

City of Willoughby Hills

Regular Council Meeting

Minutes of June 12, 2014

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 Present: Councilman Frank A. Germano, Councilman Christopher Hallum, Councilman John Plecnik, President Raymond C. Somich, Councilman Christopher L. Biro, Vice President Nancy E. Fellows, Councilman David M. Fiebig

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

CORRESPONDENCE

City Engineer's Report dated June 5, 2014 (Emailed: June 5, 2014)

Willoughby Hills Community Center Rentals for May 2014 (Emailed: June 2, 2014)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for May 31, 2014 (Emailed: June 9, 2014)

Interoffice Memo from Finance Director Frank J. Brichacek to the Mayor and Members of Council, dated June 5, 2014 re: 2015 Tax Budget (Emailed: June 10, 2015)

NOTIFICATIONS

Planning and Zoning Commission & Architectural Board of Review Meeting of June 5, 2014 (Emailed: June 2, 2014)

Rules and Legislation Committee Meeting of June 12, 2014 (Emailed: June 3, 2014)

Service Committee Meeting of June 2, 2014 (Emailed: May 21, 2014)

Service Committee Meeting of June 2, 2014 changed to a **JOINT MEETING OF THE SERVICE COMMITTEE AND THE FINANCE COMMITTEE** (Emailed: May 27, 2014)

Utilities Committee Meeting of June 2, 2014 (Emailed: May 30, 2015)

2015 TAX BUDGET PUBLIC HEARING SCHEDULED FOR THURSDAY, JUNE 26, 2014 AT 7:00PM (Emailed: June 10, 2014)

PUBLIC HEARING SCHEDULED FOR THURSDAY JULY 10, 2014 AT 7:00PM FOR PROPOSED AMENDMENTS TO THE ZONING CODE AND BUILDING CODE (Emailed: June 10, 2014)

MINUTES

Civil Service Commission Meeting Minutes of May 6, 2014 (Emailed: June 9, 2014)

Rules and Legislation Committee Meeting Minutes of May 19, 2014 (Emailed: May 27, 2014)

ON FILE

Willoughby Hills Senior Center Newsletter for June, 2014, Issue Number 74

MAYOR'S REPORT – Robert M. Weger

Continuing efforts for a safer West side. Have made arrangements for a streetlight at the crosswalk by Giant Eagle to WH Towers.

Encourage approval of Charter Review candidates tonight so they can get started on their task of reviewing the Charter

Recycle magnets will be mailed shortly

Disappointed to hear that our City was labeled “Where the City meets Corruption”. If anybody knows of any corruption in our City, please tell us now.

Attended an Ethics Committee Seminar that stated Mike and Frank Germano had no nepotism. He would appreciate an apology from Linda Fulton, because she brought it up several times. **Councilman Plecnik** interjected requesting a point of order for personal attacks towards residents during the Mayor's Report is inappropriate. **Councilman Fiebig** seconded this request. **The Mayor** continued saying he would appreciate an apology. **Councilman Plecnik** stated he would appreciate an apology from the Mayor to Linda Fulton right now. **President Somich** stated this is the Mayor's Report. **Councilman Fiebig** stated this is not the Mayor's Report though, this is a personal attack on a resident for asking a question. It's inappropriate. Your job is to control the meeting...**President Somich** interjected stating he (Councilman Fiebig) was not being recognized, the Mayor is being recognized. **The Mayor** continued saying based on what the Ethics Commission said, there was no violation in anything that was done in the City.

Acknowledgements:

Congratulations to Service Department worker Jeff Mezgec on 30 years of service

Congratulations to Police Department and great work done by detectives on Knoefel case. Will plan special Mayoral Proclamation to the entire department in the near future.

Events:

Pat O'Brien Fun Day—Saturday, June 14 from noon to 3pm.

WH Paper Shredding Day—Saturday, June 14, from 9am to noon in front of City Hall

Happy Father's Day—Sunday, June 15

Our First Corn Fest “Concert in the Park”—Wednesday, June 18 from 7pm to 9pm—bring your lawn chair for an enjoyable night of music

PD Education Series—“Safety in Your Home” sponsored by WHPD, Monday, June 23 at 6pm at the Community Center

Councilman Fiebig stated the Ethics Commission did not make the statement that there was nothing done wrong in the City, the Mayor just misspoke. **President Somich** stated we are obviously getting into a matter of opinion on many of these issues; he also attended that and he heard many questions that were so-called hypothetical questions that were asked by some Members of this Council that although called “hypothetical” were specific as to relationships as to transactions as to procedures that were followed so they were much more than hypothetical. At this stage of the game, we are not really going to get into this discussion this evening, we are not going to talk about what happened at Ethics Commission Meeting and Seminar; if anybody in this audience or anybody who is watching or listening would like details on this Ethics Seminar that many of us attended, he would be happy to share those details with you and he is sure other Members of Council and Administration would as well. We have had a number of comments over the last months including attacks on people that were in this audience that were unable to defend themselves. Compared to those, he did not hear an attack just now, he did hear a request for an apology, but he did not hear an attack. If you would like him to go back into the minutes and cite examples of attacks, we can do that but they did not come from the Mayor.

LAW DIRECTOR'S REPORT – Thomas G. Lobe

Supplementing what the Mayor said, the Knoefel case is a great example of what our safety forces do. This matter was a very difficult case that had to proceed, that was vetted from the facts which a good Police Department does, and went to great lengths. We have one of the best Mayor's Courts and Drug Enforcements and the Police Department did a great job.

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

No formal report was given.

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

Continuing design on the Knecht/O'Brien Stream Restoration Culvert Removal Project at the west end of Eddy Road. Have received significant comments from Lake County that will require some redesign. Rather than restore the culvert or the stream to its natural condition with no culvert, they are recommending we replace the culvert; however, reduce the amount of fill on top of it due to some slope stabilization concerns. We are initiating those changes.

Continuing design on Lamplight culvert replacement—project is farther behind schedule because last month has been busy and unforeseen instances have caused us to run further behind.

Maple Valley Subdivision continues construction—contractors planning to construct new road next week.

Clover Senior Apartment building construction started this week.

Councilman Fiebig asked if he had the opportunity to look at Clover since we had a concern of a resident that we were getting close to his easement. The **City Engineer** responded yes, the slope is being regraded so there is some earthwork occurring about fifty feet from the property line, so he thinks that's where the confusion was. That's not going to be where the building is, that's just some regrading work being done by the Contractor. **Councilman Fiebig** stated it should be seventy feet, and the resident knew it, and he saw some soil being dumped into that area and got concerned.

COMMITTEE REPORTS

The following Reports have been listed alphabetically by Committee.

JOINT MEETING

FINANCE – Raymond C. Somich, Chair

Committee Members: Nancy E. Fellows, Frank A. Germano

SERVICE – Christopher Hallum, Chair

Committee Members: Frank A. Germano, John Plecnik

COMMITTEE MEETING OF JUNE 2, 2014

Members Present: Councilman Christopher Hallum, Service Committee Chair, President Raymond C. Somich, Finance Committee Chair, Vice-President Nancy E. Fellows, Councilman Frank A. Germano, Councilman John Plecnik

Also Present: Councilman Christopher L. Biro, Mayor Robert M. Weger, Finance Director Frank A. Brichacek, City Engineer Pete DiFranco, Road Superintendent Nate Catania

Purpose of the Meeting was to discuss **Current Status of Road and Sewer Work** and **Overall State and Needs of the Service Department** and any other business.

Meeting convened at 8:00pm

Order of Business

Road Superintendent Nate Catania gave the state of the union for the Service department. Nate provided a comprehensive list of the equipment that the city currently owns, the condition, and the expected life. Nate number one concern is regarding the condition of the 7 plow trucks. One is in extreme bad condition, and the others are in various states of wear. The plow trucks are used the entire year round for road paving, etc., but are intended for plowing. The concern is that when one or more of these trucks go down during the winter, it can impact the ability of the service department to clear the roads. Nate would like to see 1 new plow truck for next year. The cost for a plow truck is approximately \$150K.

