

# City of Willoughby Hills

## Regular Council Meeting

### Minutes of April 23, 2015

*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 whenever possible.*

**Meeting Called to Order at 7:00 p.m. by President Raymond C. Somich**

#### ***Pledge of Allegiance***

#### **Roll Call of Council**

##### **Members:**

Councilwoman Jennifer Sommers Greer, Councilman Christopher Hallum  
Councilman John Plecnik, President Raymond C. Somich,  
Vice President Nancy E. Fellows, Councilman David M. Fiebig

##### **Absent:**

Councilman Christopher L. Biro

##### **Also Present:**

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

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Plecnik to excuse Councilman Christopher L. Biro from the Regular Council Meeting of April 23, 2015.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich stated that Councilman Christopher L. Biro has been excused from the Regular Council Meeting of April 23, 2015.**

#### **Disposition of the Journal**

#### **Regular Council Meeting of March 26, 2015**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to adopt the Regular Council Meeting Minutes of March 26, 2015 as submitted.

**Roll Call: 6 – AYES – unanimous**

**MOTION PASSES**

**President Somich stated that the Regular Council Meeting Minutes of March 26, 2015 have been approved as submitted.**

#### **Special Council Meeting of March 29, 2015**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to adopt the Special Council Meeting Minutes of March 29, 2015 as submitted.

**Roll Call: 6 – AYES – unanimous**

**MOTION PASSES**

**President Somich stated that the Special Council Meeting Minutes of March 29, 2015 have been approved as submitted.**

#### **Special Council Meeting of March 30, 2015**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Fiebig to adopt the Special Council Meeting Minutes of March 30, 2015 as submitted.

**Roll Call: 6 – AYES – unanimous**

**MOTION PASSES**

**President Somich stated that the Special Council Meeting Minutes of March 30, 2015 have been approved as submitted.**

### **Special Council Meeting of March 31, 2015**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to adopt the Special Council Meeting Minutes of March 31, 2015 as submitted.

**Roll Call: 6 – AYES – unanimous**

**MOTION PASSES**

**President Somich stated that the Special Council Meeting Minutes of March 31, 2015 have been approved as submitted.**

### **CORRESPONDENCE**

Interoffice Memo from Assistant Director of Finance to Council, dated April 16, 2015 re: New Hires (Emailed: April 16, 2015)

**LETTER FROM TOM MAJESKI TO ALL MEMBERS OF COUNCIL, DATED APRIL 21, 2015 RE: COMMUNITY SERVICE OFFICER POSITION (Emailed: April 22, 2015)**

### **NOTIFICATIONS**

Email: Lake Human Society Tethering & Shelter Ordinance Presentation May 18, 2015 (Emailed: April 16, 2015)

Email: Northeast Ohio Public Energy Council – Energy Ohio Network Event on May 6, 2015 (Emailed: March 31, 2015)

Reminder: Finance Committee Meeting scheduled for April 20, 2015 (Emailed: April 13, 2015)

Planning & Zoning Commission and Architectural Board of Review Meeting of April 16, 2015 (Emailed: April 13, 2015)

Rules and Legislation Committee Meeting of April 20, 2015 (Emailed: April 13, 2015, 2015)

**RECREATION COMMISSION PARKS SUBCOMMITTEE MEETING OF APRIL 28, 2015 (Emailed: April 23, 2015)**

### **MINUTES**

Board of Building & Zoning Appeals Meeting of January 13, 2015 (Emailed: April 15, 2015)

Personnel Relations Committee Meeting of April 6, 2015 (Emailed: April 21, 2015)

Planning & Zoning Commission and Architectural Board of Review Meeting of March 5, 2015 (Emailed: April 17, 2015)

Rules and Legislation Committee Meeting Minutes of April 6, 2015 (Emailed: April 21, 2015)

### **ON FILE**

The Housing Center – Housing Research & Advocacy Center News Letter for Spring 2015

### **MAYOR'S REPORT – Robert M. Weger**

Internet Auction opened Tuesday on [www.publicurplus.com](http://www.publicurplus.com) for surplus vehicles and equipment. Council was provided instructions for website access for this 21-day auction. It is also on the City website for our residents to preview. It does appear for 21 days and then we make the decision whether or not the reserves have been met and we can either sale or not sale. On Lamplight Dominion East Ohio Gas has already started and there is pipe laying around; just beware that it is out there.

Pre-construction meetings for the Lamplight and Knecht-O'Brien Projects were held. We anticipate the projects starting soon and hope good weather will cooperate.

State of the Cities Address was delivered to the WH Senior Group on Tuesday. The printed handout is available on the website.

#### **Acknowledgements:**

Our condolences to the family of resident Murray Seldon, a long-time WH resident.

Congratulations to residents Ralph Kingsmill and Gwenn Frye who I had the pleasure of marrying on Wednesday.

**Events:**

The next Charter Review Commission Meeting is Monday, April 27<sup>th</sup> at 7pm at the WH Community Center.

**LAW DIRECTOR'S REPORT – Law Director Thomas G. Lobe**

Requested an Executive Session at a time most convenient for Council. Purpose will be for the potential purchase of real estate by the municipality. Please invite all Members of Council, including himself and the Mayor and he would like to limit it to 15 minutes; keep us on the clock.

The Albertone Litigation which he believes that he had mentioned before on numerous occasions got filed and he thinks that the last time he had expressed to everyone that we had forward it to insurance which is the standard operation. This is a matter concerning a new resident on Fowler Drive and we found the subsurface buildings there. The defendants which we know are Richard Iafelice, CT Consultants, Andy Excavating and Willoughby Hills. The way that the compliant was drafted through there is a lot of questions by the Insurance Company and we got denied insurance coverage. Okay, he got a letter dated April 10, 2015 both on the General Liability which he kind of expected because it is not really a general liability issue. But we also got denied on the errors and omissions, his side which he thought that is where we would snag the insurance and we did not. He is taking difference with the Insurance Company and had referred back to them but for now he will have to be handling the claim and we are subject to potential litigation or a judgment that does not have any insurance coverage to it. We got the letter about April 10<sup>th</sup>; we timely filed it, just a matter of we having a, he thinks about an 8 page letter back. He will be coming back to Council later on to determine if we even need to sometimes file a Declaratory Judgment which is action against the Insurance Company to bring them in for insurance coverage. It was a little surprising, he will protect us on a legal side, he did obtain a 30 day leave and filed it because he asked the Plaintiff's Counsel if he could have a 30 day leave which is standard in the legal industry; basically you get one time to get all our "legal ducks" in order and he thought that we would have the Insurance Counsel step right in and then he could sit maybe third seat or fourth seat and just coach it from the sidelines; well he is going to have to be the player on the field on this one and he will keep Council advised as we go. Again it is in Lake County Common Pleas Court before Judge Culotta and for the record it is Lake County Common Pleas Court Case No. 15CV000480.

