sorry, so we're going to remove his pay scheduled and we're going to go into, once that's removed, we go into executive session to discuss his pay. So, we're, I'm a little uncomfortable with removing his pay schedule and then in theory we can just say we can give him twenty bucks an hour, correct?

President Fellows: The ordinance that pertains to that position is on first reading. So, it's a live ordinance.

Councilman Biro: Okay.

President Fellows: We cannot discuss compensation here at the table.

Councilman Biro: Okay, fine.

Law Director: You're allowed to discuss it. As a matter of law, you can, I prefer that you not.

President Fellows: Well, that's what we prefer. I agree.

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

Ordinance No. 2017-63

An ordinance establishing regulations for the security and safety of the Maple Grove Grange located at 2454 River Road, Willoughby Hills, Ohio.

President Fellows: I just want to share that we had a discussion about this at the committee meeting on Monday. This is not a policy. This is the beginning of developing an ordinance to ensure the safety and security of individuals that are using the Grange and also for residents. And the Mayor had asked us to do this.

Councilman Fiebig moved to suspend. Councilwoman Majka seconded.

Councilman Hallum: Madame President.

President Fellows: On the three reading-rule, this is what...

Councilman Hallum: Yes.

President Fellows: This is what...

Councilman Hallum: Yes. I do not think that we should waive the three-reading rule because this has not gone through the Recreation Committee to make sure that this is going to work for the individuals impacted by this. I'm not saying that this isn't a good thing to do. I just think that everything in here has been vetted to be acceptable and doable. That's all.

Vice President Plecnik: Madame President. Inaction has consequences. If we don't take steps now to restrict access to the Grange, we don't know who will be in the Grange. So, I agree with you, in a perfect world, all of

this would have been considered long ago. But we have a choice, do we let people continue to access the Grange without knowing or do we restrict it now and I'm in favor of restricting it now given what we've heard from our residents.

Councilman Biro: Madame President. Will Recreation have a say in this? I mean, when the discussion like...

President Fellows: Yeah. The policy will be available in committee. It will go to committee. Or it will go to the Council Committee of the Whole as well.

Councilman Hallum: I don't disagree with what Councilman Plecnik is saying. What I'm, and I'm not saying wait two more weeks or whatever to discuss this. But, I think that Councilwoman Pizmoht could probably call a meeting early next week, it could be discussed. We could vet all this stuff through with the Police and through the Service Department and make sure that we can really do this before we just say do it and say just figure it out and impact it negatively.

Councilwoman Pizmoht: Yeah. I'm of the opinion that, that, you know, I think, I'm sorry, I think my opinions have been pretty well expressed that I don't like the idea of people without legal authority, without accountability just making decisions about this building. That makes me concerned as a resident, and as a Councilwoman who is representing other residents especially in District 1, where the Grange is. So, while I don't think that this is necessarily the ideal thing to do, and I don't think that this is a long-term solution. For a short-term solution, I think that this is better than nothing. And that I agree though that we should go to committee and we should talk about this more and start making some more decisions going forward for the Grange, for sure.

President Fellows: So, I have a motion to waive the three-reading rule.

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

Motion PASSED.

Councilman Fiebig moved for passage. Vice President Plecnik seconded.

Councilman Fiebig: Madame President. As the header says, this is establishing regulations for the security and safety of those that use the Maple Grove Grange and there already were some edits that we began, in Monday night's meeting; however, you could see that it would be a lengthy discussion. This kind of, is sort of a stop-gap. It's an ordinance that will immediately establish some rules. And we need to have some rules there because there are none right now. So, that is why I'm in favor of this and that's why it's important that we pass this tonight. And I urge that we move this into Recreation Committee or Council of the Whole to have further discussions and lengthy discussions about the policies and procedures moving forward.

Law Director: Council President. I just caught this now, I apologize, I didn't get it the other night. There seems to be an emergency clause but not an emergency tag in the heading. So, you should just amend it to include that because I think that is the intent. It was just an oversight. It seems to have a clause but not a tag in the heading, that's all.

Vice President Plecnik: Madame President. Motion to add an emergency tag to Ordinance No. 2017-63.

Councilman Fiebig: Correct. Seconded.

President Fellows: I have a motion from Vice President Plecnik and a second from Councilman Fiebig to include an emergency clause to Ordinance No. 2017-63.

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

President Fellows: Ordinance No. 2017-63 has been amended to add the emergency clause. I do have a motion on the floor to adopt this ordinance.

