

Regular Meeting of Council

Minutes of January 28, 2016

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

The Regular Council Meeting was held on Thursday, January 28, 2016 at 7:03pm in the Willoughby Hills Council Chamber. President Fellows presided.

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

Councilman Biro moved to excuse Councilman Christopher Hallum. Councilman Plecnik seconded.

President Fellows: Hopefully there is nothing wrong and he is on his way...reading text: Oh on my way but running behind.

YEAS: Unanimous.

Absent: Councilman Hallum (arrived at 7:12pm)

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

DISPOSITION OF THE JOURNAL

President Fellows: We have disposition of two journals, Organizational Meeting of Council of January 4, 2016 and Regular Council Meeting of January 14, 2016.

Councilman Fiebig moved to accept the Organizational Council Meeting Minutes of January 4, 2016. Councilman Biro seconded.

YEAS: Fiebig, Majka, Plecnik, Biro, Fellows

ABSTENTION: Greer

Councilman Biro moved to accept the Regular Council Meeting Minutes of January 14, 2016. Councilwoman Majka seconded.

YEAS: Unanimous.

COMMUNICATIONS

CORRESPONDENCE

City Engineer's Report dated January 21, 2016 (Emailed: January 21, 2016)

Interoffice Memo from Mayor Robert M. Weger to Council President Nancy Fellows, Council Members, Council Clerk dated January 25, 2016 re: Assignment of 2016 Chagrin River Watershed Partners Trustee and Alternate Trustee (Emailed: January 26, 2016)

Interoffice Memo from Mayor Robert M. Weger to Councilman John Plecnik dated January 25, 2016 re: Assignment of New City Representative for Cuyahoga County Airport Noise Abatement Committee (Emailed: January 26, 2016)

NOTIFICATIONS

Finance/Personnel Relations Committee Meeting of January 25, 2016 (Emailed: January 18, 2016)

Planning & Zoning Commission and Architectural Board of Review Meeting of January 21, 2016 (Emailed: January 19, 2016)

Rules and Legislation Committee Meeting scheduled for January 25, 2016 (Emailed: January 19, 2016)

Literally just prior to this evening's meeting the following correspondence was emailed out to the Members:

Letter from Mayor Robert M. Weger to Cuyahoga County Airport Noise Abatement Committee, dated January 28, 2016 re: Appointment of Edward McKenna as Willoughby Hills NAC Representative (Emailed: January 28, 2016)

Letter from Mayor Robert M. Weger to Ed McKenna, dated January 28, 2016 re: Appointment to serve as The City of Willoughby Hills' Cuyahoga County Noise Abatement Commission Representative (Emailed: January 28, 2016)

Letter from Mayor Robert M. Weger to Councilman Chris Biro, dated January 28, 2016 re: Appointment to Chagrin River Watershed Partners (Emailed: January 28, 2016)

Letter from Mayor Robert M. Weger to Councilwoman Janet Majka, dated January 28, 2016 re: Appointment to Chagrin River Watershed Partners (Emailed: January 28, 2016)

Letter from Mayor Robert M. Weger to Chagrin River Watershed Partners, Inc., dated January 28, 2016 re: 2016 Trustees of the Chagrin River Watershed Partners (CRWP) to represent the City of Willoughby Hills (Emailed: January 28, 2016)

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor's Report – The Cuyahoga County Airport Public Meeting was held last night. It served to educate the public about the upcoming plans to start Phase 1 of Alternate 23. All of the information is on the City website.

Ed McKenna of Lamplight Lane has been named as the City's representative on the Cuyahoga County Airport Noise Abatement Committee. Congratulations, Ed. We know you will do a great job for our residents.

AARP has signed on to help residents with income taxes beginning February 8, 2016. Plan to make an appointment through my office to get this taken care of.

Civil Service Commission will be conducting a full-time Police Officer test on Saturday, February 27th. Applications are available on the website and at City Hall and must be filed from February 2 thru February 5, taking only 100 applicants.

Thanks to Finance Director Frank Brichacek for working many hours diligently to prepare the budget for tonight's meeting. We appreciate his efforts.

Monday, tour of Perry Nuclear Power Plant with Mayor and Managers Meeting and it was very enlightening; however, the Power Plant is down right now, it will be down for a couple of weeks until it goes back up.