**FINANCE DIRECTOR'S REPORT – Frank J. Brichacek, Jr.**

No formal report was given.

**CITY ENGINEER'S REPORT – Pietro A. DiFranco, P.E.**

On tonight's Agenda is legislation for Lamplight Change Order; he would recommend that it be approved tonight. It is for some work required to relocate CEI lines and it needs to be done before the contractor can start.

Also on tonight's Agenda is legislation for resurfacing of Pleasant Valley Road, Eddy Road and the Pavement Markings Projects and he would recommend that all three be approved tonight as well so that we can get on the contractors' schedules.

Full Engineer's Report can be found on the City's website

**Councilman Hallum:** They have started the work on Lamplight, they have it down to one lane during the day and it has been pretty smooth. He did have one...he just mentioned to Mr. DiFranco a moment ago that one of the residents did stop me today and just wanted to make sure that any irrigation system issues and lawn construction is going to be properly repaired to satisfaction and if not the City will be supportive in making sure that it is properly resolved.

**City Engineer:** That is correct, yes.

**COMMITTEE REPORTS**

The following Reports have been listed alphabetically by Committee.

**FINANCE – Raymond C. Somich, Chair****Committee Members:**

Christopher L. Biro, Nancy E. Fellows

Chair Somich stated that the Finance Committee had actually met twice in the month of April and he is going to report on the meeting of April 8<sup>th</sup>.

## COMMITTEE MEETING OF APRIL 8, 2015

**Members Present:** President Raymond C. Somich, Chair, Councilman Christopher L. Biro, Vice President Nancy E. Fellows

**Also Present:** Councilman David M. Fiebig, Councilwoman Jennifer Sommers Greer, Councilman John Plecnik, Law Director Thomas G. Lobe, Finance Director Frank Brichacek, Mayor Robert M. Weger.

Purpose of the Meeting was to discuss **City Finances** and any other business.

**Meeting convened at 6:34pm**

### *Order of Business*

The Chair explained that this meeting was held to allow more opportunity for Council Members to voice opinions and concerns for possible changes to the 2015 Annual City Budget, especially with changes preliminarily presented by some Council Member but not fully discussed prior to the budget vote.

**Councilwoman Greer** began with a list that she and **Councilman Hallum** had compiled. She stated that, while some of their items were included in Councilman Fiebig's list, they had not participated in compiling his list.

1) She realized that changes suggested for Knecht-O'Brien Project would not change the net budget because it is fully funded by the County.

2) She then suggested reducing the budget for the Economic Development Department, including the Director Salary. There was considerable discussion by all of Council and the Mayor on E/D reporting, progress, in-process developments, how to evaluate success, etc. No specific budget changes were agreed to but the Mayor was asked to talk to the E/D Director about Council's concern for his department budget and progress, and inquire whether he would work on a reduced program.

3) She then suggested cutting the price-per-gallon in fuel reimbursement budget, but we determined that this budget was a guideline and that reimbursement is paid exactly on cost paid. We further discussed the need for City vehicles for some key employees (Mayor, Police Chief and Fire Chief) and the reimbursement program for employees who drive their personal vehicles for City business, such as to required seminars. No specific budget changes were suggested or agreed to.

4) Several Council Members then discussed the overall need to reduce the budget deficit, and the Mayor said the sales of surplus equipment should add a minimum \$141,000 revenue, thereby decreasing the deficit significantly. Also, some bids for City-financed projects are coming in lower than we budgeted, which will also help. **Councilman Fiebig** asked about selling any City-owned property so we discussed all City properties and agreed that there were no sales that made sense now. **Councilman Greer** and **Councilman Somich** both said that we need to work on increasing City revenues, and that budget answers cannot be found only in one-time gains of selling assets or further cutting already reduced expense budgets. This led to a discussion of the need to have our residents support our existing and new City businesses. For example, residents who grocery shop outside of the City are potentially hurting our economic development efforts to keep and get new businesses in the Shoppes of Willoughby Hills plaza. We also discussed future developments across the City, especially relative to the Master Plan, and how referendum voting does discourage developers and new businesses moving into the City due to extended time frames and perceived hassles. No specific budget changes were proposed or agreed to.

5) **Councilwoman Fellows** then asked if we can save any money by moving our Dispatch out of the City or if we can add revenue by attracting other cities to allow us to operate their Dispatch in our facilities. After discussion, we learned that this has been discussed and neither of these is likely. We have approached several cities to let us serve their needs and the only ones interested cannot pay us. When we have suggested merging our needs into other cities, they are not interested, especially with our high rate of usage for traffic violations. Our 3<sup>rd</sup> bay is currently a backup, if we have technical issues with the two main bays. The Mayor also advised that we will need \$150,000 for software 911 upgrades in 2016. There was also discussion on County studies already done or now being done on merging other city services by Region or County-wide. After all discussion, no specific budget changes were proposed or agreed to.

6) **Councilman Fiebig** then inquired why there were such differences in the Building Department budgets between 2014 and 2015. The Finance Director showed how these two budgets are very similar, except for anticipated deposit refunds for residents. He suggested analyzing page E94 for controllable Building Department budgets. No specific budget changes were proposed or agreed to.

7) **Councilman Fiebig** then inquired if we needed to spend \$35,000 for document scanning of all prior financial, Mayors Court and employment records, and this was discussed at length. These funds would come from the Capital Budget, not General Funds. While all agreed this expenditure would protect the City, ultimately save time and money, and make us more efficient for our residents, there was also discussion that this could be delayed to future years. However, when the Chair asked for direction on a possible budget reduction for this, Council Members Greer and Somich agreed to reduce the budget for 2015 and Councilman Biro said we should not reduce it in 2015. No other Council Members commented.

8) After more general discussion, with no specific budget reductions, the Chair suggested that Council Members think and analyze further, and return to the next Finance Meeting with more ideas. He also suggested that members may want to meet with the Finance Director or other Department Heads directly to see if their ideas are viable before we spend a lot of time discussing them in future meetings, to only realize that the idea was impossible to execute.