Vice President Plecnik: Well, don't we need to make a motion to adopt the ordinance as amended?

Law Director: No. It's okay. It's just a procedural matter. So, it doesn't affect the substantive stuff and it's 10:15 at night also.

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

Ordinance No. 2017-64

An ordinance providing for the appointment and compensation of a special prosecutor representing the City of Willoughby Hills in the review and investigation of certain public officials and others in conjunction with activities at the Grange and declaring an emergency.

President Fellows: First reading.

Ordinance No. 2017-65

An ordinance amending Part One – Administrative Code, Title One – General Provisions, Chapter 115 – Methods of Purchase of the Codified Ordinances of the City of Willoughby Hills; repealing conflicting legislation and declaring an emergency.

Vice Plecnik moved to suspend. Councilman Fiebig seconded.

Councilman Hallum: Again, this has not been thoroughly discussed. I think it's a mistake to pass something that we haven't even figured out yet. I'm not saying that we shouldn't do it. I'm just saying, we haven't talked about how would we handle situations that came up as an emergency and figured all that stuff out before we pass this and all of a sudden, we have to figure it all out on the fly. That's the whole point of vetting things and having good debate on them before we bring them to this Council table, floor.

President Fellows: So, Councilman Hallum, you could talk to the Mayor. He can give you a lesson on that. Because when he was Council President, and he brought to Council, to put the sending limit at one thousand dollars (\$1,000.00) for then Mayor Lorenz.

Councilman Hallum: I'm not worried about what he did. I'm worried about I'm doing and what we are doing.

President Fellows: No, but if you are asking about how it would work...

Councilman Hallum: But, I wasn't there for that and this is a discussion that we should have as a Council...

President Fellows: I'm saying that this is a discussion that he could share information with you.

Councilman Hallum: Well, it's too late because we're having a meeting to pass this. We should have had this prior, Madame President. That's my point.

Councilman Biro: I think that this is another one of those, as Mr. Hallum said, that would have been better vetted through a committee or some, or Council of the Whole. You know, we already saw reservations from our

engineer. That we could have some problems and I think that would have been a good time to discuss those issues and try to vet those out and may be possibly look at other numbers. But, certainly, the situation that you described as Mr. Lobe said was a lot different than it is today. So...

Councilman Hallum: We're not in a financial crisis.

Councilman Biro: I don't agree with this. I won't support it.

Councilwoman Majka: Madame President. I'd like to take into account Mr. Di Franco's concerns also. I don't want to put him in a position, you know, with the permits. And I would be in favor of, you know, raising the spending limits somewhat to whatever is a more reasonable thing to accommodate, a more reasonable amount pertaining to the building permits. Whether it be the twelve hundred dollars that he suggested or may be two thousand, twenty-five hundred, you know, something that would be a little bit more manable to the permit situation. Mr. Di Franco doesn't often, you know, give us concerns. So, I'm trying to pay attention to that.

Councilman Hallum: Council President. I do want...what he actually said was the minimum was twelve hundred.

Councilwoman Majka: Right. He said for home building, about...

Councilman Hallum: Commercial was even higher.

Councilwoman Majka: Right, right.

Councilman Hallum: So, we don't know what the...So, I agree, we should have a conversation.

Vice President Plecnik: Madame President. If I could say, we primarily have permits for residential because there is not a lot of commercial construction in Willoughby Hills. And the rare incidents where that does happen, it would not be a huge addition of responsibility to have a Councilperson sign off. You have a lot more houses built then you have Dunkin' Donuts or Sears' buildings. They do happen occasionally, but nowhere near as home buildings. So, I think that's got to be the exception to the rule where additional review would not be burdensome. I'd also say, we had a discussion about, this should only be passed if there were issues that were to come up that legitimately raised concern. The newsletter was cited as one and that is concerning when thousands of dollars of taxpayers' money is spent without any review. But, there's a bigger more important instance that comes to my mind. Before the 2015 election, our Council President who was then Vice President, I believe, asked Mayor Weger if he intended to by himself a new car. His response was no, I will not. And then after the 2015 election, he used his spending authority to buy a new Jeep from Pat O'Brien Chevrolet. And frankly, I think taxpayers don't support that decision. And Council should have had input on that decision. And this ordinance prevents the Mayor from buying himself a new car or any employee a new car or spending up to twenty-five thousand dollars without any review whatsoever. Maybe we could amend it to make it two thousand. I think that would cover most conceivable incidences that Pete puts up. But, I think any higher than that and you start to give the Mayor the ability to really spend without review. Which is something that I'm concerned about when an elected official buys himself a car after he promised during an election that he wouldn't, I think there needs to be another check-in-balance there.

