

# City of Milloughby Hills

Council  
CHRISTOPHER L. BIRO  
DAVID M. FIEBIG  
FRANK A. GERMANO  
CHRISTOPHER HALLUM  
JOHN PLECNIK

## Regular Council Meeting

### Minutes of May 22, 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 7:01 p.m. by President Raymond C. Somich*

#### *Pledge of Allegiance*

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

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

**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

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

#### **Regular Council Meeting of April 10, 2014**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Fiebig to approve the Regular Council Meeting Minutes of April 10, 2014 as submitted.

**Councilman Hallum** stated that he had submitted to the Council Clerk some changes to the minutes. **President Somich** established that the changes were received and were not substantive.

**Roll Call:** Fiebig-yes, Germano-abstain, Hallum-yes, Plecnik-yes, Somich-yes, Biro-yes, Fellows-yes

**MOTION PASSES: 6-AYES/1-ABSTENTION**

**President Somich** declared that the Regular Council Meeting Minutes of April 10, 2014 have been approved as submitted.

#### **CORRESPONDENCE**

Memo from Debbie Doles Assistant Director of Finance dated May 12, 2014 re: New Hires (Emailed: May 12, 2014)

City Engineer's Report dated May 15, 2014 (Emailed: May 16, 2014)

**FINANCIAL REPORTS FOR THE MONTH ENDING APRIL 2014 CONSISTING OF: GENERAL FUND INCOME STATEMENT, CASH RECONCILIATION, PURCHASE ORDER REPORTS, FUND ANALYSIS REPORTS, AND EXPENSE REPORTS** (Emailed: May 9, 2014)

Interoffice Memo from Finance Director Frank J. Brichacek to Mayor and Members of Council, dated May 19, 2014 re: Request for a Resolution Reaffirming Police and Fire Pension Fund Pickup Plans Using New 2014 and 2015 Employee Contribution Rates (Emailed: May 20, 2014)

**EMAIL: CJ LASTA TO ALL COUNCIL MEMBERS, DATED MAY 22, 2014 RE: APPOINTMENT TO CHARTER COMMISSION** (Emailed: May 22, 2014)

#### **NOTIFICATIONS**

**CIVIL SERVICE COMMISSION MEETING OF JUNE 17, 2014** (Emailed: May 7, 2014)

Finance Committee Meeting of May 19, 2014 (Emailed: May 12, 2014)

Planning and Zoning Commission & Architectural Board of Review Meeting (Emailed: May 12, 2014)

Rules and Legislation Committee Meeting of May 19, 2014 (Emailed: May 13, 2014)

Safety Committee – Special Meeting of May 19, 2014 (Emailed: May 15, 2014)

Cancellation of the Utilities Committee Meeting of May 12, 2014 (Emailed: May 9, 2014)

**SERVICE COMMITTEE MEETING OF JUNE 2, 2014 (Emailed: May 21, 2014)**

## **MINUTES**

Board of Building & Zoning Appeals Meeting of February 11, 2014 (Emailed: May 16, 2014)

Bocci Court Committee Meeting Minutes of May 13, 2014 (Emailed: May 15, 2014)

Corn Fest Meeting Minutes of May 12, 2014 (Emailed: May 19, 2014)

Planning and Zoning Commission & Architectural Board of Review Meeting Minutes of April 17, 2014 (Emailed: May 16, 2014)

Recreation Commission Meeting Minutes of April 2, 2014 (Emailed: May 19, 2014)

**PLANNING AND ZONING COMMISSION & ARCHITECTURAL BOARD OF REVIEW MEETING MINUTES OF MAY 1, 2014 (Emailed: May 22, 2014)**

**SAFETY COMMITTEE MEETING OF MAY 19, 2014 (Emailed: May 21, 2014)**

**FINANCE COMMITTEE MEETING OF MAY 19, 2014 (Emailed: May 22, 2014)**

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

Color Run thank you note sent to all residents and businesses along the route and is also posted online for all residents to read. It gives a breakdown of where the money went and all the organizations that participated in the volunteering for the Color Run.

Public Surplus auction closed on May 16 and brought in \$25,536 to City; report has been made available per the individual vehicle and the cost that we got for each vehicle. Note that is actually what we got because the people that bid on it pay 7% more. We are going to buy a patrol car for \$24,300 and the purchase order will be put in shortly, but it will be replacing one of the cars with 118,000 miles and we will use the funds from the Surplus Auction to pay for that.

Frank Lloyd Wright home currently for sale; this is one that is in Willoughby Hills and is on 29 acres and is selling for 1.7 million dollars.

New business coming, Pizzaly of Willoughby Hills (Godfather's Pizza space), opening in 2 weeks per Steve Roszczyk

List of Stormwater projects:

**Pleasant Valley** (Ordinance 2014-17, passed 3/17/2014)—currently working on it

**Eddy Road—Marvaldi** (Ordinance 2014-16, passed 3/17/2014)—no decision made as far as easement

**Trailard** (Ordinance 2014-11, passed 3/17/2014)—in the hands of Corps of Army engineers

**White & Rockefeller** (Ordinance 2014-12, passed 3/17/2014)—needs to be resubmitted to the County for additional funds

**Route 91 Storm Sewer Repair** (Ordinance 2014-15, passed 2/14/2014)—complete

**Eddy Road—Knecht/O'Brien** (Ordinance 2014-13, passed 3/17/2014)—plans are complete, but pending County review

**Lamplight Lane** (Ordinance 2014-18, passed 2/14/2014)—currently working on Engineering

**Rosewood Rear Property Drainage** (Ordinance 2014-33, on agenda 5/22/2014)—plans were to start this week, but sewer truck broken so rescheduled for next week

**Eagle Road Drainage area** (Ordinance 2014-34, on agenda 5/22/2014)—

**Worrell Road Sink Hole** (Ordinance 2014-29, passed 5/13/2014)—complete

**Erich Drive Drainage Project** (Ordinance 2014-14)—tabled indefinitely

**Euclid Creek East Branch Drainage** (Ordinance 2014-19)—tabled indefinitely

Charter Review Commission meets at least once every 8 years, and it has 9 electors which mean they have to live in the City and they have to be qualified voters. Their duties and responsibilities include being responsible for reviewing the Charter and will have the power and be required to consider recommendations, hold public hearings, make such investigations as deemed necessary, draft and submit to Council not sooner than July 15 nor later than September 1 following its appointment such amendments to be desirable in the judgment of the Commission, upon such amendments, Council shall submit them without alteration for the next succeeding November in the prescribed Constitution. Then, the Commission shall only serve until the next General Election.

