

City of Willoughby Hills

Special Council Meeting Minutes of December 2, 2013

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 6:00 p.m. by President Nancy E. Fellows

Pledge of Allegiance

Roll Call of Council

Members Present: Councilman Frank A. Germano, Councilman Kevin D. Malecek, Councilman Raymond C. Somich, Councilman Christopher L. Biro, President Nancy E. Fellows, Councilman David M. Fiebig

Also Present: Mayor Robert M. Weger, Law Director Thomas G. Lobe, City Engineer Pietro A. DiFranco, Clerk of Council Victoria Ann Savage

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to appoint Councilman Raymond C. Somich to serve as Vice President of Council.

Roll Call: Germano-yes, Malecek-yes, Somich-abstain, Biro-yes, Fellows-yes, Fiebig-yes

MOTION PASSES: 5 – AYES/1 Abstention

President Fellows declared that Councilman Raymond C. Somich will serve as Vice-President of Council.

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 6:02pm

1. Jim Vitale
Willoughby Hills Police Department

RE: Reading of the WH Police Labor Contract; stated that the Police have had an open relationship with City Administration and with the Labor Union; acknowledged that he believes that the Contract is fair and equitable, kept in mind the financial status of the City; stated the Membership fully supports the Police Labor Contract that is before Council this evening.

President Fellows closed Public Portion at 6:03pm

LEGISLATION

ORDINANCE NO. 2013-50

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION ON BEHALF OF THE PATROL OFFICERS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2013-50.

Councilman Fiebig questioned if Council received a signed Contract as requested; President Fellows replied that Council did not have a signed Contract from the Union Representative.

Law Director stated that he did not request a signed Contract on behalf of Council. President Fellows stated that it was her understanding that all three contracts were going to be read for three times, initially, that was the intent.

President Fellows further stated that we do not have signed contracts; there are some possible discrepancies in terms of lateral hires between the Patrolmen, the Sergeants and the Dispatchers. President Fellows questioned the Members as to if everyone has had the opportunity to review all three contracts from November 20th.

Councilman Fiebig stated that he had the opportunity to speak with some of the officers just a few minutes ago; the feedback that Councilman Fiebig received was all positive; not sure that the Contracts are ready as yet, why was the motion made by Councilman Germano, for he too thought that the legislation to adopt was to be read three times and they would adopted by the end of the year, why are we pushing this through today.

Councilman Somich stated that as he understood, he didn't think that at the prior meeting it was determined that there be three readings on the legislation; there was some feelings that we could consider the legislation at the last meeting but then we realized that wasn't reasonable because there were still changes being made that day. Councilman Somich stated that we needed to have time to review it, which he did, and he trusts that his colleagues did the same and if there were any questions, they could be resolved. Councilman Somich stated that he was not part of the negotiations this year, but had been involved in prior negotiations serving on the Personnel Relations Committee. A lot of what we do, unlike other cities, is done in a very trusting and informal way; there is a lot of giving and taking that goes on without the hard-line, attorney Union negotiations that you typically see in these types of negotiations. So, he thinks that there is a feeling here that he has that says if we believe in this, if we believe that this is a good fair package for all, involved, let's make it happen, let's make it happen on time, so that there isn't any retro considerations, concerns, so that this can be in effect January 1st. Councilman Somich would have hoped that anyone who had questions over the last couple of weeks would have talked about this and worked it out; he doesn't have any questions and he believes that it is ready to go.

President Fellows stated that she appreciates Councilman Somich's comments; she questions if all addendums are being incorporated in the current contracts and feels that addendums will be forthcoming. President Fellows stated that once again, we are going to pass business when business has not been completed, we don't have signed contracts in front us.

Councilman Somich questioned if it would be a legal concern. Law Director Lobe not a necessity, just how Council wants it done. Councilman Somich asked if it was a Charter or legal issue, Law Director Lobe stated again that it would be how Council wants it done.