**Public Portion Opened at 8:48pm**

Frank Cihula commented on the sharing of the Recreation and Building Department clerk's time and salary, on the differences between zones B1, B2 and B3, and lawsuits regarding these, and his opinions on some of the stores in the City.

Linda Fulton expressed disappointment that Council had met and talked for over 2 hours tonight without making any concrete decisions. She inquired about using Special Funds (such as Sewers) for payroll, and suggested that we budget something for scanning project but that we should not spend all \$35,000 for this in 2015.

Cheryl Ota suggested that if the Administration and Council cannot come up with specific budget cuts, then responsibility should be given directly to Department Heads to determine where cuts can be made.

**Public Portion Closed at 8:57pm.**

**Meeting adjourned at 9:01pm**

**President Somich** stated that this was the first meeting. We had a meeting also of Finance this past Monday (April 20<sup>th</sup>) and regretfully he does not have those meeting minutes completed to give at this time. One point that he did want to make though is that we did discuss authorizing the Mayor at the meeting to go out for bids for a new Cab and Chassis for a new salt truck and we had extensive discussions on this and he guesses that it didn't make it to the Agenda which he apologizes for that, but we did discuss that and we did have consensus that this was a good move after talking extensively to our Service Director. And this of course is something that we have been discussing for some time. I will have the complete report next time.

**Council Clerk** inquired if the Motion could still be acted upon. **President Somich** replied yes, we will do it under New Business although it is not officially marked on the Agenda.

**RULES & LEGISLATION – Nancy E. Fellows, Chair**

**Committee Members:**

**David M. Fiebig, Raymond C. Somich**

**COMMITTEE MEETING OF APRIL 20, 2015**

**Members Present:** Vice President Nancy E. Fellows, Chair, Councilman David M. Fiebig, President Raymond C. Somich

**Also Present:** Councilman Christopher L. Biro, Councilwoman Jennifer Sommers Greer, Councilman Christopher Hallum, Councilman John Plecnik, Police Chief Collins, City Engineer Pete DiFranco, Mayor Robert M. Weger

Purpose of the Meeting was to discuss **Pending Legislation** and any other business.

**Meeting convened at 6:54pm**

***Order of Business***

**Ordinance 2015-14** – An Ordinance to amend Chapter 925 of the Codified Ordinances concerning industrial waste, in reference to discharge from the BP Station on Rt.91 to the City of Willoughby. Updating regulatory requirements. **Rules and Legislation recommends a 3<sup>rd</sup> Reading and then Adopt.**

**Ordinance 2015 – 17** - An Ordinance approving a Change Order for the Lamplight Lane Culvert Replacement Project. This will allow CEI to reroute a main cable; this was an anticipated cost. The cable re-routing needs to be completed before the culvert is installed. The cost of this project including the Change Order will be fully recovered by the County. **Our City Engineer recommends the 3 Reading Rule be Waived and the Ordinance be Adopted. Rules & Legislation Committee concurs.**

**Ordinance 2015 – 18** – An Ordinance accepting the bid of Specialized Construction, Inc. of Cuyahoga Heights, Ohio for the Pleasant Valley Road resurfacing project. The Contractor is ready to go. The Asphalt plant is open. This project is being funded by the City's Street Construction, Maintenance & Repair Special Revenue Fund No. 250 Construction Budget \$197,900. Our City Engineer recommends the 3 Reading Rule be waived and the Ordinance be adopted. Rules concurs.

**Ordinance 2015 – 19** – An Ordinance accepting the bid of Specialized Construction, Inc. of Cuyahoga Heights, Ohio for the Eddy Road Resurfacing Project. The Contractor is ready to go. The Asphalt plant is open. This project is being funded

from the Road Levy Special Revenue Fund No. 270, Construction Budget \$240,400. Councilman Hallum inquired about the reputability of the contractor? The City Engineer vouched for their reputation. **Our City Engineer recommends the 3 Reading Rule be waived and the Ordinance be Adopted. Rules & Legislation Committee concurs.**

**Ordinance 2015 – 20** - An Ordinance accepting the bid for Pat Flowers, Inc. of Highland Heights, Ohio for the 2015 Pavement Marking Program. Same company as before. Since quantities were verified during the last time they striped pavements for us, no discrepancies should be discovered. There will be no change orders for this project , as Pat Flower’s, Inc, needs to tell us upfront and stop any work if there is a problem detected. This project is being funded from the Street Construction, Maintenance & Repair Special Revenue Fund No. 250, Contract Budget \$60,500.

**Rules and Legislation recommends that the 3 Reading Rule be Waived and the Ordinance Adopted to move forward since Spring is here.**

**Ordinance 2015- 21** - An Ordinance fixing the compensation for the position of Community Service Office (CSO). There was much discussion aligned with this Ordinance.

**Rules and Legislation recommends an amendment to this Ordinance that reflects it is an unclassified position and that the original MOU be attached indicating that the CSO is a unclassified position.**

**Ordinance 2015- 22** – An Ordinance authorizing and directing the Mayor to enter into a Participation Agreement with the ODOT for the City’s rock salt requirements for the 2015-2016 winter season. Unlike last year we could request for summer and winter together; 6 hundred tons now and then after May additional amounts may be obtained. Due to timing, there is no option at this time for 3 Readings. **Rules and Legislation recommends the 3 Reading Rule be Waived and the Ordinance Adopted.**

**Resolution No. 2015-1-** A Resolution to approve a Then and Now Certificate and to authorize the Finance Director to draw a warrant for the orders or contracts associated with such certificate, i.e. the Front Doors that were installed. The purchase fell through the cracks as the Finance Director was not notified of the purchase for \$5,000. **Rules and Legislation recommends that the 3 Reading Rule be waived and the Ordinance be Adopted.**

**Resolution 2015-2** - A Resolution recognizing Frank Germano for his years of service as an elected official to the City. **This will be on 1<sup>st</sup> Reading. (Since this meeting, notification by the Council President was received stating that this Resolution will not be considered at this time and had been removed from the Council Agenda.)**

**A discussion followed with approval from the Council President that Resolutions be prepared by the Council Clerk honoring 2 new Eagle Scouts in our community.**

Public Portion opened at 7:56 p.m. No one came forth. Public Portion closed at 7:56 p.m.

**Meeting adjourned at 7:56pm**

## **OTHER COUNCIL REPRESENTATIVE REPORTS**

There were no other Council Representative Reports presented.

## **PUBLIC PORTION**

Section 107.08 – Public Meetings of Municipal Bodies of the Codified Ordinances of the City of Willoughby Hills:

(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.