They were given some wrong information in the last meeting we had on Monday, so he wanted to bring that out and tell them what they need to do.

## **Acknowledgements:**

Congratulations to Police Officer Ken Draper on his retirement; he had many years with us

Congratulations to Community Center worker Kyle Overmyer on 5 years of service

### Events:

Memorial Day Ceremony—Monday, May 26, 2014 at 11 a.m.

**Councilwoman Fellows** wanted to know what wrong information was given to the Commission, was it in Rules and Legislation? **The Mayor** responded yes. **Councilwoman Fellows** asked can he share that with her? **The Mayor** replied she had said that they don't have to make a recommendation; they do have to make some sort of recommendation between July 15-September 1. If it's to do nothing, it could be to do nothing because they agree with the Charter, but it could be anything they want. So they have to come up with a conclusion before September 1 whether they want to do something. Then, their term ends on the day of the election. **Councilwoman Fellows** asked she had residents on Fowler Drive asked her why there were two patrol cars on one of the resident's streets with flashlights looking into the home and pounding on the door. **The Mayor** responded that he will take the address and will get the information.

**Councilman Fiebig** asked if he (the Mayor) was reading from the Charter and stated his interpretation of that is that once they are making the recommendation, if they have made that recommendation they serve until that election. If they don't make a recommendation, they continue to serve until the following time as such that they do make a recommendation. **The Mayor** stated that is not how it is interpreted, it's interpreted that it...**Councilman Fiebig** interjects asking whose interpretation? **The Mayor** replied that is his interpretation. **Councilman Fiebig** stated if we look at that, if we convene a Charter Review Commission, say in June, we're putting an onness on 9 electors in the City to review our entire Charter within 45 days, that just seems unrealistic to be able to do that. He thinks we need a little more discussion about is it the proper time, do they have enough time, and my interpretation was if they begin the process now for Charter Review, they have up until the time that they make recommendations and then they stop serving at that General Election. **The Mayor** stated he will refer that to the Law Director. **The Law Director** replied it specifically states in the Charter that the Commission, once it is appointed, shall serve until the next succeeding November General Election which implies directly your time is over at that point. We have had this issue, even in the last Charter Review, where the Charter Review Commission worked for about 2 months and they did not get to it because of time considerations, they didn't get to all of the issues, as you can see even in the notes, even in 9.3 they wanted to terminate and eliminate its entirety; the Charter Review Commission can be appointed next year, could be the same people, could be different people, but we'd have to go through the process again; just because you're on it and get appointed, does not mean you have to be on this Commission for the rest of your life; if a new Charter Review Commission is warranted and asked for, they may ask the same people, but they would have to be appointed again and they would serve until that November election. **Councilman Hallum** asked if the Charter Commission was put together after September 1, which is the deadline for a Commission to actually provide something should they have been assigned prior to that, then what? It says that they will draft and submit to Council no sooner than July 15 nor later than September 1, but what if we start the Commission on September 2? **The Law Director** stated they only serve until the next succeeding November General Election. **Councilwoman Fellows** stated that doesn't prohibit the Mayor from making a proposed list of members that could be identical. **The Law Director** replied correct, absolutely. **Councilwoman Fellows** stated so it could still be the same individuals that started, but maybe didn't come to any conclusions and by the Charter had to cease their service, but could be reinstated. **The Law Director** stated that is correct, if we proceed now and this Commission does go and make a recommendation, or no recommendation, they are on until November; thereafter, if they do a lot, a little, they do one thing, they do twenty-million things, it all depends upon how they set their own schedule, they are an independent autocratic body, and they will take recommendations from whomever they deem proper; they may ask me to do something or they may not, we all have a right to even make recommendations to them and they don't even have to listen to us, that's going to be up to them; after the November thing, if there are still issues that are wanted, the Mayor would probably go back and seek maybe the same people, maybe other people, and start the process over and Council as a whole would have to affirm the nominations and you could repeat the process, and it could be the same people, but again you are assuming that these same people would want to be on a commission for a year longer; it has a termination date. **Councilman Plecnik** stated in response to Councilman Hallum's question, looking at section 5.6 of the Charter, it states that the Charter Review Commission "shall draft and submit to Council not sooner than July 15 nor later than September 1 following its appointment." His interpretation would be if you appointed someone September 2, then it would be the July and September of the following year, because it says it would be the July and September following its appointment and then the succeeding November election would be the November after that, so he thinks you would be giving a lot more time to a Charter Review Commission if you appointed it in the window after the

September than if you appointed it before, because that forces them to get through the process much, much faster. The **Law Director** stated when reading statutes top to bottom, it is very clear that the Commission shall serve until the next succeeding November General Election, it is what it is, whenever they are appointed, it only serves until that time frame; if you really want to do it that way, wait until November 5 if you want to, to avoid it, but then you will lose another whole year. You can do it (Charter Review) every year. The first line does say "in not less than once every eight years", so you have to do it at least once within eight years, and this one is being done in the seventh year, but you can do it every year.

**Councilman Fiebig** stated in regard to Charter Review, we did have the opportunity to meet with several of the Mayoral appointees; we haven't had the opportunity to meet with everyone so he hopes we do have that opportunity before we are asked to vote on that. He wants to bring up that perhaps we should get into Executive Session to discuss the email and potential litigation that was placed before us. The **Law Director** stated he wanted to know what Councilman Fiebig was talking about. **Councilman Fiebig** replied the email that was sent prior to the meeting. The **Law Director** asked if he had a copy of it. **Councilman Plecnik** stated he had a copy of the email. It was sent to all of Council. He does not see the Law Director's name on it, it was only sent to Council Members. The **Law Director** stated the problem is if they go on Executive Session concerning litigation, he's supposed to go in with Council, but he didn't get that email. **Councilman Fiebig** asked so it wasn't sent to him anyway. **Councilman Plecnik** stated it doesn't look like it was sent to the Law Director, but he doesn't see why he couldn't be invited to an Executive Session.