Councilman Hallum: Madame President. I'm not disputing what Councilman Plecnik said. But, I do think going from twenty-five thousand dollars to a thousand to prevent him from buying a car is a little bit extreme. So, there are other issues like we could have a sewer failure, a pump failure, a pump station failure, you know, that requires ten, fifteen thousand dollars' worth of stuff that Mark Grubiss needs to get immediately. And to have to wait a few hours, a day could mean a lot of really gross things happening to residents. And so, I don't think that this necessarily is a good number.

Vice President Plecnik: Madame President.

President Fellows: So, wait. So, Councilman Hallum, it says in here that there are exceptions. Emergency repairs to safety and service equipment and operations, the City's sanitary sewer system and municipal facilities are excluded from prior approval as set forth. So, this would not impede those emergency needs for our residents.

Councilman Hallum: Okay...exceptions.

Councilman Fiebig: Motion to amend to raise the spending authority, to raise the amount to two thousand dollars per purchase.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilman Fiebig and a second from Vice President Plecnik to amend Ordinance No. 2017-65 to raise the money to two thousand. Is there any discussion on that motion?

Councilman Hallum: Madame President. My opinion has not changed. We need to have a committee meeting to discuss this before we do anything more.

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

Motion PASSED.

President Fellows: Ordinance No. 2017-65 has been amended to raise the limit to two thousand dollars.

Councilman Fiebig moved to suspend. Vice President Plecnik seconded.

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

Motion PASSED.

Councilman Fiebig moved for passage. Councilwoman Pizmoht seconded.

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

Motion PASSED.

Vice President Fellows: Ordinance No. 2017-65 has been adopted as amended.

Ordinance No. 2017-66

An ordinance amending Part One – Administrative Code, Title One – General Provisions by the establishment of a new Chapter 117 – Responsible Contracting of the Codified Ordinances of the City of Willoughby Hills; repealing conflicting legislation and declaring an emergency.

President Fellows: I just want to say that the Rules and Legislation, the majority of Rules and Legislation recommended first reading. Just as an FYI.

Vice President Plecnik moved to suspend. Councilwoman Pizmoht seconded.

Councilwoman Pizmoht: Madame President. I just want to, I seconded it because I want to discuss it because I want to know if there is a big project that we're going to open up for bid before we might have a second...

President Fellows: As I recall, in our committee meeting on Monday, the only major project that we were looking at was the Pleasant Valley Road Bridge.

Councilwoman Pizmoht: Okay.

Councilman Hallum: Madame President. This is not a situation where there's really no hurry to pass this. As you say, there's nothing pending right now that would require us to hurry and get this through and make sure that we don't make a mistake. So, I think that we should consider this before we ... ourselves.

Councilman Biro: I concur. I think that this is one of those things that we didn't discuss. We should've had Pete around, especially Pete and some other individuals to discuss this. To see if, you know, what are the ramifications of this ordinance and I just don't think that it's a good idea right now. Let's have a meeting, let's talk about it. And I fully support that, I won't support it in the draft that it is now.

Vice President Plecnik: Madame President. If I could just add, the reason why I support waiving the three-reading rule on this legislation is that we do have the Pleasant Valley Road Bridge contract coming up and any number of contracts that we might not foresee. This ordinance, we call it responsible contracting. It's essentially a questionnaire that is required for contracts that go out for bid which currently are fifty thousand and above. This is not something that effects every little contract that the City deals with but for the major contracts it requires significant disclosures. And I frankly want the Pleasant Valley Road Bridge or any contract that the City is a party to what we put out to bid to have disclosures along the lines of pre, past violations, relationships to elected officials. I think that this is important to our accountability. And when I spoke to Pete Di Franco about the concerns that he emailed to us, he hadn't, I think, fully read the ordinance at that time. I think he admitted that he hadn't. Because he was under the impression that the list of, the concerns that he was speaking of, that he had alluded to briefly earlier, he had looked at the list and thought they were a list of requirements. These are actually a list of disclosures. And if you look at the "whereas" clauses, you'll see that many of our neighboring cities including Mentor and indeed the entire County of Lake has already adopted substantially similar ordinances. So, I think that it's important for Willoughby Hills to catch up in this respect. And I would really like to see this passed tonight.

Councilwoman Majka: Madame President. Just to clarify, so a contractor coming into this City to bid on anything would just simply fill out this questionnaire and submit it as part of the bid process. Is that correct?