### **Public Portion was opened at 7:29pm**

1. Dale Fellows  
2812 Fowler Drive

Re: I just wanted to address a letter that was sent to you regarding the Civil Service Commission and the Community Service Officer. I found that the alleged author of this, want to note that the person wasn’t even in attendance at that meeting. I found that the letter was factually incorrect in numerous ways; it was unprofessional, threatening, insulting disrespectful to Council and clearly the conclusion drawn on the Charter shows that the person is clearly unqualified to interpret our Charter. And for anyone to give any creditability would be ludicrous.

2. Paul Pahoresky

38415 Berkshire Hills Drive

Re: On the Pleasant Valley Resurfacing I am in agreement with that but they also need to do something regarding the drainage on that street because it floods all the time especially on the western edge whenever there is any major rain and that just washes out the black top. So in addition to resurfacing there definitely needs to be analysis on the drainage as well. Because otherwise you are just going to be spending your money and watch it wash down the road.

**Public Portion was closed at 7:32pm**

## **UNFINISHED BUSINESS**

**President Somich asked the City Engineer if there was any response that he may have on the Pleasant Valley situation. City Engineer DiFranco** replied that there are no drainage improvements currently in the project but he will take a look at it. **Resident** replied especially the western edge.

## **LEGISLATION**

### **ORDINANCE NO. 2015-14 – THIRD READING**

**1<sup>st</sup> Reading: March 26, 2015**

**2<sup>nd</sup> Reading: April 9, 2015**

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**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.**

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**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Hallum to adopt Ordinance No. 2015-14.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2015-14 has been adopted.**

### **ORDINANCE NO. 2015-17**

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**AN ORDINANCE APPROVING A CHANGE ORDER FOR THE LAMPLIGHT LANE CULVERT REPLACEMENT PROJECT WITH CONTRACTOR LONGO SEWER CONSTRUCTION, INC. OF SOUTH EUCLID, OHIO AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2015-17.

**Councilman Fiebig:** This is a Road Project that was approved previously and there was an anticipated Change Order that needed to be put in place that we discussed with our Engineer so this is not necessarily an unexpected change so we would approve expediting this because of that.

**Councilman Hallum:** Because I am directly affected by this Project I will continue to abstain from any voting on this. **Law Director:** You don't have to, **Councilman Hallum:** I don't have to. **Law Director:** No, this is a generalized one, it doesn't just affect you. **Councilman Hallum:** Thank you, thank you for that.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that the Three Reading Rule for Ordinance No. 2015-17 has been suspended.**

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Plecnik to adopt Ordinance No. 2015-17.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2015-17 has been adopted.**

**ORDINANCE NO. 2015-18**

**AN ORDINANCE ACCEPTING THE BID OF SPECIALIZED CONSTRUCTION, INC. OF CUYAHOGA HEIGHTS, OHIO FOR THE PLEASANT VALLEY ROAD RESURFACING PROJECT AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Hallum to suspend the Three Reading Rule for Ordinance No. 2015-18.

**Councilman Fiebig:** Again, a road project that was discussed and funded and because of the urgency of getting roads in shape we chose to Waive the Three Reading Rule on this.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that the Three Reading Rule for Ordinance No. 2015-18 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN HALLUM**, seconded by Councilwoman Fellows to adopt Ordinance No. 2015-18.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2015-18 has been adopted.**

**ORDINANCE NO. 2015-19**

**AN ORDINANCE ACCEPTING THE BID OF SPECIALIZED CONSTRUCTION, INC. OF CUYAHOGA HEIGHTS, OHIO FOR THE EDDY ROAD RESURFACING PROJECT AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2015-19.

**Councilman Fiebig:** Again, the same as the previous one, to take advantage of the weather and a project that has previously been discussed at length and funded.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that the Three Reading Rule for Ordinance No. 2015-19 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN PLECNIK**, seconded by Councilman Fiebig to adopt Ordinance No. 2015-19.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2015-19 has been adopted.**

**ORDINANCE NO. 2015-20**

**AN ORDINANCE ACCEPTING THE BID OF PAT FLOWERS, INC. OF HIGHLAND HEIGHTS, OHIO FOR THE 2015 CITY OF WILLOUGHBY HILLS PAVEMENT MARKINGS PROGRAM AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2015-20.

**Councilman Fiebig:** This happens about every two years ordinary and usual type of activity that the City does and this was a good bid from a contractor who had previously done the work for us so we want to expedite this one.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that the Three Reading Rule for Ordinance No. 2015-20 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Hallum to adopt Ordinance No. 2015-20.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2015-20 has been adopted.**



**AN ORDINANCE FIXING THE COMPENSATION FOR THE POSITION OF COMMUNITY SERVICE OFFICER.**

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**Councilwoman Fellows:** Based on Rules and Legislation's recommendation to amend this Ordinance and the fact that this topic has been on our books for a very long time, in fact the very first Ordinance was Tabled because it had been changed so many times, **I move that we amend Ordinance No. 2015-21 to reflect that it is a non-classified position and that the original MOU, Memorandum of Understanding, be attached indicating that this position is non-classified as well, as it was originally written. Councilman Fiebig: Second.**

**President Somich:** We have a Motion on the floor to amend Ordinance No. 2015-21. **Councilwoman Fellows made the Motion; seconded by Councilman Fiebig. Is there any discussion on the Motion?**

**Councilman Hallum:** Just one thing, that we make sure if we are going to do this, is it "non-classified" or actually "unclassified"? Or maybe it doesn't make a difference, I don't know.

**Councilman Fiebig:** It's unclassified. **Councilman Hallum:** Okay. **Councilman Hallum:** She said "non" that is why I wanted to make sure that we....**Councilwoman Fellows: How about I move to amend it, it's unclassified.**

**President Somich:** Okay, **Is there any other discussion on the Motion? I would like to comment on it, so I will pass the gavel.** This particular Ordinance has been discussed, as we all know, for quite some time and it has gone through a number of levels in theory, in principle; I know that all Members of Council agree that this is a position that is needed but we have run into other different part of this that we have already discussed and I was there on Monday when we came to some conclusions and agreement but I know that we heard this evening from the audience that the letter should be disregarded but a letter was received outside of the one opinion that was spoken here hasn't been determined to be either correct or incorrect. I think that it is a very important consideration which is why we already discussed it and so giving my opinion that I cannot vote for anything relative to the Ordinance tonight, the plan was to leave this on First Reading and again go back into Committee and find out what it should be for the benefit of the City. I know that the discussion was being to align this to the City Charter that was the intent, to make sure that we are in line with the City's Charter and there have been arguments and points made that either unclassified or classified are more aligned with the Charter and I am not satisfied which one of those is accurate at this point so I just want to go on record to let you know that is why I cannot vote positively for anything this evening.