**Councilman Fiebig** said, while he still had the floor, he had a question for the Mayor. Did the Mayor, or any of the Administration, receive a call, or talk to anybody, regarding the Marvaldi/Eddy Road in the last three or four days? **The City Engineer** replied he met with all four concerned residents last Friday; however, they are all still in disagreement so no resolution was reached.

**President Somich** stated the Mayor mentioned a new Patrol vehicle. We have already talked about one coming out of the Trust Fund. This is a different unit? **The Mayor** responded that this is a new one that will be placed tomorrow on order because they don't have any. The price is \$24,300. **President Somich** stated this was made possible because we did do so well on the auction. **The Mayor** replied yes, and we got rid of the Fire Truck, which brought \$4200 and it was more than the scrap value of the aluminum, and it went to a Fire Department in Southern Ohio.

**Councilman Hallum** stated he knows we talked in the Safety Meeting about all the extra equipment that has to be put on these cars, is that something we do in-house? **The Mayor** responded that we do most of it in-house, what we can, and then we sub-out to Tom White, out of the dealership, and he turns those over. **Councilman Hallum** stated there is some cost to that, he assumes. But that will be covered as well? **The Mayor** stated yes.

## **LAW DIRECTOR'S REPORT – Thomas G. Lobe**

Looking at Resolution 2014-3, this is ultimately to have the Road Levy Renewal on the ballot. He is requesting not to have the three readings on this resolution. It's a two-step process. Resolution 2014-3, which is on the Agenda tonight, just gets the Lake County Auditor to certify the total current tax evaluation to the City. Once we get that certification dollar, that sends it to the Electorate; we can't do it in tandem, because we don't have the number. We can't get the number until we pass the Resolution. The Road Levy Renewal Ordinance has to be before the Board of Elections on August 6, 2014; therefore, suspend the three reading rule of this Resolution and pass as an emergency in order for us to get the certified tax number so we can create the Ordinance needed by August 6.

**President Somich** stated if we do honor your request, that would give us the opportunity to have the three full meetings and the three opportunities for the Public to respond in an orderly fashion. The **Law Director** stated yes.

**Councilwoman Fellows** stated in Rules and Legislation on Monday, they discussed this and there is a recommendation from the Rules and Legislation Committee to Council on this which she will report.

**Councilman Fiebig** asked does the caption need to be identical to what the Ordinance that we would ultimately pass? Does the caption in Resolution 2014-3 need to match up exactly to the Ordinance we would ultimately pass?

**The Law Director** stated this is exactly how we did it last time and it was approved. **Councilman Fiebig** stated this caption has specifics in it that we have yet to debate, do we need to make the caption more general or is it okay to make those changes should we decide to deliberate after the Three Readings and feedback from the community. The **Law Director** stated this is simply to get the County Auditor to certify the total tax value and that would read in the draft Ordinance. **Councilman Fiebig** clarified so the caption can be different than the ultimate Ordinance when this gets assigned a number. The Resolution does not have to match the ultimate Ordinance. **Councilwoman Fellows** stated the Ordinance that goes to the Board of Elections, the Ordinance does not go on the ballot, there is verbage

from the Ordinance that goes on the ballot. The **Law Director** stated that is correct, and there is a copy of that on the second page...**Councilwoman Fellows** interjected saying this Resolution is only for the Auditor to certify the tax revenue. **Councilman Fiebig** stated that is his understanding as well, this is specifically for that purpose, and that we could change the Resolution, the caption from that, because we will already have a number now, and we can go through and debate about and hold the process for what is the Road Levy going to be used for. The **Law Director** stated he would have to look at that, he doesn't have a definitive answer. We have never done it like that, he doesn't know if we can or not, but the language would be the same. **Councilman Fiebig** replied the last time we did this, we did change some of the language in the Road Levy to add things like labor, for example, in 2004. The **Law Director** stated he (Councilman Fiebig) may be right, he does have some recollection to that effect; he knows we discussed it, but he doesn't recall the specifics of it. He's just trying to get the number so that we can really get to the Ordinance. **Councilman Fiebig** replied he was just trying to be cautious so that we are not locked into something without a chance and an opportunity to debate this, and you're asking us to waive the three readings. So he wants to make sure we are passing a Resolution, and he knows a Resolution is a Resolution, and not an Ordinance, but in the abundance of caution...The **Law Director** stated this is basically simply to get the auditor to certify the 2.5 million; in the heading we always try to give a little more information so that if anybody does research on it, they can find it. The body of the Ordinance is section 1, 2, and 3. The whereas clauses are really just set-up clauses that we utilize to give some history. **Councilman Fiebig** stated so this Resolution really has no weight of law other than this body passed it. **President Somich** stated as a point of clarification, looking quickly at the caption on the Ordinance that was proposed here in draft form, it is already different than the caption of the Resolution so it appears that it is certainly acceptable for them to be different because it was already prepared that way and it is probably the way you've prepared it in the past.

**FINANCE DIRECTOR’S REPORT – Frank J. Brichacek, Jr.**  
 No formal report was given.

**CITY ENGINEER’S REPORT – Pietro A. DiFranco, P.E.**  
 Working with Stratford Place, as well as with Ryan Homes who was the builder, to address some flooding concerns. There are several possibilities to what is causing the flooding, and we don't know for sure, but we are planning to install a backwater valve on the sanitary sewer main that will prevent water going onto Stratford from the City main. Working with Ryan Homes to videotape each lateral to see if we can identify any broken pipes or in flow and infiltration that could be causing surcharging of the sewer.  
 We've acquired a sanitary sewer flow meter, on a trial basis, from a manufacturer so there is no cost to anyone. We are planning to install it in the sanitary sewer system. It will tell us during rainstorms if the flow increases compared to during dry weather, it will identify storm water that is infiltrating the storm sewer system which will mean there are leaks or broken pipes.  
 Regarding the Knecht/O'Brien culvert, our design was complete over a month ago and has been with Lake County for their review. They still have concerns regarding the stability of the steep slopes that will be formed. We are working with them to get their final approval.  
**The Mayor** stated the flow meter was installed at Stratford Place, and they have already used it because they were called. A couple weeks ago, where it rained for maybe an hour really hard, they pumped out from the sewer maybe 7 or 8 truckloads at 6 o'clock and went back at ten o'clock, but it was a very good indication and it saved some houses.