Nate would like to obtain a little paver, but costs around \$100K. Paving is planned on White Rd. between Erich and the 271 bridge. This will take up all of the city's road budget for 2014. There are numerous other roads both asphalt and concrete that need repair and they will do those as they are able.

Kirtland Mayor would like to work with us on doing Worrell Rd in a joint effort. It may be able to be done this year if we get the Issue 1 money, otherwise it will have to wait until next year.

Storm sewer work is done based on the severity with those issues causing property damage having the highest priority.

The Rt. 91 project scheduled for 2015 will require the city to put up 20% of the total cost which equates to \$200K.

Chris Hallum to meet with Mayor Weger to determine where else we might be able to get funds for Service

work.

Public portion was then held for this first half of the meeting – see bottom box.

Then the final topics for this meeting pertained to Finance and Service, so the second part of the meeting was chaired by Ray Somich. We discussed the language for the Road Levy Renewal, the process of having the resolution and ordinances, and the timing to get data to the county so it is on the November ballot. We also discussed the idea of making this a permanent renewal was discussed but it cannot be done; according to our city charter we can only do a maximum of 5 years.

We also discussed the Pleasant Valley Road bridge, the need to transfer funds available from the Motor Vehicle license fees into the bridge maintenance account, and also the need to clean up and delete an old account established for the Bishop Road widening project, which is no longer being used. We discussed with Nate and our city engineer their estimates on keeping this bridge maintained. Nate will get us a proposal to have the bridge coated and sealed. We agreed to have the Finance Director request an ordinance to make the accounting changes, including a schedule on when to transfer funds between accounts to be in compliance.

A second public portion was then held on these topics – see below.

Public Portion

#1 - Open at 8:34pm

Faye – 37250 Chardon Rd. – Concerned about having a sidewalk on Chardon by her house.

Linda Fulton – Asked when the ditch mowing would begin. Nate responded that they started today.

Services Closed at 8:36pm

#2 – open at 9:16

Frank regarding the history of the PVR Bridge and the prior petition to keep it open.

Cheryl regarding the road levy renewal

Faye regarding her safety with her private road

Meeting adjourned at 9:26pm

RULES & LEGISLATION – Nancy E. Fellows, Chair

Committee Members:

David M. Fiebig, Raymond C. Somich

COMMITTEE MEETING OF JUNE 12, 2014

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

Also Present: Councilman Christopher L. Biro, Councilman Frank A. Germano, Councilman Christopher Hallum, Councilman John Plecnik, Mayor Robert M. Weger, Law Director Tom Lobe, and Finance Director Frank Brichacek

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

Meeting convened at 6:08pm

Order of Business

Legislation for this evening's Council meeting of June 12, 2014:

Ordinance 2014-32 – An Ordinance authorizing the Mayor to enter into the State of Ohio Administrative Service Contract for the purchase of a 2014 Ford F350 Sewer Vehicle for use by the Service Department. Cost not to exceed \$48,750. **The Rules and Legislative Committee recommends to Council that this be read for the 3rd time and adopted.**

Ordinance 2014-33 – An Ordinance appropriating funds for the Rosewood Trail Storm Sewer Maintenance Project. Apparently there have been resident's complaints since last October 2013 concerning flooding or the potential for. It has been indicated that this project will be assigned to the Service Department and Dino's plumbing. This project is completed. **The Rules and Legislative Committee recommends to Council that this Ordinance be read a 2nd time and adopted.**

The anonymous letter, which carries no credibility, that was distributed by Gloria Majeski to the residents of Rosewood Trail represented unprofessionalism and a mean spirited attempt at misleading them in believing that Council members Fellows, Fiebig and Plecnik were "obstructing" the need for addressing their drainage issues by not waving the 3 Reading Rule. There is no place for this type of behavior in our city government. If one is going to bare the title of Executive

Assistant, then one should wear that badge of distinction in whatever she does, whether on duty or off duty.

Ordinance 2014-36 – This Ordinance is for the renewal of an existing 2.5 mill Road Levy to be placed on the November 4, 2014 ballot. **Rules and Legislation recommend that this be the 1st Reading.**

The next four Ordinances are in relation to the contractual benefits concerning pension for the Police Chief, Fire Chief and full time employees of the Police and Fire departments. Financial implementation by law is July 2, 2014.

Ordinance 2014-37 – Pension pick-up for the full time employees of the Police Department. **Rules and Legislation recommends the 3 Reading Rule be waved and adopted.**

Ordinance 2014-38 – Pension pick-up for the full time employees of the Fire Department. **The majority of the Rules and Legislation committee recommends that the 3 Reading Rule be waved and the Ordinance be adopted.**

Ordinance 2014-39 – Pension pick-up for the Police Chief. This Ordinance satisfies the change in retirement. **Rules and Legislation recommends the 3 Reading Rule be waved and adopted.**

Ordinance 2014-40 – Pension pick-up for the Fire Chief. This Ordinance satisfies the change in retirement. **Rules and Legislation recommends the 3 Reading Rule be waved and adopted.**

Ordinance 2014-41 – An Ordinance providing for a 2014 Operating Budget revision specifically for the acquisition of a 2014 Dodge Charger for the use by the Police Department. Funds for this purchase were acquired by selling surplus vehicles. **Rules and Legislation recommends the 3 Reading Rule be waved and adopted.**

Ordinance 2014-42 – Appropriations for the Pleasant Valley Road Storm Sewer Project. This is additional work on the project adding curbs and gutters to prevent further erosion of the road. The **project has been completed** for an approximate cost of \$10,000 using the available balance of the Street Construction, Maintenance and Repair Special Fund No. 250. **Rules and Legislation recommends this Ordinance be on 1st Reading.**

Ordinance 2014-43 – Appropriations for the Chagrin Drive Drainage Project estimated at a cost of \$10,000. Application to Lake County Storm Water Mgmt. for a grant. If we do not receive the grant, we will not be able to do this project at this time. **Rules and Legislation recommends this Ordinance be on 1st Reading.**

Ordinance 2014-44 – Appropriations for Dodd/Eagle Nest Roads Drainage Project at an estimated cost of \$37,000. Application to Lake County Storm Water Mgmt. for a grant. Project not completed. **Rules and Legislation recommends this Ordinance be on 1st Reading.**

Note: Ordinances 2014-42, 2014-43 and 2014-44 pertaining to sewer/drainage projects total nearly \$57,500 dollars to complete the projects.

Ordinance 2014-45 – This Ordinance is in reference to adopting a Tax Budget for the fiscal year 2015. A Public Hearing has been posted for Thursday June 26, 2014 at 7:00 p.m. This Ordinance must be adopted no later than July 15, 2014. (Look to adopt at our first council meeting, July 10, 2014). **Rules and Legislation recommends this Ordinance be on 1st Reading.**

The following four Ordinances 2014-46, 2014-47, 2014-48 and 2014-49 pertain to amendments to the Planning and Zoning Code and the Building Code. A mandatory Public Hearing has been scheduled for July 10, 2014 at 7:00pm to allow the public to review and comment on the proposed amendments before legislative action is taken.

Ordinance 2014-46 – An Ordinance aligned with Planning and Zoning verbiage changes from “building” to “dwelling” on Set-Back Requirements. **Rules and Legislation recommends this Ordinance be on 1st Reading.**

Ordinance 2014-47 – An Ordinance adding a section to the Planning and Zoning Code on “cross-access”. This need was identified during review of the plans for Dunkin’ Donuts that would be advantageous for future development on Bishop Road and elsewhere. This Ordinance has been assigned to the Planning and Zoning Committee of Council. **Rules and**

Legislation recommends this Ordinance be on 1st Reading.