**Law Director:** It depends how this thing comes out, I just want to give you a little ruling ahead of time, okay. If the motion is amended it will take four people to amend the motion but it would be a substantive motion so the next motion would have to be a motion to waive the Two Day Notification Rule

**Councilwoman Greer:** I have a question directed to Law Director Lobe. Is it your opinion that reasonable minds could differ in interpretation of the Charter and that either "classified" or "unclassified" in this position is a correct interpretation?

**Law Director:** Let me tell you where I started with this venture. It was always my position that I preferred it to be a classified position, okay. This goes way back, so this thing has gone back and forth with what the job duty is and who they go to, okay. The history of this issue arose a few months ago when I had my first discussion with Chief Collins before it hit this Council Table and that was the possibility of having Police Officer Ours who was the Chief's chosen one to take this position. Chief Collins was attempting to help financially the City by having a new position created so that this individual, Mr. Ours, who has great faith in his experience would become a full-time Member of the Police Department and would receive benefits but at a lower pay scale then required by the Union. I immediately had discussion with the Chief that he had two issues to get over because he wanted to make him unclassified because it was the Chief's understanding that Jim Ours, who is the one that he had chose for this could not get through the classified testing because of his age. So I told the Chief that he has two issues; he has the Civil Service issues and the Union issues. Number 1....Number 2....before I go any further, I want you to know that 9.4 of

Charter hasn't been amended for some time, okay and I even at the Charter Review Commission back, indicated that I really wanted clarification on this point because we have been doing that very clumsily, okay and I think that the words are clumsy that are used in the provision. My first meeting there, the Charter Review Commission gave us seven minutes, three times and I didn't want to use up all my time on those seven minutes, I deferred to the Civil Service Commission which I had met with privately, okay. 9.4 of the Charter basically only has three positions or three classifications to be classified or three bullet points to be classified. And I think this is because of when we were a City in 1970 or 75 and I am sure that Frank Cihula will correct me on this historical part about this. It is all Members of the Police Department; it doesn't say Police Officers, except the Chief. Number 2 all Members of the Fire Department, except the Chief. And the third way that anybody could be classified because we are a Charter Municipality; it's a two step process. The two step process is that Civil Service has to recommend it and this Body would have to agree to it. So the way it is written is real simple that it's Police except the Chief, the Fire except the Chief then everybody else that the Civil Service Commission recommends, it is only a recommending body and this body thereafter by Ordinance so classify. There are some exceptions, okay. The problem in this particular case is that the word "Member" verses "Police Officer" and that's the problem that I had immediately with the Chief. And if you remember when we had this particular issue, this thing has a tortured history as it came through here. But it was the Chief at the first Committee Meeting that he indicated that he has tried to make unclassified because he wanted Jim Ours and I am the one, I said it immediately, I said it three times I have some grave legal concerns, I have grave legal concerns. After this matter was in fact Tabled, okay, I set up a meeting Ms. Fellows was there, myself, the Mayor, the Chief, the Union Reps, the Union Legal Counsel and all of Civil Service. And my first comment was at that time can we carve out an exception through Civil Service but I was always tending, and I don't like the way 9.4 read, that it should be more classified, okay. There is a fear that I understand that everything is going to be classified. Don't let that fear come into this discussion because as I told you the only way things...anybody, anybody else at City Hall could become classified is if this Council so agrees to it after a recommending body. So this issue is really a singular issue and framed worked for a Member of the Police Department. And he is a Member of the Police Department. His budget will come from the Police Department, okay. The problem that I am having is that this was put in Personnel Relations Committee and I wasn't there and I understand that committee wanted to make it classified and that a discussion of classification, classified and unclassified also came up. I wasn't there so if I am incorrect don't hesitate to correct me and the recommendation was to pass it as such. It then went into Rules and now I have a different one and I could not make that meeting so I apologize to both committees. And I wasn't there but now I understand that came up so now you have two different committees that are coming up with diametrically opposed positions, but it's ironic that as I understand most of the Members of Council were at both meetings, okay. I did have a conversation with Ms. Fellows prior to the Rules and Legislation Committee that that was my position, it was my understanding and she has an opinion that she wanted it to be unclassified so say the least. I have always taken the position that I preferred it to be classified. The Chief as I understand it does not care, okay especially now that he understands that he believes that the Civil Service will allow under other readings and rules to have Jim Ours take it. Jim Ours prefers to be classified, just so you know. I talked with him, I don't know if anybody talked with him. So, the next thing that I understand came up and again I wasn't there that there is an exception under the unclassified where it says "Assistants to Directors". First of all, Directors is outlined in our Charter and it is limited to four Directors, Safety, Service, Law and Finance. Other people are Commissioners, Superintendents, and Police Chiefs. Police Chiefs and Fire Chiefs also have a different protection that we carved out last in the, I think that it is 2.4 of the Charter but they also have Ohio Revised Code Protection. So they are really not Directors. Second of all, the word "Assistant" is not defined in our Charter. So it would fall back to the definition of the Civil Service and the Ohio Revised Code. For an assistant to be unclassified it should be someone who is in a fiduciary responsibility and a confidential role. I don't have the definition in front of me, but am going to paraphrase it. This position truly as drafted even though it says Assistant, Administrative Assistant, it is not confidential and it is not fiduciary. The ones that are classic examples is that when someone is in a fiduciary capacity is, if somebody would go to, let's say the Chief's Assistant and say, listen I've got a personnel problem, please tell the Chief I've got this problem, this is confidential don't let anybody know and that person hears it and talks with the Chief and then that is why the Chief is unclassified and the Assistant is. But for reliance on that second section, and it is clumsily worded, don't get me wrong, okay so I'm not coming down strong either way, my preference was always classified to be even more consistent with it, okay. And I say that I wished that the next Charter Review, Ms. Greer, I know that you were not there when I made that presentation, would in fact clear this up, okay. It's interesting even in the new Ohio Revised Code the Chiefs are in fact classified but our State, our Charter makes them unclassified. So we are a Home Rule so that we can go against it. But I don't want to take a political position; hopefully this helps outline my legal position.