<b>COMMITTEE REPORTS</b>
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The following Reports have been listed alphabetically by Committee.

**FINANCE – Raymond C. Somich, Chair**  
Committee Members:                      Nancy E. Fellows, Frank A. Germano

COMMITTEE MEETING OF MAY 19, 2014
<b>Members Present:</b> President Raymond C. Somich, Chair, Vice-President Nancy E. Fellows, Councilman Frank A. Germano
<b>Also Present:</b> Councilman Christopher L. Biro, Councilman David M. Fiebig, Councilman John Plecnik, Mayor Robert M. Weger, Finance Director Frank A. Brichacek

Purpose of the Meeting was to discuss <b>City Finances</b> and any other business.
<b>Meeting convened at 6:03pm</b>
<i><b>Order of Business</b></i>
*Finance Director reported income tax revenue for first 4 months 2014 is down about 5% compared to 2013. This does not mean that we could not catch up or even gain on last year, depending on how revenue comes in. We have offset some expected reduction because revenue from Eaton was still included in this period.
*New P.O. reports have been further revised to accommodate council requests, but reports are now longer. All monthly financial reports are now posted and available to the public on the city website.
*A new monthly report has been added which is a check register of all checks issued, or in some cases, memo deductions made from revenue received, such as when RITA collects income tax but receives their fee.
*Admissions tax will be down but unexpected revenue from re-opened cyber café is offsetting this loss.
Legislation: we discussed ordinances 33/34 for Eagle Road drainage study and Rosewood Trail work, both fully funded by LCSWM grants. Ordinance 35 for community center ADA changes to front entrance, which may require \$1000-2000 more than the approved CDBG \$10,000 grant. We may get the other \$2000 from CDBG or could share this overage with the W-E library. Resolution for road levy renewal needs to be addressed because we will also need a formal ordinance. This will not be a replacement so our residents get all the rollbacks benefits grandfathered with this legislation. We discussed how property values have decreased the net proceeds of this levy from a high of \$756k in 2011 to a projected \$638,500 for 2014. Our finance director expressed his concern that we need to find more revenue to maintain our city streets. Lastly, we will need legislation for the PD pension pickup plan, which is an extension for years 2&3 of what council approved last year. Council delayed approving years 2/3 because union contracts were not signed for this period. This will cost the city extra dollars and violate our union contracts if we do not approve this by July. Other departments pension plans to follow. Discussion also followed on the unlikely reinstatement of local city funds from the state of Ohio.
<i><b>Public Portion</b></i>
At 6:43, the following came forth with questions/comments: Robert Kowalski (wants road levy expenses), Florine O’Ryan (urged ADA legislation passage), Frank Cihula (suggested Library could assist with ADA cost.)
<b>Meeting adjourned at 6:55pm</b>

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

### **Committee Members:**

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

<b>COMMITTEE MEETING OF MAY 19, 2014</b>
<b>Members Present:</b> Vice President Nancy E. Fellows, Chair, Councilman David M. Fiebig, President Raymond C. Somich
<b>Also Present:</b> Councilman Christopher L. Biro, Councilman Frank A. Germano, Councilman Christopher Hallum, Councilman John Plecnik, Mayor Robert M. Weger, and Finance Director Frank Brichacek
Purpose of the Meeting was to discuss <b>Pending Legislation</b> and any other business.
<b>Meeting convened at 6:55pm</b>
<i><b>Order of Business</b></i>
<b><u>Legislation for the upcoming Council Meeting of May 22, 2014:</u></b>
<b>Opportunity to meet Proposed Members of the Charter Review Commission</b> Proposed Members of the Charter Review Commission were invited to join the Rules and Legislative Committee meeting to have an opportunity to meet (all) Council members, for Council members to meet them, and for the proposed committee members to meet each other. Those in attendance included: Dr. Steve Atkins, Judy Shrefler, Sandy Taddeo, Jim Walsh, and Gerry Wolanin. Those absent were Andy Gardner, Joyce Grady, CJ Latsa, and Tanya Taylor-Draper. It is highly recommended; as it was also recommended for Council and the Administration, to attend the Ethics presentation at Lakeland Community College June 5 <sup>th</sup> from 7-9 p.m. Registration is free. Vice President, Nancy Fellows voiced the importance in taking this opportunity to gain knowledge around ethical activities especially with the task at hand in reviewing the City Charter. Questions asked and addressed; also suggestions: ➤ How does the Commission know when to meet?

- Are the meetings open to the public?
- Clarification on how often the Charter is to be reviewed; once within an eight year period
- Suggestion that an individual not a member of the Commission be selected to be the Secretary
- Clarification on the recommendation from the Law Director to Council to create an Ad Hoc Commission to focus on Article IX versus the creation of a total Charter Review Commission from the Mayor
- Election time line clarification – Council members shared their concerns that this Commission should not be hasty in creating verbiage for the ballot that reflects the “spirit” of the City without having final resolution of the issues at hand

There was much discussion with opportunities for questions and answers. Council needs to address voting for the proposed Charter Review Commission members all at once or individually. At this time, the Rules and Legislative Committee has not made a recommendation to Council. It is the hope that Council, Administration and proposed members of the Charter Review Commission attend the Ethics presentation. Proposed members are welcome to join us at the next Rules and Legislation Committee meeting. This will be revisited at the next Rules meeting after the June 5<sup>th</sup> Ethics presentation.

**Public Portion aligned with the Proposed Charter Review Commission opened at 7:18 p.m.**

Bob Kowalsky shared his recommendations to the candidates: review other city charters, not just ours, ask residents their thoughts, invite residents to the meetings

Frank Cihula suggested that the Commission have a dedicated Secretary

Linda Fulton – as the Secretary of the last Commission supported Mr. Cihula’s suggestion so that all members of the Commission can be attentive, and the appointed Secretary can focus on taking minutes verbatim.

Council Plecnik emphasized the importance of determining if the Charter has been violated now versus the vision of the Charter for the future.

Florine O’Ryan asked for clarification on the Ad Hoc Committee to review Article IX of the Charter versus the proposed Charter Review Committee from the Mayor.