Congratulations to WH W-E Library – Now open on Fridays 11 to 5pm – Join them in a reception tomorrow for their Grand Opening!

Welcome to our new Recreation Commission members: Jeanne Kaston and Sandra Grubiss.

Deepest sympathy to the family of Fire Captain Sandra Lesko. Our City Hall "family" is deeply saddened by her recent passing. Funeral services are set for Saturday.

Congratulations to 2016 Chagrin River Watershed Partners Trustees Appointees Councilwoman Janet Majka and Councilman Chris Biro, Alternate.

Willoughby Hills Boys League Super Bowl Raffle – Saturday, February 6th. Tickets are on sale now!

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

Councilwoman Majka: Madame President, I do have a question for the Mayor. There were a couple of incidences this last week that are leading me to ask you this question; one was just last night after the airport meeting on my way home right up the street from my house on Bishop Road there was a pretty bad car accident with two cars laying there smashed with tow trucks and fire and rescue, etc. Last week it was down on White Road, the road was completely blocked off between Rockefeller and Bishop Roads and you couldn't get through at all. My question is, is there some way to inform us as Council Members when something like this happens within the City, like by text message or something like that either from you or from the Police Department so that we could be informed to assist our residents should they call us as asking questions or perhaps even us reaching out and offering assistance to somebody who might be in dangerous circumstances.

Mayor Weger: Ah, yes and I'd be glad to talk to you to set that up; the accident on White Road, a gentlemen hit the telephone pole and there were wires down and that's why we closed the road. But we can make arrangements if...I'll get anybody's name that wants to receive it and your text number and we'll text it out.

Councilwoman Majka: I think that it would be a good thing for residents to know that we are informed like that and that we are available for anything they might need us for outside of the regular emergency responses of course. Thank you.

President Fellows: Thank you Mayor, Councilwoman Majka. Are there any other questions for the Mayor this evening?

President Fellows: Councilman Hallum arrived at 7:12pm.

Law Director Lobe: For all of Council, if you ever have any questions on any of the litigation and you want to talk to me you know my number and for Ms. Majka, if I can call you Councilwoman Janet, if you need an update on these particular matters because you are the newbie up here give me a call, maybe we should have coffee or something; I'd gladly sit down with you and maybe Jennifer on some of the other ones but primarily if you need an update as to what's is going on let's get together if you want to know and I can give you some background information on the cases, okay. So when you are up here you don't feel like I'm starting somewhere on the fifty yard line and you don't know what's happened on the first fifty yards, okay. Gladly sit down with you just to give you that update and for all of Council of course.

President Fellows: Thank you Mr. Lobe, are there any questions for the Law Director? Seeing none, the Finance Director's Report, Mr. Brichacek.

Finance Director Brichacek – No additional report for tonight.

President Fellows: Thank you, any questions? City Engineer's report, Pete.

City Engineer Di Franco – No report for tonight but it's available online.

COMMITTEES OF COUNCIL

President Fellows: The next order of business is Committee Reports, Mr. Plecnik, I believe you had two Committees combined this week.

Councilman Plecnik: That's right, on January 25th at 6:04pm we called a joint meeting of Finance and Personnel Relations.

Provided are the written minutes of the meeting.

Committee Members: Vice President John Plecnik, Chair of Finance and Personnel Relations, President Nancy E. Fellows, Member of Finance, Linda Fulton, Member of Personnel Relations, Councilwoman Jennifer Sommers Greer, Member of Finance, Pamela Kurt, Member of Personnel Relations

Also Present: Councilman Christopher L. Biro, Councilwoman Janet R. Majka, Finance Director Frank Brichacek, Prospect Personnel Relations Committee Member Chris du Laney and Greg McCarthy