I would also prefer it to be classified, the Chief doesn't care, I think that it is more consistent with the Charter and I also think that it is designed with the intention, you got to remember Civil Service is designed to give...with the intention of giving employees Civil Service Protection. Because everybody is either protected or not protected. And it is interesting that there is only a few people in the Police Department that don't have at least Union Protection or Civil Service. So that is my opinion, that is my recommendation and you can take it from there and I think that I have been consistent since day one.

**Councilwoman Fellows:** Unfortunate that you were not at our last meeting because we discussed a lot of the things that you just brought up. One of the things that...where you state in the Charter that Directors have Assistants and the Police Chief is not a Director, and that we only have four Directors actually the Economic Development Director as is identified on his Website and how we hired him so really are practicing with five even though our Charter doesn't say that.

**Law Director:** Probably, so that is correct, you are right, we know that.

**Councilwoman Fellows:** I know that many times people comment about the Charter, the Charter doesn't do this, the Charter doesn't do that, you know actually in reality today it is our Charter, it is our Charter whether we agree with things on it or disagree or feel that things need to be changed or not that Charter is our guidance and our Law, today so what is in the Charter should be followed whether in the future the elective changes it or not. I do want to share a couple of things, so in the letter the Charter clearly states that a full-time member of the Police Department, except the Police Chief are classified. But the Charter also states that unclassified service shall include all Directors of Departments and their Assistants. And if you look at Section 3 under the Rules of the Civil Service Commission, under 3.1.2 the Unclassified Service it identifies under #5 the Directors and Department Heads including but not limited to and #7 is the Assistants to the Directors or Department Heads are identified in this Section of the Rules of the Civil Service Commission. The letter to Council also stated that all full-time members of the Police Department are classified, true but what was not mentioned here is the unclassified service which would include the full-time Administrative Executive Assistant and any full-time Dispatchers. Ultimately any member of the Police Department no matter what position they are in or what they are called reports to the Director of Public Safety. Additionally the letter stated that Assistant does not actually describe this CSO Position because there are no fiduciary responsibilities or confidentiality components associated with this job description which you referred to Mr. Lobe. However, under the "Skills and Abilities" of the Position Description of the CSO, it states "Maintain Confidentiality" and "Inspire the "Trust and Confidence of Others". And when you look at Section 3 of Classifications in the Rules of the Civil Service Commission under unclassified, #14 it says "Deputies and Assistants to elective or principle elective officers authorized to act for and in the place of their principals or holding a fiduciary relation to their principals". It doesn't say must, it does not say shall, it does not say should, it just says "or". So this person may or may not have fiduciary responsibilities, it says that here. As stated in the MOU for this position, "an employee assigned to this classification will not be assigned to the uniform patrol and crime prevention activities with the rank and class designation of Patrol Officer. And #5 the Community Service Officer shall not be counted toward police officer or police sergeant manpower and shall not be permitted to work the overtime of a law enforcement officer or otherwise perform the work of a police officer or police sergeant. This position is an Administrative Assistant under the direction of the Police Chief, it is not a Patrolman, it is not a Patrol Officer, it is not a Sergeant. And I believe to be in compliance with our Charter that this should be an unclassified position.

**Law Director:** I agree with some, but not all of what Ms. Fellows says. Now she mentioned a few....she picked out a few things of the job but look at the job description, okay. The job is that he is going to be a Court and Jail Officer, he is going to be the evidence custodian, and he is going to testify in court if needed, okay. He is going to have a...he is going to be a Court and Jail Law Officer, he is going to coordinate the court cases, he is going to prepare the court processes, he is going to release jail prisoners, he is going to be transporting jail prisoners. There are a few items that are somewhat in that nature but when you look at the greater weight of what he is doing, it is not in my opinion, it's not confidential and it is not fiduciary. There are a spattering of a few things, I get that but you got to, like everything else, you got to look at the big picture, you can't just narrow in on a few, I understand that, I totally...and Ms. Fellows and I have had this conversation, okay. But she is not like a hundred percent wrong but she is not a hundred percent right and it is just a matter of looking at it, not microscopically but telescopically the whole situation.

**Councilwoman Fellows:** Mr. Lobe, at the meeting, the Police Chief indicated twice that the primary responsibilities and most of the responsibilities of this Assistant were going to be Administrative. And all of the things that you had listed can fall under a Bailiffs responsibilities which are also unclassified.

**Law Director:** Those are unclassified by statute, that is correct; I agree with that but he is not a Bailiff because this is not a Court because the Court are the ones in the unclassified by State Statute and I agree, so it is just a matter...and the problem that I am struggling with and I said this from day one if that thing...if the first line said any and all Police Officers I wouldn't be here, it says "Members" and that is the one clumsy use of term, don't get me wrong and he is a Member of that thing and when you get to the Directors and the Assistants under the exception it is....we are stretching the law way too far especially when you look at the definition of "Assistants" because we fall back to that and it has to be both confidential and it has to be fiduciary and this position is and always was intended to be much, much more. And I am just going by the Job Description that I think is three or five pages long. So you have my opinion, you have my recommendation, I'm not going to get excited about it, okay, I don't, I am just telling you what it is and I think that's how it should be and just so you know, I am the one that went to, even to the Charter Review and says you know why don't we clean this up because as written, nobody has dusted this off since 1975, okay and there are other things that we do wrong around here and have done them wrong in the past, I get that. But not to get excited but that is my opinion, that's my recommendation and I am consistent from day one both off the record with the Chief and on this Council floor. And I apologize for not showing at the last meeting, I did get invited, I couldn't make it and I wrote a letter back and we did have that conversation.

**Councilwoman Greer:** It appears that it could be responsibly construed either way that we could legally call it a classified position and also legally call it an unclassified position and we have delayed this for many, many months, it is in the best interest of the City to have this position. Mr. Lobe, do you believe if we pass...it appears from discussion in the committee meetings that Council is most likely to support this as an unclassified position, if we pass this as an unclassified position do you believe that it is following our Charter and we are legally passing that.

**Law Director:** You have my opinion from day one, just so you know, that this should be classified, I am having difficulty because you are asking me to change my opinion.

**Councilwoman Greer:** Well, I am not asking you to change your opinion, I am just asking can it reasonably be construed the other way or are you saying that the only way this can be legally interpreted is that it is a classified position.