Ordinance 2014-48 – An Ordinance that accompanies Ordinance 2014-47 for location of required parking spaces permitted with cross-access drives. This Ordinance has been assigned to the Planning and Zoning Committee of Council. **Rules and Legislation recommends this Ordinance be on 1st Reading.**

Ordinance 2014-49 – An Ordinance to allow (require) mailbox numbering to both sides (Chapter 1345, Building numbering). This Ordinance has been assigned to the Planning and Zoning Committee of Council. **Rules and Legislation recommends this Ordinance be on 1st Reading.**

Ordinance 2014-50 – An Ordinance to payback the Pleasant Valley Road Bridge Maintenance and Capital Repair Fund No. 443 with the Motor Vehicle License Fee Special Revenue Fund No. 255. This was discussed in the combined Finance/Service meeting of June 9, 2014. **Rules and Legislation recommends this Ordinance be on 1st Reading.**

Ordinance 2014-51 – An Ordinance directed by the Finance Director to close out the Motor Vehicle License Tax Special Revenue Fund No. 255 as of June 30, 2014, and any remaining equity in the Motor Vehicle License Tax Revenue Fund be transferred to the Street Construction, Maintenance and Repair Fund No. 250. This was discussed in the combined Finance/Service meeting of June 9, 2014. **Rules and Legislation recommends this Ordinance be on 1st Reading.**

Ordinance 2014-52 – Accompanies Ordinance 2014-51, if adopted, then the Codified Ordinance will need to be amended. This was discussed in the combined Finance/Service meeting of June 9, 2014. **Rules and Legislation recommends this Ordinance be on 1st Reading.**

Public Portion

Public portion opened at 6:53 p.m. Bob Kowalski stated, “That the City has lost fiscal control”. Concerns that the Road Levy indicates labor can be paid out of this fund. Questioned how much salary is paid from the Road Levy? Linda Fulton inquired as to why projects are appropriated after they have been completed?

Public portion closed at 6:59 p.m.

Meeting adjourned at 6:59p.m.

Councilman Fiebig stated that President Somich reported the police vehicle was being purchased from surplus funds but it was funds from the sale of surplus vehicles. Our City doesn’t have a lot of surplus funds. **President Somich** replied sale of surplus vehicles becomes surplus which we can then use to buy other vehicles.

OTHER COUNCIL REPRESENTATIVE REPORTS

Councilwoman Fellows reported on Congressman Joyce’s Legislative Update for Elective Officials in his District. Councilman Plecnik, Councilman Fiebig, Councilwoman Fellows, and the Mayor attended this event at the end of May in Washington D.C. where they learned a lot.

Councilwoman Fellows reported on Ohio Ethics Presentation that occurred at Lakeland Community College where they learned valuable information and perspective to addressing our City challenges. Those in attendance included President Somich, Councilman Fiebig, Councilman Germano, Councilman Hallum, Councilman Plecnik, Councilwoman Fellows, the Mayor, Law Director, Council Clerk Victoria Savage, Eastlake Councilwoman Cindy Quinn-Hopkins, Economics Development Director Steve Roszczyk, Gloria Majeski, Charter Review Commission Members Dr. Stephen Atkins and Sandy Taddeo, Residents Frank Cihula, Dale Fellows, Linda Fulton, Cheryl Ota, and Joe Zawatski.

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 7:34pm

1. Linda Fulton

2990 Marcum Boulevard

Re: Addressed the Mayor stating she has nothing to apologize for; she did not hear Attorney Lobe correct the definition of nepotism, she found out at the Ohio Ethics Commission that the reason why it is not nepotism

between Frank and Mike Germano is because Frank Germano is an elected official. She stated there is a problem in Administration and feels the Mayor should be the one to apologize to the residents for the way he is running this Administration.

2. Al Pestotnik

2856 Fowler Drive

Re: 1) What is the size of Willoughby Hills at the present time in square miles? 2) Within Willoughby Hill's population, what is the percentage of voters that vote in any election? At the last election, he read the papers and saw only 1/3 of the people of Willoughby Hills voted. 3) If there is a major catastrophe or disaster, would our police and fire department be ready to cope with all of the residents of Willoughby Hills including these major big buildings that are holding the doctors and attorney offices? 4) Who designates salaries of police, fire, and any official? 5) In reference to fire department, how often are fire hydrants checked? 6) Congratulations to this team of people; he is glad to be a resident of Willoughby Hills.

3. Rick Helton

37500 Eagle Road

Re: When reading Tuesday's editorial written by Councilman Plecnik, he doesn't see how a certain faction of Council is against the other faction of our Council; nobody ever criticized the work Frank Germano has completed for our City yet we are cutting him down for a job that was less than \$5000.

4. W. James Walsh

38755 Berkshire Hills

Re: Disappointed he could not attend the Ohio Ethics Commission Training, but there will be a re-do at the Cuyahoga Community College Corporate College. He can let Council know the dates, but the information is also online.

5. Robert Kowalsky

2585 Timberline Drive

Re: 1) Agenda represents the City has no money and is creating the perfect storm; 2) Road Levy—money is being manipulated and it is not working right because the roads are not being fixed; road levies in the past would be for roads only, not for facilities, and the City Engineer would report during the year specifically what roads were being done, but they are no longer stating how and where the levy is being used.

6. C.J. Latsa

28914 Eddy Road

Re: Mayor sent him a letter asking him to serve on the Charter Review Committee, he accepted and wants to know the confirmation process.

Public Portion was closed at 7:48pm

UNFINISHED BUSINESS

Councilman Plecnik responded to Mr. Pestotnik's questions stating Willoughby Hills is roughly 10.82 square miles and population is nearly 10,000; he states nearly because we can only go based on the last Census and at that time Willoughby Hills' population was increasing, but it's impossible to know precisely. As for registered voters, there are about 6500 registered voters in Willoughby Hills that lived in 4500 different households. In the last primary election, Lake County had 18% turnout and Willoughby Hills was slightly below that with 17%.

Councilman Plecnik wanted to respond to Rick Helton's comments by saying we are not just talking about one contract, but we are talking about several contracts over several years. With respect to the last contract, we're talking about the Mayor signing and the Council voting on appropriations that were ultimately paid to a company that was owned by that Councilman's parents and at least at some point he was employed by that company and maybe still is; when residents are concerned about the City Prosecutor looking into this, they find out that the City Prosecutor is also the Councilman's brother so understandably they are very troubled. This is a very serious issue and he is going to pursue it until we have justice done and whether it is illegal or not, and he personally feels it is illegal, it is certainly wrong. If it is legal to hire our parents at \$1500/day, his

father would like a job with Willoughby Hills.

Councilman Hallum commented on potential conflicts with regards to Members of Council and our spouses or family members on Committee. From his perspective, after re-reading Section 9, he is comfortable saying we are not in any issue with the Charter. It does not state that one cannot have a family member on a Committee when one is a Councilman, it just says one cannot have a family member working in a noncivil service job for the City; specifically in Article 9 it talks about what civil service positions are and Committee members are named as a civil service, so it is not a noncivil service and he doesn't see any conflict.

The **Law Director** stated he had a conversation with Councilman Hallum and he is absolutely, probably correct as a matter of law. The issue really came up on how narrowly and how strongly one wants to interpret things and whether anything is direct or indirect and even things of that matter. In fact, he pointed out that many words in the Charter are not even usable legal terms in today's society and one of them is noncivil service. There is a theory, it is a weak theory, that that may, and he doesn't think it's the proper theory, that noncivil service is as a matter of law, in our Charter, that you are civil service or you're not. You are civil service, classified or unclassified, and that's why that term is in there. We talked even further that is says noncivil service employment versus independent contractors, but it's in there. The problem is how one is going to interpret it. We don't have a problem, we never had a problem, the person who wrote it didn't have a problem, he didn't enforce it that way and we have never enforced it that way; it's when certain people start taking interpretations and trying to draw very narrowly and harshly that if interpreted that way, you can get to some unenforceable, and he doesn't think unreasonable and he doesn't think expected results. That's why he has not taken any steps. At the last Charter Review meeting, one of their recommendations was to repeal portions of that section, but they just didn't have all the time to get to it.