Purpose: Introduction to Set Agenda

Chairman Plecnik welcomed the Committee Members and guests to the inaugural joint meeting of the Finance and Personnel Relations Committees, explaining that the Committees' jurisdiction overlapped because Finance is tasked with all matters concerning salaries of City employees and Personnel Relations is tasked with all legislation concerning relations with City employees. **Chairman Plecnik** continued to say that the two committees would meet together from time to time for this reason, and that he intended to exercise his authority to televise all committee meetings so that residents could observe the discussion. **Chairman Plecnik** also shared his intention to nominate two additional Members to the Personnel Relations Committee to round out that Committee and ensure a diversity of experience—Chris du Laney of 37960 Valley Brook Drive and Greg McCarthy of 2864 Fowler Drive. **Mr. du Laney** shared a copy of his extensive resume of executive experience with **Chairman Plecnik**, who noted that Mr. du Laney is a former Regional President of Kaiser Permanente Ohio. **Mr. McCarthy** spoke briefly about his many years of managerial and healthcare experience. Finally, **Chairman Plecnik** passed out binders with the complete 2015 City budget with relevant addendums to each Member of the Finance Committee and binders with the complete set of current contracts between the City and its unions with relevant addendums to each Member of the Personnel Relations Committee.

Finance Director's Report

Chairman Plecnik asked **Finance Director Brichacek** if **Mayor Weger** was presenting his proposed City budget at the upcoming Regular Council meeting on January 28, and if there were any significant changes between the 2015 budget and the proposed 2016 budget. **Finance Director Brichacek** replied, yes, it is **Mayor Weger's** intention to present the proposed budget at the upcoming Regular Council meeting. He continued to say that the 2015 and proposed 2016 budgets were very similar but would differ in at least two significant respects. First, the project to repave SOM Center Road is projected to be significantly over-budget. **Chairman Plecnik** added that the City Engineer shared that our portion of the overage was currently projected to be \$300,000, but he was hopeful that the estimates were conservative and that the overage would be less than that amount. Second, **Finance Director Brichacek** stated that our City's current healthcare provider is transitioning out of providing the type of health insurance that we purchase due to the Affordable Care Act, and we will need to select a new provider soon—most likely at a significantly higher cost to the City.

New Computer Needed for Council Clerk

Chairman Plecnik shared that earlier in the day **Council Clerk Vicki Savage** shared a report with him from our technology consulting firm, Evolve, which stated that her computer needed to be replaced for several reasons. Currently, her computer runs on Microsoft XP, which is no longer supported by Microsoft and is not compatible with several important programs. Evolve went on to say that her computer is unable to display web content properly and is a security risk. **Chairman Plecnik** asked **Mayor Weger** if a motion of Council was necessary or if there was already enough money in the budget to purchase a new computer for the Council clerk. **Mayor Weger** replied that there was enough money to purchase the computer, and that he would follow the recommendation of our consulting firm and purchase a new computer for the Council Clerk.

Input by Committee Members and Council

Councilwoman Greer expressed the need for the Personnel Relations Committee to talk to as many employees one-on-one as possible to understand their concerns. **Chairman Plecnik** agreed, and stated his intention to call the Chiefs, Department Heads, and Union Presidents to speak to the Committee. **Councilman Biro** asked what the focus of the Personnel Relations Committee would be, because he viewed supervising employees to be an administrative, not a Councilmatic task. **Councilman Biro** continued to say that it is the role of Council to set pay scales, not to supervise employees. **Chairman Plecnik** replied in agreement, explaining that the focus of Personnel Relations should be to review the union contracts as well as the pay scales and job descriptions of nonunion positions to make recommendations to Council as to what positions need to be eliminated, modified, or created, like the Community Service Officer, which Council created last year.

Public Portion Opened at 6:20 p.m.

Frank Cihula of 35060 Dixon Road asked if the Personnel Relations Committee was going to evaluate City employees based on their job descriptions, and advised that good employees go above and beyond their job descriptions in working with our residents.

Public Portion Closed at 6:22 p.m.

Meeting adjourned at 6:25pm

President Fellows: Any questions for Councilman Plecnik on Finance or Planning and Zoning?