**Concerning Legislation for this evenings meeting of May 22, 2014:**

**Ordinance 2014-31** – An Ordinance authorizing the Mayor to enter into the State of Ohio Administrative Service Contract for the remounting and refurbishing of the Fire Department’s 2003 Ambulance. **The Rules and Legislative Committee recommends to Council that this be read the 3<sup>rd</sup> time and adopted.**

**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 on 2<sup>nd</sup> Reading.**

**Something to Consider: Until there is complete resolution of the issue regarding Landco and a conflict of interest, we cannot in good conscious approve any projects that could be contracted to them. In the interest in maintaining the highest standards of ethics, prior to addressing these Ordinances in our Legislative agenda, there should be consideration to move to amend all road and sewer appropriations to make it clear that they cannot be assigned to Landco. Given that we passed this same motion in our last road appropriations this should not be controversial.**

**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. The Mayor and Service Supervisor Nate Catania ask that the 3 Reading Rule be waved. **The Rules and Legislative Committee recommends to Council that the 3 Reading Rule be waved and the Ordinance be adopted.**

**Ordinance 2014 -34** – An Ordinance Appropriating funds for the Eagle/Kennelly Drainage Study Project. This project is to be funded by Lake County Storm Water Management. Initially funding is for survey solicitation (~\$4,500) and engineering fees (~\$2,100). The Mayor asks that the 3 Reading Rule be waved so the survey can be completed so we have a better idea on how to address this drainage issue. **It was the consensus of the majority of the Rules and Legislative Committee to recommend to Council that the 3 Reading Rule be waved and the Ordinance be adopted.**

**Ordinance 2014-35** – An Ordinance aligned with the Community Center Entrance Door for Americans with Disabilities Act (ADA) compliance. We have grant monies from the Community Development Block Grant Program (CDBG) of \$10,000 that will expire on August 30, 2014. If there is unclaimed grant monies from the county, we may have additional

funds provided beyond the \$10,000. Also, in reviewing the Library Lease, in the event that the County does not increase the City's CDBG Award for the Entryway ADA Project, the Library will be invoiced for its share (36%) of any project expense in excess of the \$10,000 CDBG award. The Finance Director requests that the 3 Reading Rule be waved. **The Rules and Legislative Committee recommends to Council that the 3 Reading Rule be waved and the Ordinance be adopted.**

**Resolution No. 2014-3** – A Resolution to request the Lake County Auditor to certify the total current tax valuation of the city; and the dollar amount of revenue that would be generated by the renewal road levy. Acknowledging the time line for this resolution as the first step in the process of preparing and submitting language to the Lake County Board of Elections, **the Rules and Legislation Committee recommends this Resolution stay on 1<sup>st</sup> reading with consideration to adopt after the 2<sup>nd</sup> Reading at the regular Council meeting of June 12<sup>th</sup>**, following with the introduction of the Levy Ordinance on June 26<sup>th</sup> for 1<sup>st</sup> Reading, July 10<sup>th</sup> for 2<sup>nd</sup> Reading and then adoption on July 24<sup>th</sup> within time compliance for the November ballot.

Concerning the request for an Ordinance reaffirming Police and Fire Pension Fund Pickup Plans. Since notification of this information was presented to the Clerk just prior to the Finance meeting of May 19<sup>th</sup>, and while there was a brief discussion on the intent of this request, Council had yet to have an opportunity to review the material. Questions have arisen concerning passing an Ordinance for the firefighters when their approved negotiated contract has yet to be presented for Councils approval? A Resolution will be prepared for the June 12<sup>th</sup> Council meeting.

**Public Portion**

**Public portion opened at 7:57** Bob Kowalski came forward to share his thoughts on the Road Levy.

**Public portion closed at 8:01 p.m.**

**Meeting adjourned at 8:01p.m.**

**SAFETY – Christopher L. Biro, Chair**

**Committee Members:**

**Frank A. Germano, Christopher Hallum**

**COMMITTEE MEETING OF MAY 19, 2014**

**Members Present:** Councilman Christopher L. Biro, Chair, Councilman Frank A. Germano, Councilman Christopher Hallum

**Also Present:** Vice President Nancy E. Fellows, Councilman David M. Fiebig, Councilman John Plecnik, President Raymond C. Somich, Police Chief Christopher Collins, and Mayor Robert M. Weger

Purpose of the Meeting was to discuss **the Shops of Willoughby Hills** and any other business.

**Meeting convened at 8:03pm**

**Order of Business**

**Chief Collins** discussed robbery at Dollar Tree. *The information provided from victims suspicious. No visual injuries observed on victims. Incident is still being investigated. Reporters tend to sensationalize events and rarely report facts. What is not reported crimes solved within city. Police Force aggressive in investigating and successful in prosecutions. These are statistics that do not get back to residents. Data shows that west end area not dangerous for residents; 722 incidents Westside, 522 Eastside. Although more business related crimes at west end, east end balanced with thefts and domestic issues. Not much violent crime in WH. Criminals stay away because of success in investigations and prosecution.*

**Chief Collins fielded the following questions from Council:**

**Somich:** Geographically, population more dense on west side? 50/50 split (2200 residents at Pineridge)

**Plecnik:** Questions about copper theft from house on corner of White and Bishop Rds. Very common in Lake County at vacant properties. These thefts difficult to investigate. Perpetrators are rarely seen entering premises.

**Fiebig:** Chief was at Giant Eagle when Dollar Tree robbed? Facts don't add up there. Broken protocols on closure. Safe open, doors not locked.

**Somich:** Concerns at Willoughby Hills Towers. Police Department working directly with Towers and being proactive with safety programs like Community Watch. Internet Cafes? Clientele mostly women and retirees. No impact on community. Issues minor like parking.

**Fellows:** Substation brought up years ago. Is it worth investment? Other communities utilize like Euclid and Mentor. Most do not. Manpower most important factor. We have been down in numbers for many years.

**Plecnik:** Do we need more Police Officers? Another 2 or 3 full time officers would be nice but understanding of budget constraints. We need to continue to look at hiring in the future. Currently utilize part-time policemen to augment coverage



gaps. The problem becomes costs of training. \$11k to train each part and full-time employee for 12 weeks of mandatory training and sometimes those individuals do not work out.