President Somich addressed Mr. Pestotnik and confirmed the population is between 9400-9500. Through the wonders of technology, the Fire Chief stated we flow and grease every hydrant in the City every year.

President Somich stated that there has never been a question that all of the road levies funds are used for the roads; we are obligated to do that. The only question has been what does that mean when it says the roads. Should it include the vehicles that are used to transport the asphalt, the lime, and other materials and equipment that is used—isn't that part of maintaining the roads? Even if you have the vehicles there with the equipment on-site and you have the asphalt, concrete, and everything else you needed, does that fix it or don't you need labor to actually do those repairs? Those are the questions that this Council will continue to ask that question because ultimately we do the appropriation of funds and we need to have that discussion in terms of how much is needed of all of those things, but there has never been a question; there was an illusion to maintaining facilities and that's not the case.

President Somich also addressed the implication of increasing license tax and that's not only something we have not discussed but he doesn't even think it's legal, because it is set by the state of Ohio.

LEGISLATION

ORDINANCE NO. 2014-32 – THIRD READING

1st Reading: May 8, 2014

2nd Reading: May 22, 2014

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO STATE OF OHIO ADMINISTRATIVE SERVICES CONTRACT(S) FOR THE PURCHASE OF A 2014 FORD F350 SEWER VEHICLE FOR USE BY THE SERVICE DEPARTMENT.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to adopt Ordinance No. 2014-32.

Councilman Plecnik questioned Road Superintendent Nate Catania who was sitting in the audience, if the truck was going to be used exclusively for sewer work or only partially for sewer work. **Road Superintendent** replied that its purpose is for sewer work, so he would say almost exclusively; pretty much exclusively, yes. **President Somich** added that in many of his conversations with our leaders of our City, and such a small City that we have with limited resources that we have, he doesn't think that anybody can ever say that something is always a 100% anyway because people have to share jobs, tasks and responsibilities and the same with equipment and trucks and everything else

because we aren't a City like Mentor that absolutely has ten of these and fifteen of these, so just as that point, because he has learned that over the last eleven years.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-32 has been adopted.

ORDINANCE NO. 2014-33

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE ROSEWOOD TRAIL STORM SEWER MAINTENANCE PROJECT AND REPEALING CONFLICTING LEGISLATION.

President Somich stated that the good news is that the work has been completed so the residents do have the problem solved for right now and there is going to be some additional work on that but this (Ordinance No. 2014-33) will remain on Second Reading this evening.

Councilwoman Fellows asked to share something that she feels is appropriate at this time. Councilwoman Fellows went on to say that there have been a lot of feelings shared this evening and this is her personal opinion and she is doing this to defend herself and this is in reference to Rosewood Trail. So the anonymous letter, which incidentally carries no credibility, that was distributed by Gloria Majeski to the residents of Rosewood Trail represented unprofessionalism and a mean spirited attempt at misleading them in believing that Council Members Fellows, Fiebig and Plecnik were “obstructing” the need for addressing their drainage issues by not waving the 3 Reading Rule. There is no place for this type of behavior in our city government; and paraphrased with the fact that when her son was accepted to St. Ignatius he was told that once you become a man for others you represent St. Ignatius no matter where you are and what you do when you down that title and varsity jacket. If one is going to bear the title of Executive Assistant, then one should wear that badge of distinction in whatever she does, whether on duty or off duty.

Mayor Weger responded to that by saying that the letter was nothing but the facts and he is sorry that she didn't put it on City stationary because it needed to go on City stationary. It was factual, it wasn't a lie or anything, and she handed it out personally on her own time. Now the fact that three Councilmen went out there together, it was preplanned and they violated the Sunshine Law...**Councilman Plecnik requested a Point of Order....Councilwoman Fellows** stated that it was not preplanned. The **Mayor** then asked then how a letter be sent out by you (Councilwoman Fellows), it was drafted by you, and was signed by all three of you, beforehand and let me finish, and you all drove there in one car. So how is it not preplanned? But that is all he is going to say on that. You know that it was a violation and that is all he has to say. It was a topic of the Rules Committee and you broke that Sunshine Law, period.

Councilman Plecnik replied no, it is not a violation of the Sunshine Laws for Councilmen and Councilwomen to speak to their residents, particularly when they have been personally attacked and he would appreciate it if the Mayor would stop playing “junior wood-chuck lawyer” for tonight.

Law Director Lobe stated that he would say the same thing back to Councilman Plecnik, okay. Applause was heard from Mrs. Lobe seated in the audience. **Councilman Plecnik** responded by saying boo to the wife of Mr. Lobe. **President Somich** responded by saying that he (Councilman Plecnik) had made a major statement earlier about attacking people that are in the room, okay, criticizing them and you made a major grandstand about not doing that and you simply, right now attacked a member, one of our residents in the City. President Somich further stated, why are laws written one way for you (Councilman Plecnik) and one way for everybody else. **Councilman Plecnik** responded by stating that he thinks that it is highly inappropriate for Mr. Lobe's wife...**President Somich** interrupted Councilman Plecnik by stating that he did not recognize him. **Resident Linda Fulton** stated from the audience that President Somich needed to pass the gavel. **President Somich** replied that Ms. Fulton was out of order for making that statement. Public Portion has ended. **President Somich** stated that this will not continue this evening. This will be the extent of this conversation. There have been a number of points that have been brought up and if people

would like to discuss those after the meeting or at other committee meetings, let him know, but this conversation has ended.

ORDINANCE NO. 2014-36

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A RENEWAL OF AN EXISTING 2.5 MILL LEVY IN EXCESS OF THE TEN (10) MILL LIMITATION AT THE GENERAL ELECTION TO BE HELD NOVEMBER 4, 2014 FOR THE CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS, ROADS, BRIDGES AND THE REPLACEMENT AND REPAIR OF NECESSARY ROAD EQUIPMENT & MACHINERY INCLUDING BUT NOT LIMITED TO MATERIALS, LABOR & FACILITIES IN THE CITY AND DECLARING AN EMERGENCY.

President Somich stated that this is the First Reading for Ordinance No. 2014-36; there will be two additional readings on this one, it is a renewal, the language is exactly the same as it has been in the past, including the fact that all of our residents do receive the grandfathering of the exemption so that they are actually saving money on that. We will again have two additional readings in subsequent meetings.

ORDINANCE NO. 2014-37

AN ORDINANCE DECLARING THAT THE CITY OF WILLOUGHBY HILLS HAS DETERMINED TO CONTINUE TO PICK-UP MANDATORY CONTRIBUTIONS BY THE FULL-TIME EMPLOYEES OF THE POLICE DEPARTMENT OCCUPYING THE POSITIONS OF PATROL OFFICER AND SERGEANT WHO ARE MEMBERS OF THE OHIO POLICE & FIRE PENSION FUND; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Hallum to suspend the Three Reading for Ordinance No. 2014-37.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Ordinance No. 2014-37 has been suspended.

MOTION WAS MADE BY COUNCILMAN GERMANO, seconded by Councilman Hallum to adopt Ordinance No. 2014-37.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-37 has been adopted.

ORDINANCE NO. 2014-38

AN ORDINANCE DECLARING THAT THE CITY OF WILLOUGHBY HILLS HAS DETERMINED TO CONTINUE TO PICK-UP MANDATORY CONTRIBUTIONS BY THE FULL-TIME EMPLOYEES OF THE FIRE DEPARTMENT IN THE CLASSIFICATION OF FIRE FIGHTER, LIEUTENANT AND CAPTAIN WHO ARE MEMBERS OF THE OHIO POLICE & FIRE PENSION FUND; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading for Ordinance No. 2014-38.