Law Director Lobe: I have one. Mr. Plecnik, I apologize I did come late, I missed your meeting, I caught the second meeting. It's really not a comment, it's a cautionary point, okay, it's more of a cautionary point, not only for you but for your committee and potentially the new people. In dealing with the unions we are in a negotiating year and there are formalities that have to be followed pursuant to SERB you can't just go talk to union representatives without talking about wages and things like that and I'm just worried that we might get unfair labor practices or something else and again, you have to file notice to commence negotiations and things like that with SERB; I'm just cautioning you on that, it's nothing that can't be done, I'm not saying that you can't do it but there is the formality of SERB that must be followed before you just go talk to union people, especially in a year that the contracts are over and we should be doing it so there are formalities under SERB that have to be adhered to; if you guys need help, I'd gladly assist in that regard but just don't go talk to union members even without maybe getting their legal representative or their other representatives or otherwise we can even get into some type of issues so I'd gladly assist in that regard especially because it's a union year and it's an negotiating year and we have to follow SERB rules which is different from everybody else but again the unions are the majority of our employees. So make sure that we dot our I's and cross our T's and do it right if you are going to proceed down that path, okay, that's all. Thank you.

President Fellows: And I meant Finance and Personnel Relations, not Planning and Zoning for Councilman Plecnik.

Councilman Plecnik: Would it be appropriate to make the motion to appoint the two new members of the Personnel Relations Committee now? One of them is with us and while he may be willing to stay for the entire meeting, I don't want to hold him unnecessarily, so would it be permissible to make a motion at this time?

President Fellows: Yes.

Councilman Plecnik: Then I would like to start with our Committee Member or our perspective Committee Member present.

Motion made by Councilman Plecnik to appoint Greg McCarthy to join the Personnel Relations Committee of Council. He has already expressed his qualifications to us but I'm sure that he stands ready during discussion in case there are any questions for him. Councilwoman Majka seconded.

Councilman Biro: Madame President, is it possible to see resumes of, I mean get a copy of his resume and kind of look at it, is that....

President Fellows: I'm sure you can, he did apply for Council once, we did have it at one time....

Councilman Biro: Well I don't have all the information...

President Fellows: Yes, the Clerk has those on file so she could distribute it, redistribute it.

Councilman Biro: Okay, I can get it from the Clerk.

President Fellows: Any other questions or comments? Please call the roll.

YEAS: Fiebig, Greer, Majka, Plecnik, Fellows

ABSTENTIONS: Hallum, Biro

With five affirmative votes, Greg McCarthy has been appointed to serve on the Personnel Relations Committee of Council.

Councilman Plecnik: And second, I'd like to make a motion for the final respective member of the Personnel Relations Committee Mr. Chris du Laney. He was here at our inaugural Personnel Relations Meeting and discussed his credentials. He did share a copy of his LinkedIn resume with me if anyone would like to see it now, it's rather long, I didn't want to kill the trees to print out a ton of them. But among the highlights he is currently a principle with a financial strategies company advising people on their advisements and in the past he has been a regional President for Kaiser Permanente for QuaMed Plans for Health; he has been a past Vice President for Proctor&Gamble and Merrill Lynch; he has extension experience in working with unions as Kaiser Permanente Ohio was a union shop so he brings some real "rubber-hits the road" experience in dealing with union contracts and I think that he is a very impressive, a very impressive person to lend his skills to us.

Councilman Plecnik moved to appoint Chris du Laney to serve on the Personnel Relations Committee of Council. Councilwoman Majka seconded.

YEAS: Unanimous.

By unanimous vote, Mr. Chris du Laney has been appointed to serve on the Personnel Relations Committee of Council.

President Fellows: Moving on to Council Committee Reports, Councilwoman Greer do you have your committee members yet?

Councilwoman Greer: No, I don't.

President Fellows: Okay. Could you possibly have them at the next meeting to announce?

Councilwoman Greer: Yes, I wanted a chance to talk to Denise to see what the commitment was going to be before I...which I did.

President Fellows: Wonderful, thanks. All right moving on to Rules and Legislation.

So the Rules and Legislation Committee met on Monday, January 25th, we began our meeting at 6:30pm.

Provided are the written minutes of the meeting.