Finance Director: Madame President. As far as the emergency clause in this ordinance and in the previous one, neither of these ordinances affect the daily operations of the Finance Department as purchasing is the guise of the Mayor.

President Fellows: Would you please elaborate on that.

Finance Director: Purchasing is the responsibility of the Mayor's office pursuant to the Codified Ordinances. Section 115.02 reads that the Mayor is hereby authorized to make purchases for any department of the City for materials, supplies, yadda, yadda, yadda.

President Fellows: These are bids through, Frank. These are bids.

Finance Director: Yes. That's purchasing.

President Fellows: This is only asking the contractors to fill out a form for disclosure. And even at the meeting on Monday, if I remember correctly, Mr. Lobe said that this is common. Many cities have these types of ...

Finance Director: I wasn't at the meeting on Monday.

President Fellows: Yes, we know.

Finance Director: And I didn't see this until late Tuesday night. And, I'm just basically telling you that this does not impact the operation of the Finance Department. It's more of an impact, primarily in the Service Department.

Vice President Plecnik: Okay.

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

Motion PASSED.

Vice President Plecnik moved for passage. Councilwoman Majka seconded.

Law Director: Can I be heard? You know, this sounds good, but a lot of times contracts, don't get me wrong, I'm not against it as I said the other night. But, please don't think that you're going to really dig into these people because a lot of contractors come forward in a corporate name and then what happens is that they just change a corporation and they can get through a lot of this. Just so you're aware, so I think that it needs a little bit more thought and processes to button it up. All contracts need to be a working, breathing document. I didn't have time to look at it. I'm sure there are things that I have done in other cities to tighten it up, I don't know if it is that way. I'm just cautioning. And I do want to incorporate what Pete said in his email which I think he's...

President Fellows: As with any ordinance or project, sometimes when things are implemented and you see that they need to be changed, then the ordinance can be changed as well.

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

Motion PASSED.

NEW BUSINESS

President Fellows: The next item on the agenda is New Business. I'd like to speak to the proposed 2018 temporary appropriations. So, a few weeks back, I had Vicki send a communication to Mr. Brichacek asking if he could provide the information by October 19th so Council would have enough time to look at that. It's really something we have to do every year anyway; we have to send at the end of the year to the County what our temporary budget is going to be for the first quarter of the year. Mr. Brichacek gave it to Vicki recently and along with appropriations for police vehicles. Frank, if I just may, whoever is the Council President has the responsibility, as you may well know, because you know the Charter so well, that they are the person that sets the agenda. In the future, I would ask that you come to the Council President to discuss any questions or concerns that you have about agenda items instead of disrupting the Clerk's activities.

Finance Director: When did I disrupt the Clerk's activities?

President Fellows: We will discuss that in executive session.

Finance Director: I prefer to discuss it right now in public.

President Fellows: All right. Vicki has had a very traumatic experience with one of the secretaries in this City that followed her down to her office, and bullied her. When she asked her to leave, she said that she didn't have to leave because this was City property. And when Vicki tried to leave, she pushed her and shoved her and knocked her down into her desk and into her chair. Severely bruised the back of her right arm. There was a

police report given. This individual admitted that her emotions got out of control. She was angry. She followed this person down, Vicki to her office and shoved her down. And in the police report, the police asked if Vicki should be afraid of her and this woman said yes. Vicki just wants to do her job. If you have questions, about the agenda, then you should come to the Council President. The appropriation ordinance for the budget was not on the agenda because we had a huge agenda. We have plenty of time to review that. I appreciate that you got it to us so quickly. As far as the police cars, unfortunately, you were not at the meeting on Monday night. We probably talked about twenty minutes about the police vehicles. I had a conversation with Chief Collins about it. We've asked the Chief for a list of all the vehicles and all their mileage and years which we have gotten. We have been used to having some type of process where we could order the cars in the fall so that the Police Department could get them in January or February. Last year, that process changed. I believe because of audit information; therefore, the cars were not ordered until January so they could be paid for out of this year's budget. And the Police Department didn't get their cars until August. At the meeting on Monday, we talked with the Mayor. We wanted to see if there was some type of process or resolution that we could find that we could still order the cars this year so that the Police Department could get them sooner yet, not be using this year's budget. I asked, it looked like we were doing deficit spending and the Mayor said, no it's not deficit spending, it's a deficit budget, sort of. And I'm not sure what that means. So, the police cars were not on the agenda. We still had until one more Council meeting to be able to figure out if there was a way to do that. So, that's why those two pieces of information were not on the agenda tonight, Frank. And, if you had asked me, I would simply have told you that.