Councilman Plecnik stated that in all respect to the recommendation of the Rules and Legislation Committee he feels that it is premature to vote on a piece of legislation before the underlying employment contract is passed. So he won't be voting to waive the Three Reading Rule on this issue, although it is extremely similar to the Police; he looks forward to the completed Union Contract with the Fire Department and at that time he would support waiving and adopting immediately. **Councilman Hallum** wanted to ask if anyone could answer as to if there is an issue is this causing a problem by waiting until the contract is adopted. Councilwoman Fellows replied you can't, there won't be enough time. The **Law Director** stated that the Finance Director could answer. **Finance Director Brichacek** stated if this Ordinance isn't adopted by July 1st the Fire Department's Plan will become taxable; we will be in violation of their existing Labor Agreement. **Councilman Fiebig** stated that we do have another meeting prior to the July deadline. **President Somich** replied that is correct. **Councilman Fiebig** stated that for the same reasons

that we did vote in the previous last year not to do a three-year term, we only did one because we didn't have a contract in place, he also agrees to hold back on the Three Reading Rule, but he does support the idea behind this legislation. **Councilman Hallum** wanted to say one more thing, while he agrees with Mr. Fiebig and Mr. Plecnik, his only concern is if for some reason there is not a super-majority here at the next meeting, we are going to have a problem. So we know that we have it here tonight, we know that it has to be passed; just wanted to mention that it could happen. **President Somich** confirmed that it will take 5 out of 7 members to waive.

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

MOTION PASSES: 5-AYES/2-NAYS

President Somich declared that the Three Reading Rule for Ordinance No. 2014-38 has been suspended.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Hallum to adopt Ordinance No. 2014-38.

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

MOTION PASSES: 6-AYES/1-NAY

President Somich declared that Ordinance No. 2014-38 has been adopted.

ORDINANCE NO. 2014-39

AN ORDINANCE DECLARING THAT THE CITY OF WILLOUGHBY HILLS HAS DETERMINED TO CONTINUE TO PICK-UP MANDATORY CONTRIBUTIONS BY THE CHIEF OF THE WILLOUGHBY HILLS POLICE DEPARTMENT WHO IS A PARTICIPATING MEMBER OF THE OHIO POLICE & FIRE PENSION FUND; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Plecnik to suspend the Three Reading for Ordinance No. 2014-39.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Ordinance No. 2014-39 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adopt Ordinance No. 2014-39.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-39 has been adopted.

ORDINANCE NO. 2014-40

AN ORDINANCE DECLARING THAT THE CITY OF WILLOUGHBY HILLS HAS DETERMINED TO CONTINUE TO PICK-UP MANDATORY CONTRIBUTIONS BY THE CHIEF OF THE WILLOUGHBY HILLS FIRE DEPARTMENT WHO IS A PARTICIPATING MEMBER OF THE OHIO POLICE & FIRE PENSION FUND; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to suspend the Three Reading for Ordinance No. 2014-40.

Councilman Plecnik questioned the Ordinance being listed as Ordinance No. 2013-40, so he wanted to know if it was just a typo that needs to be fixed. Councilman Plecnik then asked if the Fire Chief is a member of the Union such that his contract is affected by the Union contract. Reply was given that he is not. Clerk of Council will make the adjustment to the Ordinance number.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that the Three Reading Rule for Ordinance No. 2014-40 has been suspended.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to adopt Ordinance No. 2014-40.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-40 has been adopted.

ORDINANCE NO. 2014-41

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE ACQUISITION OF A 2014 DODGE CHARGER FOR USE BY THE POLICE DEPARTMENT AND REPEALING CONFLICTING LEGISLATION.

MOTION WAS MADE BY COUNCILMAN HALLUM, seconded by Councilman Biro to suspend the Three Reading for Ordinance No. 2014-41.

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

MOTION PASSES: 6-AYES/1-NAY

President Somich declared that the Three Reading Rule for Ordinance No. 2014-41 has been suspended.

MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Fiebig to adopt Ordinance No. 2014-41.

Roll Call: 7 AYES – unanimous

MOTION PASSES

President Somich declared that Ordinance No. 2014-41 has been adopted.

ORDINANCE NO. 2014-42

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE PLEASANT VALLEY ROAD STORM SEWER PROJECT AND REPEALING CONFLICTING LEGISLATION.

President Somich stated that it was the recommendation of the Rules and Legislation Committee that all of the remaining pieces of legislation to be remaining on First Reading this evening so he will assume that unless he hears otherwise Council immediately after the caption has been read. So Ordinance No. 2014-42 will remain on First Reading.

ORDINANCE NO. 2014-43

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE CHAGRIN DRIVE DRAINAGE PROJECT AND REPEALING CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-43 will remain on First Reading.

ORDINANCE NO. 2014-44

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR THE DODD/EAGLE NEST ROADS DRAINAGE PROJECT AND REPEALING CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-44 will remain on First Reading.

ORDINANCE NO. 2014-45

AN ORDINANCE ADOPTING A TAX BUDGET FOR THE FISCAL YEAR 2015 FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

President Somich declared that Ordinance No. 2014-45 will remain on First Reading.

ORDINANCE NO. 2014-46

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE SEVEN – ZONING DISTRICT/USE REGULATIONS, CHAPTER 1133 – SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS, SECTION 1133.04 – SETBACK REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Somich stated that Ordinance No. 2014-46 and the next few Ordinances are relating to Planning and Zoning Changes and he would like to ask our Planning and Zoning Committee of Council to deliberate further on these in the weeks to come.

President Somich declared that Ordinance No. 2014-46 will remain on First Reading.

ORDINANCE NO. 2014-47

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE SEVEN – ZONING DISTRICT/USE REGULATIONS, CHAPTER 1137 – COMMERCIAL DISTRICT REGULATIONS, SECTION 1137.06 – OFF-STREET PARKING AND LOADING REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-47 will remain on First Reading and be referred to the Planning and Zoning Committee of Council.

ORDINANCE NO. 2014-48

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE ELEVEN– SUPPLEMENTAL DEVELOPMENT STANDARDS, CHAPTER 1153 – OFF-STREET PARKING AND LOADING REGULATIONS, SECTION 1153.07 – LOCATION OF REQUIRED PARKING SPACES AND SECTION 1153.11 – REGULATIONS FOR ACCESS DRIVES OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-48 will remain on First Reading and be referred to the Planning and Zoning Committee of Council.

ORDINANCE NO. 2014-49

AN ORDINANCE AMENDING PART THIRTEEN – BUILDING CODE, TITLE THREE – LOCAL BUILDING PROVISIONS, CHAPTER 1345 – BUILDING NUMBERING OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING ANY AND ALL CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-49 will remain on First Reading and be referred to the Planning and Zoning Committee of Council.

ORDINANCE NO. 2014-50

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-43 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR BY PROVIDING FOR 2014 OPERATING BUDGET REVISIONS SPECIFICALLY FOR INCREASING THE APPROPRIATION OF THE MOTOR VEHICLE LICENSE FEE SPECIAL REVENUE FUND NO. 255 AND REPEALING CONFLICTING LEGISLATION.

President Somich declared that Ordinance No. 2014-50 will remain on First Reading.

ORDINANCE NO. 2014-51

AN ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO CLOSE THE MOTOR VEHICLE LICENSE TAX SPECIAL REVENUE FUND NO. 255 AS OF JUNE 30, 2014; ANY REMAINING EQUITY IN THE MOTOR VEHICLE LICENSE TAX SPECIAL REVENUE FUND AS OF SUCH DATE SHALL BE TRANSFERRED TO THE STREET CONSTRUCTION, MAINTENANCE AND REPAIR SPECIAL REVENUE FUND NO. 250; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

President Somich declared that Ordinance No. 2014-51 will remain on First Reading.

ORDINANCE NO. 2014-52

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE , TITLE FIVE – ADMINISTRATIVE, CHAPTER 135 – DEPARTMENT OF FINANCE, SECTION 135.24 – MOTOR VEHICLE LICENSE TAX FUND; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

President Somich declared that Ordinance No. 2014-52 will remain on First Reading.