Committee Members: President Nancy E. Fellows, Chair, Vice President John Plecnik, Councilwoman Janet R. Majka

Also Present: Councilman Christopher L. Biro, Councilwoman Jennifer Sommers Greer, Law Director Thomas G. Lobe, Mayor Robert M. Weger

Purpose: Potential Legislation

1. Agenda item “For the Good of the Order”:

This agenda item has been used to share information on various topics. Robert’s Rules refers this agenda item to be used to speak on business matters that pertain to the body, the body being council, not the body being the public. An example may be reminding council of an upcoming event pertaining to them or something positive on a council member. After clarification, it is understood how to use For the Good of the Order. With that said, it was discussed to have an agenda item “For the Good of the Community” where announcements concerning the city or the county could be shared. This would have to be changed legislatively in the Codified Ordinances Section 1 Administration, Title Three Legislation, 121.01 Rules of Council (d) Order of Business. **It is the recommendation from the Rules and Legislative Committee of Council that Council entertain a motion to add “For the Good of the Community” to the Council Order of Business.**

2. Agenda item “Public Portion”:

This agenda item is to provide a reasonable opportunity to hear public opinion; the definition of an opinion is a view or judgment formed about something, not necessarily based on fact or knowledge. This is NOT the time or an opportunity for a debate. A personal attack or bullying will not be tolerated and the chair will ask for this behavior to cease.

Some comments from the table:

Councilwoman Greer – “This is free speech; as elected officials we are subject to criticism”.

Councilman Plecnik – “Residents have a right to an opinion.”

Law Director Lobe – If the chair determines that this is a disruption of the meeting, they have a right to intervene and if the chair makes a decision that council does not agree upon, then they, council can challenge that decision. This is a public portion of a council meeting, not a town hall meeting.”

3. Agenda item “What Constitutes an Excused Absence?”

Bring this agenda item up for discussion due to a Charter change indicating if a Council Member misses three (3) consecutive unexcused regular meetings they will be removed from Council.

Create a Policy of Council that addresses the Charter change (site the Charter amendment).

Examples of what would be considered an excused absence: death in family and funeral services, personal illness or family illness, jury duty, work related, vacation.

Unacceptable reasons: Not notifying Council President or the Clerk of one’s absence.

Some comments from the table:

Councilman Biro – Mentioned how we would manage a “time” frame when one provides notification if they are going to be late or cannot attend?

Councilwoman Greer – “Possibly this would be at the discretion of the President of Council”.

Councilman Plecnik – “It appears that we all make every effort to attend Council meetings, and when there has been an exception, we (Council) have given the individual the benefit of the doubt”.

Law Director Lobe – mentioned that some Council’s take roll call “after the meeting”.

Council President Fellows stated “a quorum needs to be established, and that is often determined by a roll call or taking attendance”.

It is the recommendation from the Rules and Legislative Committee of Council that Council entertain a motion to have the Council Clerk began to draft a Policy of Council reflective on excused/unexcused absences of a Council Meeting.

Next agenda item concerning a Policy on Nepotism/Ethics

The Charter Review Commission brought forth to the residents a recommendation under this topic that the City would minimally follow State Statute under the Ohio Revised Code concerning nepotism and ethics issues.

Comment from the table:

Councilman Plecnik citing “since all rules concerning nepotism have been removed from our Charter, and that the Law Director on numerous occasions had asked Council to address a policy, that we proceed with creating legislation on this topic”.

It is the recommendation from the Rules and Legislative Committee of Council that Council entertain a motion to have the Council Clerk began to research and develop a nepotism and ethical standard to be incorporated in the Administrative Code Chapter 157 and considering preparation of legislation at a later date.

Public portion opened at 6:54 p.m.

Frank Cihula President of the Willoughby Hills Historical Society would look forward “For the Good of the Community” for event announcements for the Historical Society.

Linda Fulton – discussed the need for more discussion or dialogue during Public Portion. **Council Vice President John Plecnik** responded that this may be better served during committee meetings.

Law Director Lobe stated that a Council meeting is not a Town Hall meeting.

Cheryl Ota – Questioned how we would handle situations when a resident does not get a response in a timely fashion. (A discussion followed with comments from the Council Table concerning the importance of communication).

Public portion closed at 7:07 p.m.

Councilman Fiebig: Madame President, as you are drafting a policy for excused or unexcused absences, can I please make a request that if in the minutes of a Council Meeting that a reason of a vacation...that for safety reasons for the individual of Council, who is not present, not be announced that they are away on vacation.

President Fellows: That’s a good point, thank you.

Law Director Lobe: Sometimes...so if we do prepare anything it cannot be in conflict of the Charter. You’ve got to make sure now that the Charter has changed it might give some limitations on that particular matter. I’ll be working with the Clerk on that, okay. Thank you.