Councilman Biro echoed some of Councilman Somich's thoughts, he had a chance to review the new documents, and given that time frame, we were given another week to and had the ability to talk with the Administration, and to talk to some of the Police, and Fire and get their input. Once again, Councilman Biro had been fortunate to be involved with past negotiations and have a very good rapport with them, something that we don't see in other communities, a lot of trust and that can be extended to them. In the past, we have done this without signed contracts, and having the ability to talk with them with any concerns that Councilman Biro may have had. Councilman Biro is comfortable with the contracts and can potentially vote on this.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Fellows declared that the Three Reading Rule for Ordinance No. 2013-50 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Biro to adopt Ordinance No. 2013-50.

Councilman Fiebig stated that he wanted to follow up because he did bring up the point about Council and the process and in reading three times, giving the public the opportunity to examine our legislation those are things that he does feel are important; he doesn't have an issue with the contract, it seems fine and in talking with a few of Willoughby Hills finest tonight, they seem comfortable with it, but he has heard a few things what President Fellows brought up. Councilman Fiebig stated that we do need to pay attention to the process and not push things through without making sure that they are right and that they are ready and give the public the opportunity to provide input. Councilman Fiebig support this and he stated that he will vote yes. Would like everyone on Council to take these things into consideration, that we are doing this for the public as well.

Councilman Malecek would echo Councilman Fiebig's comments, he also would like to say that we have done a very good job over the last couple of years, in terms of our Then and Now issues that we have had come up, we have reduced those sufficiently and if there are going to be addendums to this contract, just like we would consider a Then and Now Certificate, when we have had a Purchase Order to do something, we are going to be able to consider that in due course. So with the greater good in mind here, keeping that trust as Councilman Biro said, keeping the relationship, and keeping with a very fair agreement for all sides, we will go back and deal with those as we can. We are going to have additional contracts before us as well; hopefully, those things are worked out at this point so that we can lessen those types of circumstances in the future.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Fellows declared that Ordinance No. 2013-50 has been adopted.

ORDINANCE NO. 2013-51

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION ON BEHALF OF THE SERGEANTS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2013-51.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Fellows declared that the Three Reading Rule for Ordinance No. 2013-51 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to adopt Ordinance No. 2013-51.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Fellows declared that Ordinance No. 2013-51 has been adopted.

ORDINANCE NO. 2013-52

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION ON BEHALF OF THE DISPATCHERS AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN SOMICH, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2013-52.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Fellows declared that the Three Reading Rule for Ordinance No. 2013-52 has been suspended.

MOTION WAS MADE BY COUNCILMAN MALECEK, seconded by Councilman Germano to adopt Ordinance No. 2013-52.

Roll Call: 6 AYES – unanimous

MOTION PASSES

President Fellows declared that Ordinance No. 2013-52 has been adopted. President Fellows stated that we are moving into a three year contract, she hoped that all the Patrolmen and Sergeants and Dispatchers are pleased with the negotiations that were made with the Mayor and look forward to your services. Thank you.

NEW BUSINESS

President Fellows stated that a Motion to authorize the Clerk of Council to advertise for the position of District III Councilperson would be in order.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to authorize the Clerk of Council to advertise for the position of District III Councilperson.

Roll Call: Germano-yes, Malecek-abstain, Somich-yes, Biro-yes, Fellows-yes, Fiebig-yes

MOTION PASSES: 5 – AYES/1 Abstention

President Fellows stated that the Clerk of Council is hereby authorized to advertise for the position of District III Councilperson.

President Fellows stated that a Motion to appoint newly elected official John Plecnik to the position of Council at Large III, position left vacated as of November 30, 2013 would be in order.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Malecek to appoint newly elected official John Plecnik to the position of Council at Large, III, position left vacate as of November 30, 2013.