NEW BUSINESS

Mayor Weger wanted to propose because of the need to require Three Readings on all Ordinances that the Council needs to meet four times a month for all twelve months of the year. It would bring the time down three weeks which is reasonable for any Ordinance to be researched and passed. **President Somich** thanked the Mayor for his suggestion, and referred it to the Rules and Legislation Committee to consider that idea. **Councilwoman Fellows** asked if the Mayor could please repeat his request for she did not write it down. The **Mayor** replied four meetings a month, Council Meetings, Regular Council Meetings and twelve months a year.

The Mayor asked Council to reconsider their motion that they Tabled last week to appoint his Civil, or to confirm his Charter Review Commission Members. **Councilman Plecnik** stated that he believes that would be “Unfinished Business” given that we had discussed it last Meeting. **President Somich** questioned if a Motion to amend the Agenda to go back to Unfinished Business or is that not even an opportunity? The **Law Director** responded that Council President can put it where he wants; he needs a motion to lay on the table a request by the Mayor for approval and confirmation of the Mayor’s Charter Review Commission, the Clerk and I reviewed this in anticipation of it, you will need four votes for it to be done, it’s not technically a Motion for reconsideration, it’s a Motion to put it back on the Table, just like at that Meeting to take it off the Table, somebody would have to make a Motion to put it back on the Table, there will be some debate on it, and four Members would have to put it back on the Table; the ultimate decision if we get there will be four affirmative votes either way. **Councilman Plecnik** stated that he would ask Council to hold off on voting on the confirmation of the Charter Review Commission; the issues that we had last meeting are still outstanding. We haven’t resolved the issues that we discussed in Executive Session, we haven’t met with and discussed the credentials of all of the Members at this point and part of it is the fault of how busy our Rules and Legislation agenda was today, he knows some new people did come this evening, but we did not have the opportunity to speak with them; although some of the absentees from the previous meeting were also not here so even if we had had time we wouldn’t have had the opportunity, so he thinks it is premature. He also said that he thinks it is premature in general to have a Charter Review Commission at this time, if you look at our history of Charter Review Commissions, he believes dating back to the beginning of our City, we have always appointed them in January to give them a full session of time to consider the Charter. It is a very significant task, you are essentially a new founding father and mother of Willoughby Hills and to expect them to rush something onto the ballot is unrealistic and unfair to the residents of Willoughby Hills. Either you are asking an impossible task of the Charter Commission or they put something onto the ballot that hasn’t been considered. We take Three Readings to merely look at an Ordinance, he would hope that we would give a significant amount of time to consider changing the fundamental law of the City. **President Somich** stated we haven’t even had a Motion to even consider having this back on the Table this evening so he thinks all of this discussion is preliminary; it would be part of that Motion if that Motion is even made. If the Motion isn’t made then it’s all a moot point this evening so he would rather not get into a heavily debated discussion right now because it may not be necessary. At this point, he would entertain a Motion if anyone would like to make it. **Councilman Biro** stated he would like to make a Motion to untable the Motion that was presented two weeks ago about this issue.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to bring the issue back onto the Table.

Councilwoman Fellows stated on that Motion to untangle it, she echoes some of Councilman Plecnik's concerns. Taking the lead in this because it was put into Rules and Legislation as the Chairperson, she has had no communication from a couple of the members, she has had communication, not to her but forwarded from Administration and back to her, she has found there to be misleading representation in terms of skill sets and curriculum vitae so she cannot vote on this entire Body because there are individuals that she feels would not be in the best interest for the City if we have to vote on one whole Body. **Councilman Biro** stated he understands Councilwoman Fellows' reservations, he knows there were some issues with a couple individuals. He thinks they've been given ample time to reach out to those people, he has and knows many of the individuals that are pegged to be on that Commission; they are excellent people, they have many years of service in this community, more so than most of us on Council. He has no problem with that list knowing those people and reaching out to them himself. He thinks we have been given enough time after seeing the list; he is comfortable with the selections on that list. **Councilman Fiebig** stated the Charter Review Commission was born out of the disclosure that there was potentially some issues that have been brought up that we are all very well aware of. He thinks the idea of putting together a Commission at this time to address those specific issues is just not the right way to get into a thorough Charter Review. Charter Reviews have traditionally in our City, going back to 1970, been started at the beginning of the year so they have many months and there is no pressure to get it on a certain ballot or have a deadline or anything like that. There are serious issues to discuss and review in any Charter, but to do it under a timetable of six weeks to get this done that leads to bad decisions being made. What he would like to suggest, or perhaps appropriate it under New Business, was that Council prepare legislation that thoroughly addresses a nepotism policy in our City, because he thinks that is at the heart of the discussion that we are having. Nobody has really solidified and said as Council what is the issue here, what is the problem. The problem is that we discovered some dealings that were going on that some of us don't agree with and whether you agree or disagree, if the work was good or the work was bad, what is at the heart of the issue is it is a problem and Council does have the opportunity to create legislation and have that thorough discussion without changing the Charter and we really should address this as this Body, as a Council; because you put it in a Charter Review Commission, they control the dialogue, they should not be controlled by the Mayor or Council, they are going to review this and they should have plenty of time, plenty of freedom without any pressure of thinking about well I've got to get this under a certain deadline or I've got to look at this because of a nepotism issue or contracts that were being distributed that maybe shouldn't have been so that would be his opinion is that we hold off at least until September, preferably until January and do it the right way, do it the way that really serves the residents of Willoughby Hills and the laws that are created here and the laws that we should all be following in the right way. **President Somich** addressed Councilman Fiebig's comment by saying on that point, as a member of the Rules and Legislation Committee, if he would like to have that discussion in a future meeting in terms of such action of Council, he thinks that would be the preferable place to get that process under way. **Councilman Hallum** stated with regards to nepotism, while there is not specifically an Ordinance or anything in the Charter specifically talking about nepotism, unless he is mistaken we are still bound by the laws within the state. Unless we feel our needs to be tighter than that, he does not see a need to tighten it even further, maybe we just need to be educating which we just went and did that and be clear about what that is, but he does not know if there is a need to create a specific Ordinance to tighten it even beyond where the state says it is today. With regard to creating this Commission and approving this Commission, regardless of how it was conceived, what precipitated it, he does not think it matters whether we start it now or January. People are not going to forget what precipitated it and in talking with the folks that the Mayor selected he does not think they are under the impression that that is what they are doing. They are going forward to look at the entire Charter and to get involved in City government and try to make an honest attempt to go through and make any suggestions they feel are necessary. The one concern he does agree on is he knows that there is some rules within the Charter that state how long that Charter Commission is good for, when they are retired essentially and he thinks they have had some discussion on that and whether we could reinstate them basically after that expiration period which he thinks is possible and therefore we are even giving them more time than if we start in September or January. The **Law Director** replied that statements are made on this Council floor that we have to follow the Charter and that it is a very critical issue, he agrees, but let everybody put their perspective on this. The laws of Willoughby Hills and the Charter have been followed for 45 years and there has been a certain interpretation and a practice that has been in place for about the last 4 Law Directors, the last 5 Administrations, and a numerous amount of different Council people; it is only recently, within 2014, that this Council has come up with a different opinion and made it a focal point. He has never said, nor has any Law Director, and he wants to make this clear, this matter was reviewed by a Congressman, the FBI, the County Prosecutor, the State Auditor's office, the Attorney General's office, etc. So it's this Council that is making it an issue that hasn't been practiced or interpreted for 45 years, putting certain people, including Mr. Hallum, because of the narrow instruction or narrow