**Fiebig:** How does Auxiliary Police System work: These officers can be used in events such as Color Run and Cornfest. Part-Time police augments Full-Time for everything else.

**Biro:** Police Cars needing to be replaced? Have reduced Fleet to cut costs. Currently 2 cars over 100k miles and 2-3 in the 90's. Key issue is to replace vehicles when needed. Maintenance is very important for longevity.

**Somich:** What is minimum shift patrolling West End? At least one car dedicated to west end 24/7.

**Fiebig:** Are we working with Richmond Hts in relation to Shops of WH? Yes. The police have an excellent working relationship with RH, Wickliffe, and Willoughby sharing information and resources, i.e., K-9 unit. **Heard the lease is running out on motorcycle. What are plans for future?** Inclined to not renew lease. Would prefer to have officer in vehicles with all necessary tools needed. Limited to what you can do with motorcycles. Safety at issue as well as inability to transport persons.

**Biro:** What is status of in car computers? These were old systems that required expensive software upgrades and continued support. Valuable tools but expensive to maintain. **Mayor:** Cheaper tablet form being reviewed. The patrolmen value the in-car cameras. Very important we equip the vehicles with these systems.

**Final Comments from Chief:** Actively pursuing and prosecuting offenders. Theft ring individual prosecuted just received 10yr sentence and 2 others in joint operation received 6 mos.

#### **Public Portion**

**The following people came forth with questions/comments:** Linda Fulton, Bob Kowalski and Sandy Reckner came forward with comments and questions for the Police Chief.

**Meeting adjourned at 8:56pm**

## **OTHER COUNCIL REPRESENTATIVE REPORTS**

**Councilman Fiebig** reported on Chagrin River Watershed Partners, Inc. regarding the Annual Member and Board of Trustees Meeting held on May 22, 2014 at 4:00pm. He was reelected as a Trustee with Christopher Hallum being named alternate. Their operating budget was approved at \$338,000 and the special projects revenue that flows through that organization is approximately \$880,000. Executive Director Amy Brennan is moving on and we wish her well.

## **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 8:10pm**

1. Al Pestotnik  
2856 Fowler Drive

Re: 1) wanted to know if anyone knew anything about the 3 lots at the end of Fowler Drive? 2) there was a repair made on the street but the middle of the road is getting a lot of cracks and there are still multiple small pot holes that have not been repaired. 3) if he buys a winning state lottery, would the City get a share of the winnings? 4) on Bishop and Wilson Mills, the former grocery store is being renovated into individual stores, is it possible we can do that for Loehmann's Plaza? 5) is there any plans for musical entertainment utilizing the Gazebo across the street? 6) is there a plan to check on the apartment houses or senior citizen homes if they have smoke or CO detectors?

2. Linda Fulton  
2990 Marcum Boulevard

Re: 1) what percentage of the Service Department payroll comes out of the Road Levy—she believes education and community involvement equals empowerment. She would like to see Council and Administration come together and create a Block Watch. When things happen, i.e. robberies, each Council member should receive an email from the Administration, and they can report to their constituents in some way.

3. Robert Kowalsky  
2585 Timberline Drive

Re: 1) Time Warner Contract, 2) If I ask about finance monies for the Road Levy, asked for at another meeting, is that a public request?, 3) Police Reports—used to be given out weekly, 4) Are we to ignore our City's history? 5) Police Cars—may not be needed once they use drones

**Public Portion was closed at 8:20pm**

## **UNFINISHED BUSINESS**

**Councilman Fiebig** clarified a Public Records Request by stating that it can be verbal so Mr. Kowalsky could make a Public Request at anytime as long as it is communicated. If the body doesn't understand the request, they can ask for clarification, they can refuse a request that is overly broad and can ask the requestor to clarify and perhaps scale down exactly what they are looking for; but it does not have to be a written request it can be a verbal request.

**Law Director Lobe** responded to Mr. Kowalsky by stating that he has the Law Director's telephone, call him (Law Director Lobe) and he will try to help him (Mr. Kowalsky) out, like he did last time and he will work with Mr. Kowalsky, for Mr. Kowalsky is entitled to the records. Law Director apologized for not hearing his request; however, is willing to make sure that Mr. Kowalsky's request is addressed. Law Director Lobe again encouraged Mr. Kowalsky to contact him on his cell telephone and will try to get the records to him by Monday.

**President Somich** wanted to address some of Mr. Pestotnik's questions and said that we will let Gloria respond because she is present from the Corn Fest Committee, the 501(C)(3). The Corn Fest is putting together two events across the street, free events for the community at the gazebo and Gloria, the first one is June 18<sup>th</sup>, it will be a big band there will be refreshments. The one later in the gazebo will be in August, Gloria confirmed August 20<sup>th</sup>. President Somich said that one will be a Country Western music evening and that will feature a barbeque that will be available to purchase. So we will have two nice events out there, weather permitting and do bring lawn chairs to enjoy it. There will also be one on July 19<sup>th</sup> and that will be at the west end of the City and that will also have live music and involvement from many of the businesses and will be followed with fireworks, the City fireworks that we have under contract from prior periods. So there will be three nice public events for the community this year.

**President Somich** wanted to respond to the Brainard Plaza Concept and stated that our Economic Development Director is present. President Somich stated that we are very limited, these are privately held properties and so the City cannot demand what is done on them it is up to the developers of those projects, the owners of the properties, but we are working with them and encouraging them to make changes and to use those buildings of those facilities to the greater good of the community as well as their own greatest good by filling the vacancies. So a lot of options are being looked at for that area and for the vacant buildings especially that are down there.

**Mayor Weger** commented on the smoke detectors by stating that the Fire Department does provide smoke detectors for anybody that calls and wants one and will also replace the batteries. If you call us, we bring it right down and will install them.

**Councilman Hallum** wanted to address the question pertaining to the lots on Fowler Drive. All three lots are privately owned. According to the County Record, Willoughby Hills Church owns one and two by D. Hudson, Jr. The City has no idea what the owners have intended for the lots.