Mayor: Nancy, one thing. I'm allowed to put things on the agenda. When Frank...

President Fellows: Oh, yeah, I know that and I've been told a million times by everybody that the Mayor has the authority to bring ordinances to the...to introduce. But, look, how many ordinances did we have? Did we have time Bob? I had made the decision about that because we had time to do it. We had engaged in communication with the Police Chief. The appropriation didn't...we still have plenty time.

Mayor: We have one day on the police cars if we choose to order them.

President Fellows: We can always call extra meetings.

Mayor: Okay.

Councilman Fiebig: By the way, Madame President. Since this topic came up, the review of the vehicle replacement, the Ford SUV replacement number is the same number of the vehicle that only had, it's 2016 and it only has about thirty-eight thousand miles. So, why would we be replacing that?

Mayor: We have two extra Policemen. We have one right now and we're hiring the second and we need the extra vehicle for them. The two officers.

Councilman Fiebig: That's not my understanding. There are four SUVs at the moment. Which by the way, I'd like to get thorough feedback from the Police Department. They don't like those vehicles. They'd prefer the Chargers. So, we, not tonight, we need to have a through discussion about what vehicles they are using and what they prefer and what really suits their needs.

Mayor: I would prefer buying Chargers because they're ten thousand dollars less. But, the Chief said some officers prefer the Explorers because they're bigger.

Councilman Fiebig: The Chief said that you prefer. So, that's why we have to have a discussion about it. Not here. Not now.

Mayor: Okay.

Councilman Fiebig: But, we have to have more of a discussion about what is the fleet? What do we need? And how's this being managed?

Mayor: Sure.

President Fellows: We have two motions to adjourn into executive session. I would want us to do For the Good of the Order and For the Good of the Community before we do that.

Councilman Hallum: Before we leave New Business, I thought that of something after we passed, actually something was brought to my attention. When we passed 2017-65, what impact of any, does that have on the Finance Department?

Finance Director: Let me see, what ordinance is it..

Councilman Hallum: That's the Mayor's spending limit. Does that impact you guys in anyway?

Finance Director: It just adds an extra step when we produce purchase orders.

Councilman Hallum: What do you mean, an extra step?

Finance Director: A third signature on the purchase orders. Before we release them.

Councilman Hallum: Okay. Thank you.

FOR THE GOOD OF THE ORDER

President Fellows: Anything "For the Good of the Order"?

FOR THE GOOD OF THE COMMUNITY

President Fellows: "For the Good of the Community"?

Councilman Hallum: Congratulate Gabriel Gainer who recently got Eagle Scout.

President Fellows: Nice.

Councilwoman Pizmoht: Madame President. I think that this is the appropriate time to bring this up. But, the Edison PTO, our elementary school is having a Carnival on October 7, 2017 and they are looking for volunteers from the hours of 1:30 to 3:30 to help out at the Carnival. It's really fun and the kids really like it and it's nice to do for our community.

Vice President Plecnik: Madame President. I just took the liberty accessing my phone. While, we've missed the game, we have to congratulate our Cleveland Indians on winning three to two and twenty-two in a row!

President Fellows: Not to take away from the Indians, I do want to recognize the Recreation Commission and all the people that volunteered for Unity Day. I know that there were a lot of people that did a lot of work for that. I appreciated it. I appreciated that the Mayor was there to recognize our first responders and it was a very good event. And I'm thinking that they probably wished that there were more people that attended. But, I do appreciate all the people who put all the work into.

Vice President Plecnik: So, Madame President. Can I just ask procedurally, are we are going to make a motion to go into executive session; have a discussion; come back and then make a second motion for the next executive session?

President Fellows: I thought that we could...

Vice President Plecnik: Or are we going to combine them? Can we combine them?

President Fellows: Can we combine both topics in one executive session?

Law Director: I don't know what they're for.

President Fellows: Well, one is for...

Law Director: I just got that now. We've done that in the past. I'll try to monitor...

Vice President Plecnik: But, you can combine multiple topics?

Law Director: We've done that before.... Are we limiting the time?

President Fellows: I would say no more than an hour.

Councilman Fiebig: As long as it takes.

President Fellows: As long as it takes.

Vice President Plecnik: Madame President. A motion then to adjourn into executive session for the two topics: two consider the compensation of a public official and to consider the discipline of a public employee and a public official.