interpretation. The Mayor has the right, under Charter, to have a Charter Review not less than every eight years. Because of this, he recommended that this Council take action, not the Mayor, back in March. He asked that this Council, for that same reason, take control of the issue for whatever reason and he is not here to say why or how; then the Mayor did ask for the Charter Review which is his prerogative. So we're back in March and we have prepared prospective nepotism to bring forward at the proper time. He brought forward during his dissertation certain affidavits that we want for the contractors if that was where we want to go. He wants everyone to understand that this has been since March and other cities, just because we have done it, he thinks Gates Mills has just put their Charter Review Commission, he thinks it was just in the paper the other day, he is not saying that it is too short but he would, because this Council has a problem with it, he hopes they take some action. It's not like he needs any action taken, he doesn't think it's the problem everyone says and he thinks he is backed up by all the independent government agencies that have looked at this matter and this matter has been presented to them outside of the majority of this Council. If you want to do it, great, if you don't, fine. But to imply that there is this problem and we are not following it is absolutely contradictory to the facts and the law and that's why even when he got an independent review of it before anybody makes an opinion about these types of matters, just like a good prosecution that he talked about today, you go and you get the facts, you don't just come out and say it. You need to follow due process and if Council wants to go there, great we can go there. It has never been his recommendation to do it; he hopes that puts the perspective, a bigger global perspective, on this so that the impression is that we are not doing something right, because that is a slur on every past Administration and every other Council and that's not the case. **President Somich** stated we have a Motion on the Table to untable the Motion that was made at the last meeting and that is that we consider approving the recommended slate of members for the Charter Review Commission. That Motion was made by Councilman Biro, seconded by Councilman Germano. We have had a lot of discussion...**Councilman Plecnik** interjected saying the last thing he is going to say on this issue just as he said when he moved to Table this Motion last time is that we will have to have a full vetting, right here, right now of the individual candidates if we move into a vote on approving them. We have not resolved the issues from our Executive Session before for the same reasons he said at the last meeting; he would far prefer to have this confidentially so that no resident has to be embarrassed than to have an open discussion right here and now and he thinks the swing vote here is going to be Councilman Hallum so he will ask just this last time yourself and also our Council President who voted to Table it the last meeting, please do not vote to put this issue on the Table in public right now, ask every single Charter Review Commission member. **Councilman Germano** asked Mr. Lobe if any work that is done now can still be used after the deadline. The **Law Director** stated they don't have to do anything, they don't have to make a recommendation, we do not direct what they do, how they do it, or what they look at; basically once you hire them, or appoint them he should say, they do their own independent review, they will do as they please and ultimately we are authorized to give them some direction, make comments to them and that nature, but they are an independent body and they will proceed and then it comes back to us and you must send it on to the election without alteration. They may say nothing, but part of this thing to is that the Mayor is required to do this every eight years and he's on the seventh year so he's at least trying to get that part done. **Councilman Germano** clarified that whatever is done now, can it still go on after the deadline. The **Law Director** said you can reappoint another one or the same one after the fact and we've talked about that previously. **Councilwoman Fellows** stated yes we have discussed it before, and we are on our sixth year not our seventh year, if whatever work that is done is not completed by the end of the year, the Mayor can reinstate every single person that is on this list right now.

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

MOTION PASSES: 4-AYES/3-NAYS

President Somich declared that the Motion to untable the Motion to consider the approval of the members of the Charter Review Commission has passed.

President Somich stated we can now go to the step of reconsidering that Motion. The **Law Director** clarified that it is back on the Table. That is all it is, you have to make a different Motion... **President Somich** stated so there would have to be a new Motion made to approve the slate of members that were appointed by the Mayor subject to our approval. **Councilman Biro** replied he would make that Motion to confirm the individuals on that list for Charter Review to initiate that and get it going because of the gravity of the situation and the allegations and all these issues that have been brought up. Once again, he thinks these are great individuals that have served this community for a long time and he thinks that they will do a great job; he served on the last one, it took a lot of consideration, but we had a good group, good guidance and he thinks this one will do especially well.

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to confirm the slate of members proposed by the Mayor for the Charter Review Commission.

Councilwoman Fellows stated that Councilman Biro is really lucky that he got to talk to everybody because she has reached out twice to everybody so they must not like her. She cannot vote for the entire Body, she hasn't even had the chance to really meet the people and she has reached out to them. She doesn't even have telephone numbers for some of them. **Councilman Biro** stated he knows most of the individuals and he thinks they will serve the City well; he is comfortable with it. **Councilwoman Fellows** stated she appreciates that but her situation is sadly different. **Councilman Biro** replied we agree to disagree. **Councilwoman Fellows** stated absolutely. **Councilman Plecnik** requested to speak. **President Somich** addressed Councilman Plecnik stating he has made a couple of comments over the last couple meetings, may he say almost in a threatening way, to say that we will vet this out in public in terms of the individuals members; he cautions Councilman Plecnik and Members of Council that if we are going to bring up personalities or bring up alleged facts versus actual facts, if we're going to allege any types of character traits, integrity traits of any of the Members, he wants to let everybody know that that is certainly dangerous territory; this is all being recorded and documented so if you are going to say something that you feel you need to say, please make sure that you are aware of the consequences if it's proven wrong because this is very dangerous territory for us to do personal attacks on proposed Members of this Committee. **Councilman Plecnik** requested a Motion to amend Councilman Biro's Motion to vote on each of the Charter Review Commission Members individually.

MOTION WAS MADE BY COUNCILMAN PLECNIK, seconded by Councilman Fiebig to amend the prior Motion to vote on the Members on an individual basis.

President Somich stated he will refer to the Law Director to see if that is even within our ability to do. The **Law Director** stated he thinks it is proper that we try to review those and say we have an incidental or even a secondary Motion if it helps modify the original Motion then it is okay, it climbs up the ladder. But again you have a Motion and he believes it was seconded down there with limited discussion on it so you can vote on it if you want to take that, if it fails you need four affirmative votes, if it doesn't you go back to the original Motion. **President Somich** clarified so we do have a Motion and a second on the floor, is there any discussion on the Motion to amend the original Motion to vote on the Members on an individual basis? **Councilman Plecnik** stated he thinks the advantages are twofold with respect to voting on each member individually. First, it allows Members who have had a chance to speak to individuals and are comfortable with them to affirmatively vote for them as opposed to voting no on the entire slate and leaving the insinuation that the entire slate is unqualified. He also thinks that it gives us the opportunity with an individual member that we may have some controversy with, or even ourselves not personally may not have a controversy with but we know that another Member does, and have the opportunity to vote to Table that individual person so that there would be no need for discussion about any emails they may have sent or anything about their background and as you (President Somich) said he thinks it is dangerous territory and he thinks it would be a great benefit to Council to not only vote on all of them individually but to the extent that any of us has an objection as opposed to voting on whether or not to put them on the Commission and having to have an affirmative dialogue, a Council Member could simply say, without explaining, they move to Table that person and then there would only need to be a substantive discussion on that person's qualifications if that Motion to Table fails. **Councilman Hallum** stated we admittedly have dragged this thing out for awhile with some good reason but is there a way we can set a time limit where we have to make a decision and appoint these folks, whoever they are going to be, by a certain date? He is just trying to find a way to put a finite date on getting this done because if we do as Councilman Plecnik suggests and maybe there are a couple that we do not approve, we have to have at least nine members. How much longer do we wait? **President Somich** replied the factual answer is that the way to set that deadline is to vote on this particular Motion and to allow the Commission to begin their task. **Councilman Plecnik** stated he does not think there is any way Council can bind itself to set a time limit but in good faith he would say to Councilman Hallum that there are only two members of the Commission that he has a personal issue with. He is not trying to set an overarching or ridiculously high standard for people. As we discussed earlier, there is some concern with people who have publicly expressed their opinion on the issues we have all been discussing and there is some concern with an email that another member sent. He doesn't think it would be onerous on the Mayor given that there is nearly 10000 or perhaps 9400 residents of Willoughby Hills to pick two more people and he can say he would be very much in favor of having a Rules and Legislation Committee right in front as we have this time, maybe set two hours in front of the meeting just to play it safe, or to set it at any time these two individuals can come, meet them personally and get them approved at the next meeting. He would give you his word that barring some with very tight connection or problematic issue with them, he would approve them. He is really just looking for someone who has not previously expressed their opinion on Article IX of the Charter and the other issues in the City and someone who has not sent the email you are aware of which he would prefer to not have to discuss at this meeting or at all in public. **Councilman Fellows** asked if there has been anybody else in the community that has come forward who has voiced an interest in the Commission.