**Law Director:** With all matters, with all matters Ms. Greer everybody know this, I give some advice, whether you guys take it all the time or not. I've given a lot of advice on this Council table and with past Councils and they don't always take it, okay. I am here to give you my advice, I am here to give you my recommendation, you got my advice and my recommendation; I see it a lot more simpler. I have had this position since day one, I am not going to get into why or how or what the underling things and I didn't even get that last letter until, I think this afternoon, and I already had my position and everything way in advance of this thing, I read it a lot simpler and I think it is clumsy where it says "All Members of the Police Department, except the Chief". And I've got a problem with that. So basically why would you go further? And then I know that there were some issues that; you know that we are going to make everything classified. Take that off the table because it is impossible even as clumsily written as it now because it is the third step, so when you talk about the Police and the Fire, it is all members. I don't even like it personally but that is the way it is written. Okay, I don't like it. So that is as far as I will go, you got my recommendation, you got my opinion and that's all. I know that's not giving you what you want, Ms. Greer, but I am sorry.

**Councilman Plecnik:** Just very briefly, I second Councilwoman Greer's comments, that it's important for us to pass this as soon as possible, we have discussed this position for some time and our Police Chief has indicated, as we have all acknowledged, that he is ambivalent as to whether this is classified or unclassified, it's simply important to have this position for the good of the City so that we can deal with our prisoners, our evidence, our court appearances, in the most affordable possible way. So I would like to expedite, after a very long discussion, the passage of this as an unclassified position because I agree with Councilwoman Fellows and her analysis and I personally think that it is telling that the very first sentence of the job description says that the Community Service

Officer (CSO) is a classified Administrative Assistant. So in the very first sentence “Administrative Assistant” the two words that most strongly indicate the tender of the work which is administrative and I don’t think that the Unions would have approved creating a position outside of a Union Patrol Officer if it were anything but administrative so I would support this as an unclassified position. And I would certainly support bringing it to the table and voting on it tonight so that we could start the good work of this position and the savings to our City.

**Councilman Fiebig:** Just to weigh in, the Charter as Mr. Lobe said that this wasn’t reviewed since 1975 but there was an ’08 full review of this section in the Charter and there was a section that was amended but that was left untouched, just to be clear about that with anybody who is listening, that to say that this wasn’t looked for thirty-five years or so, forty-five years is incorrect. I also would echo sentiment out of Rules and Legislation and some others that I have heard tonight that we have to follow the Charter as it is written, imperfect as it is, and to say that we’re going to get an administrative assistant and be classified just goes against the way I read this Charter as written. So I would support that motion should that pass. The other is to simply Table this and let the Mayor work this out Administratively, whether its hiring the Patrol Office from Part-time to Full-Time, giving him those responsibilities as needed, let the Police Chief run his force the way he sees the best fit and take this out of the Council’s hands. We don’t have to create a position for you to organize your officers and run your department the way you see fit. So I would support this as we’ve discussed for quite a while and give you the ability Chief to move forward with this.

**Councilwoman Greer:** I would just like to re-iterate what I had said before, I don’t believe that we are going to come even if we Table this, I don’t believe that the two sides are going to see each other’s point of view and be swayed towards one point or the other. And I do believe that we should pass this legislation and that we should allow this Community Service Officer to do the work that is outlined. So if we do pass this I would like to thank the Civil Service Commission for the good work that they do and my vote for this would not derogate the good work that they do at all but I do think that we need to do this and get the work started.

**Councilman Hallum:** My opinion is that I think that it could be construed either way. I do think that we’re...the way that I have learnt it and I’ve said this before, I am not an attorney, but as I read the Charter, and we’ve been advised in the past that you have to look at everything as a whole and I think that when you look at that section talks about as you said, as Mr. Lobe said, a Member of the Police, you know this position is a Member of the Police Force, sorry of the Police Department, and I do think it fits as a classified just fine within what the Charter says currently. And to then say well then this classified portion is saying yeah that other part except for this, it doesn’t say it just says straight forward a Member of the Police Force...Police Department it does not say except for...if it falls within one of things in the unclassified area, it doesn’t say that. So, I think that, you know, it is clumsy as Mr. Lobe has said, I wish it had said something more specific, it doesn’t I think that we might be violating the Charter by approving this as an unclassified. However, I too agree that we need to get this position rolling and if it has to be...if we can’t get this done within, what I believe to be following the Charter, I guess my hope is that the Charter Review Commission will clean that up and make it clear so that whatever we need to do to make it right will be following the Charter for such for us. And the fact, I think, that they looked at the Charter in ’08 is great but I think when things happen that’s when we realize; you know when you are looking at that and there is no issue you probably read it and it sound fine. But then this kind of thing happens and you realize okay, maybe it’s not so clear and that is why we prompt some of these Charter Review things because things happen as we go along that makes us realize that some of things are maybe not so clear as they once maybe were intended to be.

**Law Director:** One last comment, I read it exactly that same way, 9.41 “All Members of the Police Department, except the Chief”. That’s how it reads. When I say clumsy, I said clumsy in the sense that, I think that they intended to say Police Officers, but that’s a guess. I am struck with the expressed language and it says “All Members of the Police Department”. Stop there, he is a Member of the Police Department, you can call him what you want, he is doing a variety of other work and the other bigger picture is that you have to remember in this particular case Civil Service is designed to give protection to the employees that is why it is called Civil Service. And everybody is to get some protection and this is an individual out there. Now the Chief doesn’t get it, I don’t get it, you guys don’t get it, I understand that, I get that. But employees, he will not have Union protection, and that is why I am even siding more, just so you know, just on the record and I know what you are going to do and that is fine by me, I don’t want to get argumentative or political but he is not going to have any Union protection and he is not going to get Civil Service

protection. And oh by the way, the Chief did this and he is going to get paid less. That is all that I am going to put on the table and you have my opinion, okay.

**Councilman Fiebig:** What do you mean that he is going to get paid less?

**Law Director:** He is going to get less than a Police Officer. That is why we had to create this position because if he was a police officer he would be hired at a higher rate. That was the initial impetus for even creating this by the Chief so that he can get somebody; make him full-time as a member of the Police Department, but not a Peace Officer, that is why we have the MOU. So I am looking at the big picture, I get it....

**Councilman Fiebig:** Some other communities that have a CSO are paying considerably less than we are paying this gentleman. So the range for a CSO at \$15 to \$18.00 an hour and we're at \$23 or \$24 so I don't want you to get the impression...anyone in the public to get the impression that we're paying less, he is being well paid. He is going full-time and he is going to have benefits, so...