Law Director: Who are you inviting?

Vice President Plecnik: Inviting all of Council, the Mayor, the Law Director. That's it, okay. All of Council, the Mayor and the Law Director then.

Councilman Fiebig: Second.

President Fellows: Excuse Mr. Brichacek.

Vice President Plecnik: And excuse Mr. Brichacek.

Councilman Fiebig: Second.

President Fellows: I have a motion from Vice President Plecnik. A second from Councilman Fiebig to adjourn into executive session to discuss the compensation of public officials and to consider discipline of a public employee and a public official. Inviting the Mayor...

Vice President Plecnik: As well as...

President Fellows: As well as inviting the Mayor

Vice President Plecnik: Compensation.

President Fellows: Compensation. Inviting the Mayor and the Law Director and excusing Mr. Brichacek with no determined time.

Law Director: Can I request another motion? It there's not going to be any action taken tonight, just simply have Council President advise the Clerk of Council when the executive session was over so that she doesn't have to sit out here.

Clerk of Council: I'm going to be downstairs. I've got things to do. I have work to do. Just let me know when you come back out.

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

President Fellows: We will adjourn into executive session at 10:43pm.

President Fellows: I will call the meeting back to order at 12:23am on September 15th (All members of Council were present). The first order of business is to look at Ordinance No. 2017-58.

Ordinance No. 2017-58

An ordinance fixing the compensation for the position of part-time Finance Director; repealing conflicting legislation and declaring an emergency.

President Fellows: So, this ordinance is to provide for a two percent (2%) increase on the rate of pay that the Finance Director was getting prior to the Mayor giving him a ten percent (10%) raise.

Councilman Fiebig moved to suspend. Vice President Plecnik seconded.

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

Councilman Fiebig moved for passage. Councilman Biro seconded.

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

President Fellows: The next order of business is concerning the position for the Building Inspector. Does someone have, so they can read the motion? Or do you want me to read it. I can read it. I'll just read it.

(Passed the gavel to Vice President Plecnik).

President Fellows: I move to resubmit an ad for the Building Inspector which shall say:

The City of Willoughby Hills has a full-time employment opportunity in the Building Department. Qualified applicants will possess, at a minimum: (1) Ohio Board of Building Standards certifications as Building Inspector (BI); (2) Residential Building Official (RBO); (3) Residential Electrical Inspector (REI); (4) Residential Plumbing Inspector (RPI). Additional certifications such as Flood Plain are a plus. Preferred applicants will have employment experience in a certified building department. The position requires interaction with the public and fellow employees. Courteous and effective communication skills are vital. Position provides excellent benefits and salary commensurate with employment experience. Send resumes including employment history, salary

history and references to Dawn Snyder, Human Resources, City of Willoughby Hills, Chardon Road. And, Mayor, you can determine what dates you want to accept them.

The second part of this motion will be to approve Pete Di Franco, City Engineer to hire within Richard L. Bowen & Associates and bill 3-4 hours per week for assistance with zoning issues pertaining to the City of Willoughby Hills and continue to provide a stipend to the City Engineer.

And the next point would be, all other needs requested or required of the Building Department, until a Building Inspector has been hired, will be requested of Lake County.

Councilman Fiebig: Second.

(Gavel returned to President Fellows)

President Fellows: I made the motion and Councilman Fiebig has seconded it. Any discussion on that?

Vice President Plecnik: Madame President. I would just say that a motion is obviously not binding but it's giving direction to the Mayor to go forward with this plan of action so that we can be responsive to our residents who have been waiting for Building Department services.

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

President Fellows: I'm trying to think what was next. Is there anything on the disciplinary action of the City employee?

Councilwoman Pizmoht: I would like to make a motion to request that the Mayor remove Sharen Michney-Halkiewicz from her position.

Vice President Plecnik: Second.

President Fellows: Any discussion on the motion?

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

President Fellows: The motion passes. Council is making a request to the Mayor to terminate Sharen. We will follow the Charter for the protocol for that. And our last motion.

Councilwoman Pizmoht: I would like to make a motion to request that the Mayor remove Mr. Tom Lobe from the office of Law Director.

Vice President Plecnik: Second.

President Fellows: I have a motion from Councilwoman Pizmoht, a second from Vice President Plecnik that the Mayor remove Tom Lobe from the Office of Law Director. Any discussion?

Councilman Biro: Madame President. I'm sadden with what this Council is trying to do today. Mr. Lobe has served us for many years and basically has kept us out of trouble. I'm, you know, not real happy about with what