President Fellows: Thank you, anyone else? Moving forward, Councilwoman Majka, you said that you are looking to schedule a Utilities Meeting for February 8th, is that correct?

Councilwoman Majka: Yes.

President Fellows: Check with the Engineer to make sure that he is available, I would advise.

COUNCIL REPRESENTATIVE REPORTS

Councilman Hallum: I just wanted to mention that I attended the Planning and Zoning Commission Meeting last week and the only thing that I want to report is that it looks like we are going to have a new Adult Day Care business here in the City. So we approved some plans for that and the signage as well so we are looking forward to welcoming a new business here in the City.

President Fellows: Right across the street where the seniors will be...

Councilman Hallum: Correct, correct.

President Fellows: Thank you, moving forward are there any other Council Representative Reports at this time?

Councilman Plecnik: Madame, President I would like to report on the airport meeting held yesterday. I was there from 5 to almost 7pm which was the duration and I had the opportunity to speak to Jamal Husani who is the Chief Transportation Engineer for Cuyahoga County as well as Tom Sotak who's the Chief Construction Engineer for the actual project of reconstructing the airport runway and I asked the question about the four phases, what impact will it have on Willoughby Hills and roughly what time line can we expect and Phase 1 is scheduled to begin this February and I was told as a drop-deadline as of July 1st they are absolutely determined to get it done by then because of the Republican National Convention. They don't anticipate significant impact to Bishop Road for the first phase of the project although Richmond Road will have a lot of trucks crossing it back and forth between the airport property on either side, it won't be shut down they'll simply be flagging cars as they reduce it to one lane of traffic. The second phase which is scheduled to begin in August assuming that funding is approved by the FAA; is hopeful...it is scheduled to begin, as I'd said in August, they hope it will end at the end of the year, although it may go into the spring depending weather that's the point where there could be significant impact on Willoughby Hills residents on Bishop Road because they are going to be repaving a significant portion of the runway and they are going to have to bring in a lot of asphalt and other runway materials through most likely off the highway down on Bishop Road and into Richmond Heights and so we might expect some traffic issues as a result of that although all of the construction will actually be done on campus and Richmond Road will continue to have the most impact. Phases 3 and 4 really relate to adding the EMAS and other sides at either side of the runway which is essentially soft concrete so that along the lines of an emergency truck ramp if a plane goes too far it's not able to slow down in time it has a soft concrete an additional 500' on either side to slow down for safety purposes. The EMAS on the Richmond Road side, the Richmond Heights side will be put in projected 2017 where as on the Willoughby Hills side that's Phase 4, the final phase of the airport reconstruction is projected for 2018, that's speculative at this point. I did pose the question about whether it was a union or non-union project and I was told that it is a non-union project but because it's federally funded there will be prevailing wage pay. I stand open to any questions.

President Fellows: Thank you Councilman Plecnik. I will open Public Portion at 7:37pm.

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.

Linda Fulton: 2990 Marcum Boulevard. Back at a committee meeting, I think that it was at a Service Meeting, in Public Portion I had mentioned about White Road that possibly there could be bike lanes put in there and that I was hoping that beginning discussions could be started, start talking about it because there have been two children that were killed on their bike cycles on White Road and I think that it's badly needed. There are a lot of bikes on that road as Mr. Lobe can attest, I'm sure because I've seen him on White Road, but I think that is a very important thing to start discussion on it and I hope Council will consider that perhaps maybe in Safety or a combination Safety/Service or something. Thank you.

President Fellows: Thank you Linda and Councilman Fiebig is the Chair of Safety and Councilman Biro is the Chair of Service, so maybe in the near future you can begin to re-investigate that; anyone else?

I will close Public Portion at 7:38pm.

UNFINISHED BUSINESS

President Fellows: Any unfinished business to be brought forth to the table?

Councilman Hallum: Yes, unfortunately I was unable to attend the last Council meeting as I was on vacation; however, I did see that Resolution 2016-1 which was for the Audubon Society and although I was not here, Madame President, I'm just wondering was there a discussion about the cost involved to the City with the passage of this occurring?

President Fellows: I believe that there is no cost to the City on this.