The Mayor replied there has been one person, but he (the Mayor) submitted his list to you (Councilwoman Fellows) and both were here at 6:30 to talk to her. Both of the people that Councilman Plecnik had issues with, they were both in the audience at 6:30 and you heard one of them in Public Portion but you chose not to address them so they came here for naught. **President Somich** stated we have had adequate discussion on this, we have had a Motion and a second and again the Motion is to adjust the original Motion that was made so that the vote is done on an individual basis. A “yes” vote would mean that the approval confirmation would be done on an individual basis, not as a collective Body.

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

MOTION FAILS: 5-NAYS/2-AYES

President Somich declared that the Motion failed and we are now back to the original Motion to approve which was the Motion as a collective Body for confirmation.

Councilman Plecnik clarified that we are now on the Motion to approve the Charter Review Commission in its entirety. **President Somich** stated that is correct. **Councilman Plecnik** replied one of the proposed Members of the Charter Review Commission in addition to being, and I am trying very politely not to use this person’s name, in addition to being closely related to my former opponent which I find troubling because I think the Charter Review Commission should not be political, and the reason I find that troubling isn’t because I have a beef with my personal opponent but because my opponent at some time was the Mayor’s treasurer, the Mayor was his treasurer, there is a very close relationship between the Mayor and this individual and I am concerned that this member of the Charter Review Commission wouldn’t be objective. Particularly given that I have a lot of concerns with the Mayor, I think that is pretty obvious at this point, but beyond that when this individual overheard, or heard the Council Meeting, this person sent an email to all of Council saying my comments that I was concerned with his objectivity given that he was so closely related to my opponent and to extension the Mayor constitute discrimination and would be talking to his lawyer, which I take as an implication of a lawsuit and I think that someone who is looking to volunteer for the City and work on the City Charter shouldn’t begin their service by threatening to sue the City and that’s the way I read that email. I have a very serious problem with that particular individual being on the Charter Review Commission and I don’t think that shows the kind of good faith that we need on a Commission that important. Another individual, once again I won’t state the name out of politeness, stated to me in the presence of two other people that they thought the entire concern with nepotism in Willoughby Hills was “McCarthyism” and I strenuously disagree to the extent that one defines McCarthyism is accusation with no base in fact for political gain, I think quite the opposite is true. If anyone in this room were having this discussion for political gain, they would have brought it up October of last year or October of next year. The fact that we are having this discussion as far away from the next election as humanely possible given that Willoughby Hills has elections every two years, I think is a statement about how as soon as the seriousness of the allegations were realized or believed by various Members of Council they brought it to the Table as opposed to holding it back for political gain and bringing it out as an October surprise, the Council people concerned with these issues brought it out immediately. For someone to say, going into a Charter Review Commission that undoubtedly will be under the shadow of this controversy and will look at Article IX, well I think this is McCarthyism says to me that they have already formed an opinion and they are not going to look at it objectively. For that reason, I can’t vote on those two individuals affirmatively and since I’m forced to vote on the Charter Review Commission as a Body I do want to state to every other member that the Mayor has chosen, my vote to not approve the Charter Review Commission is not a reflection on my thoughts to your qualifications; it is simply a fact that I cannot vote in good conscience for these two individuals when I think the Charter is, for lack of a better word, a sacred part of our City law and anyone tasked with reviewing it needs to be absolutely objective. I thank you all for your service and I hope that you will take as much time as necessary and I hope that you will not look at November elections as the deadline to get something on the ballot; you are being trusted with the single-most important document in the City and I hope that you will take all due time knowing that every Charter Review Commission before you was appointed in January and did not rush a month and a half to get something on the ballot. **Councilman Hallum** stated he understands Councilman’s concerns and he too shared them for awhile until he really took some time to think about the concerns. They hold less concern for him now as he thinks about ultimately nobody is going to agree with everything he thinks or you think or any of us think, we all have comments, we all have opinions, he hopes we do because we should, we live in the City, we should have an opinion and it doesn’t have to be what his opinion is. The

fact that some of us overheard some of that and didn't agree with it, he doesn't know if that's a reason to not allow someone to be a part of the Charter Review Commission. He also doesn't think that any one person is so vindictive or so disliking of someone on this dais that they would purposely change our City's Charter that affects over 9000 of us to get back at someone on this dais. For that reason, he is not concerned about anyone that is on the list. **President Somich** passed the gavel and stated that he concurs with Councilman Hallum's comments. This also is an independent Body, it is not under the auspice of the Mayor, it is not under the auspice of Council, relative to their decision if they do want to rush things through and come up with some answers for this year's ballot it is up to them. If they choose not to collectively do that, it is up to them. They can move at whatever pace they want to, because they are truly an independent Body, uncontrolled by any of us. That's the beauty of it, they can figure out what they want to do and how they want to do it once they get rolling, but we need to let them get rolling so that they can make that decision. He has a lot of faith in our residents, he has a lot of faith in people, he believes people are by design good and he would rather give everybody the opportunity to prove themselves good than to think they are bad and let them prove that they aren't bad. He believes that the people who have been chosen for this are good people, they want what is right for the City, they have lived in the City for a long time so let's give them the chance to have the conversations and consider all the different issues, the ones we've brought up and the ones we haven't, and make recommendations. By the way, none of those people have the power to change the Charter; all they are going to do collectively is make some recommendations that are ultimately going to be voted on by the people so to say that they have all the power, for example allowing nepotism in the City, is outrageous. They have no such power. They do have the power as a Body to discuss it, to come up with a recommendation based on nine members, not one or two, and then to propose that ultimately for consideration by our about 6500 voters so this is the system. Councilman Plecnik, you have referred to the systems of Aristotle and of the 1700s and the 4th century, this is the adopted system that is in most cities to allow a Charter Review Commission to determine what they think should be changed and then put it out to the vote of the people. Any jury that is chosen, there are certainly members that feel one way or another before they are chosen, that's just the way it is, but they come together as a group because they are good people and they come to some consensus. He trusts that these people will do that; he just thinks we need to get the ball rolling, we've been talking about it since March, for whatever reason Council didn't act on it, now we've delayed the Mayor's group to allow them to act on it, let them do their job so that these issues can be handled. By the way, the Charter also allows in its wisdom that we can appoint another group in another year or two or the Mayor can and we can approve it; if we think that everything hasn't been done exactly right, then we can appoint another group to review it again. **Councilman Fiebig** stated that in President Somich's own words he said this is the Mayor's group. **President Somich** stated that yes, it is the Mayor's recommended group. Need he remind that it was first proposed by the Law Director that Council appoints members and this is not judgmental, this is not vindictive, we didn't act on that for whatever reason, so the Mayor has selected members, so yes it is the Mayor's selected group. **Councilman Fiebig** requests to call for the question.

MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Plecnik to confirm the slate of members for the Charter Review Commission as submitted and as one Body.

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

MOTION PASSES: 5-AYES/2-NAYS

President Somich declared that the Motion passes and we will now allow the good people of the Charter Review Commission to begin their work.

FOR THE GOOD OF THE ORDER

Councilman Hallum:

Happy Father's Day!

ADJOURNMENT

MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Hallum to adjourn the Regular Council Meeting of June 12, 2014.

Roll Call: 7 AYES - unanimous

MOTION PASSES

President Somich declared the Regular Council Meeting of June 12, 2014 to be adjourned at 9:02pm

APPROVED:

Date

ATTEST:

Victoria Ann Savage CMC
Clerk of Council


Raymond C. Somich
President of Council