**President Somich** said that he could partially answer one of the questions relating to Time Warner Cable because he has had some involvement in that in his other career and that is yes, cable companies do need to provide a local access channel that is taking data and information from a site such as City Hall and putting it out into the cable system that does not however require that or include the fact that they have to make sure that everybody has the right equipment in their home to receive it and that is where the problem comes in because of the changes of digital, going digital through these cable systems that is where the problem is causing difficulties for people to get that signal, so they are fulfilling their contract in terms of broadcasting the signal, but people aren't able to receive it unless they upgrade their devices.

## **LEGISLATION**

**ORDINANCE NO. 2014-31 – THIRD READING**

**1<sup>st</sup> Reading: April 24, 2014**

**2<sup>ND</sup> Reading: May 8, 2014**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO STATE OF OHIO ADMINISTRATIVE SERVICES CONTRACT(S) FOR THE REMOUNTING AND REFURBISHING OF ONE 2003 LIFELINE SUPERLINER AMBULANCE FOR USE BY THE FIRE DEPARTMENT WITH THE TRADE-IN AND CREDIT OF THE EXISTING CHASSIS.**

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**MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Plecnik to adopt Ordinance No. 2014-31.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2014-31 has been adopted.**

**ORDINANCE NO. 2014-32 – SECOND READING**

**1<sup>ST</sup> Reading: May 8, 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.**

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**President Somich declared that Ordinance No. 2014-32 would remain on Second Reading.**

**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.**

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**MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2014-33.**

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

**MOTION PASSES: 4-AYES/3-NAYS**

**President Somich declared that Ordinance No. 2014-33 would remain on Second Reading.**

**ORDINANCE NO. 2014-34**

**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 EAGLE ROAD/KENNELLY DRAINAGE STUDY PROJECT AND REPEALING CONFLICTING LEGISLATION.**

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**MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Germano to suspend the Three Reading Rule for Ordinance No. 2014-34.**

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

**MOTION PASSES: 5-AYES/2-NAYS**

**President Somich declared that the Three Reading Rule for Ordinance No. 2014-33 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO, seconded by Councilman Fiebig to adopt Ordinance No. 2014-34.**

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2014-34 has been adopted.**

## **ORDINANCE NO. 2014-35**

**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 CAPITAL FUND 420 – COMMUNITY CENTER ENTRANCE DOOR ADA PROJECT AND REPEALING CONFLICTING LEGISLATION.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Hallum to suspend the Three Reading Rule for Ordinance No. 2014-35.

**Councilman Fiebig** stated that he fully supports following our laws and ordinances in giving everything Three Readings; however in this case, this legislation very similarly was brought up prior and thoroughly talked about last year so he will be voting in favor of waving the rule this time.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich** declared that the Three Reading Rule for Ordinance No. 2014-33 has been suspended.

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Plecnik to adopt Ordinance No. 2014-34.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich** declared that Ordinance No. 2014-34 has been adopted.

## **RESOLUTION NO. 2014-3**

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A RENEWAL OF AN EXISTING LEVY IN EXCESS OF THE TEN (10) MILL LIMITATION AT THE GENERAL ELECTION TO BE HELD NOVEMBER 4, 2014 FOR THE GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING, REPAIR OF STREETS, ROADS, BRIDGES, THE REPLACEMENT AND REPAIR OF NECESSARY ROAD EQUIPMENT AND MACHINERY INCLUDING BUT NOT LIMITED TO MATERIALS, LABOR AND FACILITIES IN THE CITY; AND REQUESTING THE LAKE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY; AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THE RENEWAL LEVY AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Germano to suspend the Three Reading Rule for Resolution No. 2014-3.

**Councilman Hallum** wants to make sure that there isn't anything linking the Resolution to the final Ordinance because it's a renewal and because it's going forward this way so if we submit this as is, is there anything that would preclude us if we decided we wanted to change something in either the caption or the Ordinance, is there anything that says if we pass this tonight that says, we can't change anything, it has to be this way in the Ordinance?

The **Law Director** replied what was added last time was in fact including but not limited to materials, labor and facilities in the City, that was what was added, and how this thing is drafted is to be as broad as possible so we get the money for as many things as you can so you are not limited later on for certain use. That's why, now that I'm recalling this thing, we make it as broad as possible, you try and get the money in and the amount and millage will be the amount and millage, and once you get the money in, the money is in and then you have to appropriate it for various projects and various ways; that's where you have control as to how it's going to be utilized; in fact, you don't want to limit it, you want to make it broader in scope because you don't know what is going to happen, there could be other roads that could collapse that we need it for, that's why it's intended to be drafted as broad as possible and last time we even modified it to include materials, labor, and facilities in the City to even make it more broad.

**Councilman Hallum** clarified that last time it was a renewal as well?

The **Law Director** stated correct, same thing and we changed that language on the Ordinance at the time to make sure because sometimes the materials were getting expensive and we had the money to do it, but we didn't have the materials to do it so we included it to make sure there wouldn't be an auditing problem.

**Councilman Hallum** stated so last time we went through this Resolution process, I wasn't here, we did the Resolution and then...the **Law Director** interjected saying we have to, it's a two-step process.

**Councilwoman Fellows** stated passing this on Second Reading at the next Council Meeting still would comply with all the timelines that we need to have. That gives Council Members two weeks to ask and have questions definitively answered.

The **Law Director** stated he is just always worried that to pass it and waive the Three Reading Rule and to pass it you are going to need five votes and if somebody is sick or something else, we've had that sometimes so he is always a little concerned that when we have to have that supermajority vote and we do have a deadline here and that deadline is August 8. It may come down to having Special Meetings, he is trying to avoid that for Council's sake, but maybe if we run out of time there may have to be Special Meetings. That's my concern.

**Councilman Fiebig** stated this obviously highlights the point of planning ahead and being able to have Three Readings and that has been the point we have been trying to make most of this year. We need to plan ahead and have Three Readings so all of these issues are thoroughly vetted and we are not up here debating minor points. Mr. Lobe made a comment earlier that said "those who want to do the Three Readings." Well, that's the law; we all should want to do Three Readings on Legislation and waive it when there is an emergency. This is something we've known for five years that this was going to have to be on the ballot, we certainly could have planned ahead on this a bit more. But he's okay for waiving the Three Reading and will be voting affirmatively for that tonight with the understanding that we will simply pass a Resolution so we can get the numbers but we do need to debate this tax levy and we need to debate it thoroughly as a body.