Councilman Hallum: So we're not losing property taxes or anything like that as a result of this?

President Fellows: Not to my knowledge, maybe I can have some assistance from the Mayor on this.

Councilman Hallum: Maybe we should have investigated that before we just backed it. There are no property taxes involved with this?

Mayor Weger: Yes there is but very minimal.

Councilman Hallum: Okay, I just want to make sure that every dime that we don't get that we're considering and I'm not saying that this is the wrong thing to do because I think that it is the right thing to do but we also need to keep track of every dollar that we are either gaining or losing and as Council we just need to make sure that we keep track of what that impact is to our bottom-line budget and how we're going to if necessary replace that income when the time comes. Thank you.

President Fellows: Thank you. Any other unfinished business?

LEGISLATION

President Fellows: We have no legislation this evening so we do have some items under new business.

NEW BUSINESS

Councilman Biro moved to prepare a resolution of appreciation for former Councilman Raymond C. Somich. Councilman Hallum seconded.

Councilman Biro: I think that is important to recognize his service to the City. As I recall it's been over a decade that he served on our Council and he showed us great guidance; he was passionate about Loehman's Plaza and I think that it's just important that we recognize his accomplishments within Council and his dedication to the City.

President Fellows: Thank you Mr. Biro, anyone else?

Councilwoman Greer: Madame President, I would like to um...I agree with Councilman Biro and I would also like to urge my fellow Council members to agree to prepare a resolution for him, I think he did a wonderful job and personally he helped me a lot as a new member of Council and I think he represented the City very well so I look forward to commending him publicly.

President Fellows: Thank you Councilwoman Greer. Anyone else?

Councilman Hallum: I would echo those sentiments as well. Ray mentored me as well when I came on, when I was appointed and I really appreciated his leadership and the sacrifices that he's made for our City. Thank you.

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

Passed.

President Fellows: Well actually we have other motions that we may want to consider this evening. The first one, I look for a motion....entertain a motion to add for the "Good of the Community" to the Council Order of Business.

Councilman Plecnik: I think that Councilman Biro should have the honor to make that motion, it was his idea.

Councilman Biro move to add "For the Good of the Community" to our agenda. Councilman Plecnik seconded.

President Fellows: Because then it would incorporate the county as well.

Councilman Biro: And surrounding events, so, thank you.

President Fellows: Just for clarification, if you look into the Charter there is...we have a list, an official list of the agenda for Council. That's been legislative, so this would add that to that list so that it would be legislatively correct.

Roll call: **YEAS:** **Unanimous.**
Passed.

President Fellows: Councilman Hallum, did you have one?

Councilman Hallum: I was just going to make this motion...I'd like to make a motion of Council to authorize the Mayor to seek bids for the City's requirements of asphalt and limestone for 2016. Ops, sorry, I'm looking at the wrong agenda.

President Fellows: That's okay.

Councilman Hallum: I switched over to referencing something else...

President Fellows: That's all right, I know the feeling. The other one recommended from Rules and Legislation was to entertain a motion to have the Clerk begin to draft a Policy of Council reflected on excused/unexcused absences of Council Meetings and this is because of the Charter change.

Councilwoman Greer: Could you please repeat yourself.

President Fellows: Because of the Charter change that reflects, if a Council Member misses three (3) consecutive unexcused regular meetings they will be removed from Council. So we need to define what an unexcused or an excused meeting would be.

Councilwoman Greer: Madame President if I may it appears that Council has always had the tradition that an excused council absence is an absence that their fellow Councilman has voted them as excused. So it is my opinion is that even if we do not have a formal policy that Council Members would still be considered excused.

President Fellows: It would probably not be disagreed but we have a Charter change and so we have to address the Charter change and we don't have a definition of what an excused or unexcused absence would be.

Councilwoman Greer: And Madame President, what I was saying is some people had some questions about excused vs. unexcused and a definition that we could adopt would be an excused absence is one in which the Council Members excuse the absent Council Member. But we've always voted, we've always voted...no one has ever given, it doesn't appear that anyone has ever given an excuse during Council.

President Fellows: I couldn't agree with you more but we have a Charter change.