**Law Director:** He is being paid less than the range for a Police Officer.

**Councilman Fiebig:** Because he is not a Police Officer, he is an Administrative Assistant.

**Law Director:** Correct....

**Councilman Fiebig:** That is what...he is a well paid Administrative Assistant who will take the load off of the Police Officers administrative tasks and hopefully save the City some money.

**Law Director:** I don't know exactly how those other Charters read, I just have to read this one and I read 9.41 it says "Members". Period, don't go farther, I get it, you guys want to go farther. You got my opinion, okay. Thank you.

**President Somich:** I have given everyone a lot of chances to speak, I would like to do it one more time myself, if I can, I am going to pass the gavel, since everybody has weighed in on this multiple times, I would like to do that one more time. I just want to urge our colleagues, I know sometimes when things take a long time to get through it's very frustrating, it's aggregating, we just want to get it done, certainly there is a need for this, I've been talking to the Chief, as most of us, if not all of have, for a long time, and a lot of the initial delays had nothing to do with this particular agreement, there were other items, getting the MOU done, etc., etc., now it has come down to this point. I want to say my colleagues, let's not settle, let's not settle, this is a law we are passing, this is an ordinance that is coming through that is going to be a law and to say that, you know, I personally believe that classified is consistent and I have no political agenda on this other than to follow the Charter and I read it, the first line the way that Councilman Hallum just said, and the way that the Law Director has just spoken, I certainly see the other point, I see the exceptions but I see that one line about all members of the Police Department and this is a Member of the Police Department. So I have made my decision and those who have made decisions other ways, if there are members of this team that have not absolutely have said that this is the right way to go then I urge you not to settle this evening. We can discuss this some more, we can talk with the members of the Civil Service Commission. I know that we invited them to the last meeting but the Chair of that was not with us, he was working. I would like to hear the Chief on this even though I am sure he is frustrated as all of us are. I just would like to urge you not to jump on this just to get it through.

**Law Director:** There is a Motion to Amend on the Table.

**President Somich:** Yes, there is, so we will further that Motion. As a bit of background here, we currently have an Ordinance here that has been prepared with a classified, in a classified position supported by a MOU that says the same thing. We know that we have a MOU already from the Union that will also honor an unclassified position, so that is not a problem for this so there is a **Motion that has been made this evening by Councilwoman Fellows,**

seconded by Councilman Fiebig to Amend the Ordinance 2015-21 to make this an unclassified position. We have had much discussion.

Roll Call: Greer-no, Hallum-no, Plecnik-yes, Somich-no, Fellows-yes, Fiebig-yes

MOTION FAILS: 3-AYES/3-NAYS

President Somich: Motion fails, Ordinance will remain on First Reading and will go to Committee for more discussion.

#### **ORDINANCE NO. 2015-22**

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**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WILLOUGHBY HILLS TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CITY'S SODIUM CHLORIDE (ROCK SALT) REQUIREMENTS FOR THE 2015-2016 WINTER SEASON AND DECLARING AN EMERGENCY.**

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MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Ordinance No. 2015-22.

Councilman Fiebig: Again, a road project that was discussed and funded and because of the urgency of getting roads in shape we chose to Waive the Three Reading Rule on this.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Ordinance No. 2015-22 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilwoman Fellows to adopt Ordinance No. 2015-22.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2015-22 has been adopted.

#### **RESOLUTION NO. 2015-1**

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**A RESOLUTION TO APPROVE A THEN AND NOW CERTIFICATE AND TO AUTHORIZE THE FINANCE DIRECTOR TO DRAW A WARRANT FOR THE ORDERS OR CONTRACTS ASSOCIATED WITH SUCH CERTIFICATE AND DECLARING AN EMERGENCY.**

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MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilwoman Greer to suspend the Three Reading Rule for Resolution No. 2015-1.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Resolution No. 2015-1 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Plecnik to adopt Resolution No. 2015-1.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that Resolution No. 2015-1 has been adopted.

#### **NEW BUSINESS**

MOTION MADE BY COUNCILMAN PLECNIK, seconded by Councilman Biro to adjourn into Executive Session immediately following “For the Good of the Order” but prior to adjournment for a time no longer than 15 minutes inviting all Members of Council, the Mayor and the Law Director for the purpose of discussing potential purchase of real estate.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Motion has carried and we will adjourn into Executive Session immediately after “For the Good of the Order”.

MOTION MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Fiebig to authorize the Mayor to go out for bids in pursuit of a new service vehicle namely the cab and chassis and this has been discussed in Committee.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Somich declared that the Mayor has been authorized to seek bids for a cab and chassis.

**FOR THE GOOD OF THE ORDER**

**Councilwoman Fellows:**

Happy Birthday to our Clerk!

**Councilman Somich:**

We were sent a Memorandum from the Lake County Sheriff's Office and the timing was too late to do anything by way of a Resolution because actually it had already passed, April 12<sup>th</sup> through April 18<sup>th</sup> was National Telecommunicator's Week and we were asked to acknowledge that as a City; it was proclaimed as such by Lake County and we just want to let everyone know that we do appreciate all those who are working in Public Safety in the area of telecommunications for the betterment of our community.

**Councilman Fiebig:**

Recognize the passing of one of our residents who lived on Eddy Road, Murray Seldon. He was a good man, a good neighbor to a lot of people and he will be missed.

Earth Day was yesterday, just to recognize that plant a tree if you can. The Lake Metroparks is having a special Earth Day event on Sunday, April 26th from Noon to 4pm at Penitentiary Glen Nature Center – family friendly event for conservation organizations with all sorts of kid crafts.

President Somich stated that we will now go into Executive Session at 8:19pm and for our community we will not vote on anything when we return from Executive Session. We do want to excuse the Finance Director and the City Engineer.

With all Members of Council present as well as the Mayor and the Law Director, the Regular Council Meeting of April 23, 2015 reconvened at 8:40pm.

**ADJOURNMENT**

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Hallum to adjourn the Regular Council Meeting of April 23, 2015.

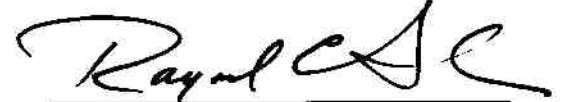
Roll Call: 6 AYES - unanimous

MOTION PASSES

President Somich declared the Regular Council Meeting of April 23, 2015 to be adjourned at 8:40pm.

APPROVED:

  
Date



Raymond C. Somich  
President of Council

ATTEST:

  
Victoria Ann Savage, CMC  
Clerk of Council