Councilman Somich stated that he will welcome Council-elect Plecnik to his seat and look forward to serving with him; he and I have had a few disagreements on the course, but we have talked and come to an agreement and believes that we can work very strongly together for the benefit of the community. At this time though, Councilman Somich stated that he is confused in terms of, that this seat that is open is not really the seat that Councilman Plecnik will be filling as of January 2nd or whatever that date is. That we do have an open seat, right now because of Council President David Reichelt leaving but that seat will be actually filled by Councilman Fiebig as of the course of the last election come January 1st and then actually, John will then be taking Councilman Fiebig's position, if Councilman Somich's memory is correct on how all this works out, so it is not as easy as simply saying let's bring him in to fill the open seat, because it really isn't the seat that is open that John will be serving. This entertains other discussion that says do we really need the other person at this time, there is a cost to the City that right now we are not going to be paying Councilman Reichelt and Councilman Somich has had conversations with residents that have said why do we need to pay that cost right now if there isn't really much happening in December; we only have one more meeting scheduled. In terms of legalities, pension plans, and all those kinds of things that happen as part of our program, is there really a need to do this right now. That is what Councilman Somich wanted to throw out there, he is not really sure that there is a need. We have not talked about it in committee at all, and would welcome having a committee meeting to discuss it, if that is something that should be considered, but right now just to put him in place for the sake of doing it, Councilman Somich doesn't really know if that is what the people who elected him want him to do, they elected him to serve as of January 1st. Kind of in the sprite of what Councilman Fiebig said, let our people tell us what to do and give them the opportunity to give us feedback; perhaps we should open this up tonight and let the community give us feedback. At this point and time, Councilman Somich stated for the record, that he welcomes him in January, however, if we took the vote this evening, would not be in favor of this.

President Fellows, responded to Councilman Somich by stating that there were a lot of different scenarios that were discussed, she had conversations with the City Law Director pertaining to this, some of the scenarios were that we could do nothing, we could appoint John to that position, knowing that he has been elected as an official, even though it would be four weeks earlier so that we would have a full compliment on Council or that Councilman Fiebig could have resigned from his two year position and be appointed to Councilman Reichelt's position, and then John be appointed to fill the void for the four weeks in the two year position which would then have everyone in place; to do so would have required a lot of maneuvering in positions and would require a resignation. So since we had a empty seat, and John was elected as a Councilperson, it made reasonable sense that he could be appointed to fill the void that we would have a full compliment on Council.

Law Director Lobe stated that the initial draft, as President Fellows stated did have this three step process, Mr. Fiebig would take Mr. Reichelt's positions, subject to Mr. Fiebig's resignation from his two year position. Then Mr. Plecnik would take Mr. Fiebig's position; this would even be more complicated. There were some

complications because you would have had to have Mr. Fiebig take a position and then resign contemporaneously, it just didn't tend to do it that way. The initial draft as prepared by the Clerk and the Law Director.

Councilman Biro shares the concerns of Councilman Somich; we have the three scenarios of doing nothing, and the other options; however, Councilman Biro wanted to just contend that maybe we should keep that seat open in memory, in honor of Councilman Reichelt for all his hard work that he has done in the City. Everyone knows how hard he worked and Councilman Biro felt that it would be a nice honor; maybe put a beach towel over there or something for him, it would be a nice jester. Councilman Biro stated for the record, that he too would be voting no for he would like to have that seat left vacate in honor of former Councilman Reichelt.

Roll Call: Germano-no, Malecek-yes, Somich-no, Biro-no, Fellows-yes, Fiebig-yes

MOTION FAILS: 3 AYES/3 NAYS

President Fellows stated per the Law Director, it is an operational of law and it does not pass. President Fellows stated that we have a couple of things coming up month and we will only have six Members of Council and what do we do if we have "ties"; we have other contracts that might potentially fail.

Councilman Malecek stated that he too must echo what Councilman Somich said, he feels that this issue must be put into the Rules Committee as soon as possible.

Councilman Somich questioned if it is going to be placed into Committee, has it been done. President Fellows stated that a Rules Committee will be called as soon as possible.

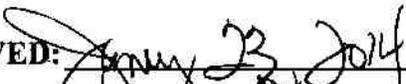
ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN BIRO seconded by Councilman Somich to adjourn the meeting.

Roll Call: 6 AYES - unanimous

MOTION PASSES

President Fellows declared the Special Council Meeting held December 2, 2013 to be adjourned at 6:25pm

APPROVED:  _____
Date



Raymond C. Somich
President of Council

ATTEST:  _____
Victoria Ann Savage, CMC
Clerk of Council