Councilman Hallum: I understand that we have a Charter change but is there something in there that says we have to specifically state what that is? I mean, we vote on it every time. If we don't vote to excuse that Council Member then that is one unexcused absence. I mean there is no call for us to say it is this, this, this and this because what happens when it doesn't fit into that? I think that we should just leave it as it is and we will vote and if we don't vote today to excuse an absence then it is unexcused.

Councilwoman Greer: Madame President or perhaps we could leave this open to explore a bit more what other cities do. It seems like there is...at least this is a point of discussion and that maybe this is not something that we adopt now.

President Fellows: We could put it back in Rules for discussion, absolutely.

Councilman Plecnik: Madame President. Even in terms of discussion in Rules I personally think that it is a good idea to have a policy but I think that for the reverse reason that the concerns that are expressed here now about a policy; I think that it is important to show that traditionally Council has accepted many different reasons for not coming to meetings and that we understand that there are so many things in life that can prevent a Councilman...Council Member from showing up anything from a health issue to an extended family vacation, to business reasons. I think that a policy would be helpful just to say all of these are valid. Of course at the end of the day, Council always has the discretion to vote. A Council Policy is not going to legally prevent a Council Member to excuse or not excuse but I think that it would be a helpful guidepost particularly for a new Council Member who might not understand what would be permissible in terms of an excused absence or not but I think that it would actually help to show that it's not come here unless if you are dying, I think that it might be helpful to have that list. That is why I would actually like to see it laid out so that we could continue with...the policy really that we have now we're being very generous with excusing Council Members, I've never voted not to excuse someone; I have the highest faith we would all come if there was any way we can and I think our policy should reflect that benefit of the doubt.

President Fellows: Thank you Councilman Plecnik. So I think that it is important that we put it back in Rules and can have further discussion on it. Thank you everyone.

Councilman Biro: And I think that we...as he said we've been very respectful of each other and we, you know, we let each other know when we are on vacation or when we are not going to be at meetings so I don't see it as a big issue. I think, you know it may be a good idea to look at other communities and see how they handle that situation but I think, you know, as long as we are professional about it we let each other know what's going on so...

President Fellows: Okay. So the last one from Rules and Legislation was to entertain a motion to have the Council Clerk begin to research and develop a nepotism and ethical standard to be incorporated in Administrative Code Chapter 157 that is not in conflict with the Charter and consideration of legislation at a later date.

Councilman Fiebig: So moved. Councilman Plecnik seconded.

Councilwoman Greer: Reflecting what Law Director Lobe said because our Charter adopted standards that mirror the State Standards and the State Standards are influenced by ongoing legislation and opinions and opinion letters we'll have to make sure that our Standard that we adopt is malleable because it is...the State Standard is ever changing.

President Fellows: Agreed. Any other comment?

Roll Call: **YEAS: Unanimous.**

FOR THE GOOD OF THE ORDER

President Fellows: The next item on the Agenda is "For the Good of the Order" and I had something and I didn't bring it with me so I will share it with all of Council because it is reflective of Council at the next Council Meeting. And since we've talked about "For the Good of the Order", "For the Good of the Community" and we're looking to clarify those agenda items. if anybody has anything "For the Good of the Community" tonight you're welcome to share that obviously.

Councilman Plecnik: Madame President, although the Mayor already mentioned it I want to say yet again because I think that it is so significant that our Willoughby Hills Library is opening for the very first time on Friday, tomorrow. As our former Willoughby Hills trustee for the Library, I am particularly excited this is something we worked on back when I was a trustee; we actually did surveys of residents to see was there a need, was there a desire to have extra hours on Fridays and thanks to the hard work and fiscal responsibility of our trustees, the Board President whom is actually one of our very own resident Sue Roseum, we were able to make that happen with no raise in taxes, no borrowing, just working with the resources that we had so the every busy Willoughby Hills Library will finally be open on Fridays and I know that I'm going to visit tomorrow and I'm sure a lot of our residents will too. So I just wanted to repeat it because I think that it is so significant. Thank you.

President Fellows: Thank you Councilman Plecnik. anyone else?

ADJOURNMENT

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

YEAS: Unanimous.

The Regular Council Meeting of January 28, 2016 was adjourned at 7:53pm.

APPROVED: February 11, 2016
Date

Nancy E. Fellows
Nancy E. Fellows
President of Council

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