**The Mayor** responded that he gave this Ordinance eight weeks ago which would have been more than plenty time to do it so it wasn't lack of planning, it was lack of follow-through.

**President Somich** verified what the Mayor said.

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

**MOTION PASSES: 5-AYES/2-NAYS**

**President Somich declared that the Three Reading Rule for Resolution No. 2014-3 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Germano to adopt Resolution No. 2014-3.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Resolution No. 2014-3 has been adopted.**

## **NEW BUSINESS**

**Councilwoman Fellows** questioned if it was confirmed if we can go into Executive Session. **President Somich** stated he didn't believe that was officially made a Motion. There was some talk about that earlier, but there was no Motion made. The **Law Director** stated he did review and there is at least enough of a threat of litigation, which is very broad, if Council wants to go into Executive Session. **President Somich** asked is there a motion accordingly?

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by **Councilwoman Fellows** to adjourn into Executive Session immediately following "For the Good of the Order" and inviting all Members of Council, Law Director, and Mayor to discuss potential threatened litigation concerning the Charter Review Commission for a time not to exceed fifteen minutes.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Council will adjourn into Executive Session immediately following "For the Good of the Order."**

**The Mayor** requests that we vote on his appointments to the Charter Review Commission now. **President Somich** stated we have had a request from the Mayor to approve the slate of proposed members for the Charter Review Commission; would anyone on Council like to make that a Motion? **Councilman Plecnik** stated he thinks it is premature to vote on the appointees given that we haven't had the chance to visit or speak with them yet, particularly with such an important position to serve on this Commission, at the very least each person should come to at least one Council Meeting and he doesn't believe Rules and Legislation has reached a conclusion on this issue so he thinks it would be prudent to keep it on Committee and to invite all the appointees back to the next Rules and Legislation meeting so that there is a chance for Council to meet with them and maybe there should even be an Executive Session following Rules and Legislation for the same kind of process that Council goes through for interviewing Council appointees. **Councilwoman Fellows** stated the intention was to invite the other four members to the next Rules and Legislation Committee; that list that was given to us, there were different forms of communication on there so some of them she had to write to in order to invite them; now, she has emails

for some others so that she can reach out to them so that the communication line is shorter than the snail mail. **Councilman Biro** asked what is the next step? **President Somich** stated Council does need to have the majority Members of Council to approve the nine members that have been suggested. The **Law Director** stated there is no language as to how you do it, or when you do it, so it is up to Council as to how to go forward, if it wants to go forward; we have a deadline with the Board of Elections, though. **Councilwoman Fellows** stated she would not be able to vote for that this evening because she does not know all of the people and she is not going to make a vote on something when she does not have the information to do that, she just does not that that is the prudent, or right thing, to do; if someone is going to make a Motion, and second it, in all good conscience at this moment she does not have enough information to vote on it. **Councilman Biro** stated he has met most of the individuals and he is comfortable with the decisions on that, but he knows there are some reservations from other Council people, but he would like to Motion that we accept the list of candidates for the Charter Review.

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

**Councilman Plecnik** stated he prefers not to have this conversation in public, but if we are going to vote on whether or not to approve the Mayor's appointees we'll have to discuss the email that was sent by one of the Commission, or the presumptive or possible Commission Member, and he thinks that will be embarrassing for the resident and he prefers not to do that; he really prefers there was a way we didn't have to have this discussion in public, is there any way we can make a Motion to amend this Motion or table it? He'd hate to have a full discussion of this and if we have to have a vote, he thinks we'll have to have a discussion now. The **Law Director** stated the Motion is on the floor and it has been seconded, you have a suggestion by Council that you would remove your Motion, you can, you don't have to unless you decide to remove it, the Motion is still a standing Motion ready for further discussion and ultimate vote. **Councilwoman Fellows** requested we move to table the Motion. **Councilman Fiebig** seconded. The **Law Director** stated you already have a Motion on the table, we got a Motion...**Councilwoman Fellows** interjected the Motion to table the Motion trumps the previous Motion, she believes. The **Law Director** stated it does, in fact.

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Fiebig** to table the Motion at this time.

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

**MOTION PASSES: 5-AYES/2-NAYS**

**President Somich declared that the Motion has been Tabled for this evening's meeting.** The **Law Director** asked if it was this evening's meeting or until after Executive Session? **Councilman Fiebig** stated the Motion was tabled. The **Law Director** stated the Motion was tabled. **Councilman Plecnik** stated the Motion was tabled period, no addendum. **President Somich clarified that is wasn't for this evening's meeting, the Motion was tabled; that was the vote and it was approved.**

## **FOR THE GOOD OF THE ORDER**

### **Councilman Fiebig:**

City is having a Memorial Day Ceremony on Monday at 11:00am.

Happy Memorial Day to everyone!

### **Councilman Plecnik:**

Slovenska Pristava is having its Opening Day picnic on Sunday starting at 1:00pm.

SNPJ having its Memorial Day Picnic in Kirtland.

**President Somich** asked if both of those events were open to the Public. **Councilman Plecnik** replied they are open to the Public, but he believes there may be a small admission fee at each and it's certainly worth it.

**Councilman Hallum** stated it was \$10 for Slovenska Pristava.

### **Mayor Weger:**

Wished President Somich a Happy Birthday!

### **President Somich called for Council to adjourn into Executive Session at 8:50pm.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro** to excuse the City Engineer and Finance Director from this meeting.

**Roll Call: 7 AYES – unanimous**

**MOTION PASSES**

### **President Somich called for Council to adjourn into Executive Session at 8:51pm.**

With all Members present, along with the Mayor and the Law Director the Regular Council Meeting reconvened at 9:12pm.

**ADJOURNMENT**

**MOTION WAS MADE BY COUNCILMAN PLECNIK**, seconded by Councilman Hallum to adjourn the Regular Council Meeting of May 22, 2014.

**Roll Call: 7 AYES - unanimous**

**MOTION PASSES**

**President Somich declared the Regular Council Meeting of May 22, 2014 to be adjourned at 9:12pm**

**APPROVED:**

  
Date

  
Raymond C. Somich  
President of Council

**ATTEST:**

  
Victoria Ann Savage, CMC  
Clerk of Council