

City of Olmsted Falls
Minutes of a Special Council Meeting
Wednesday, August 3, 2016, at Olmsted Falls City Hall
26100 Bagley Road – Council Chambers, 7:00 p.m.

The Pledge of Allegiance was recited. Mayor Ann Marie Donegan called the Special Meeting to order at 7:03 p.m. Roll call was conducted. Present: Councilmen Jay Linn, Linda Garrity, Jim Haviland, Bob Sculac, Paul Stibich, Terry Duncan, and Kyle Miller.

Also Present: Gregory Sponseller, Law Director, Mike DeSan, Asst. Finance Director, and Judge John Donnelly. Audience: 2.

Mayor Donegan stated that during the Silver and Gold Awards, which is a police reception and acknowledgements of those individuals whom are high achievers, our Officer Joe Brewer received the Medal of Heroism for his actions at Fawn Lake Apartments saving a male's life. There was a protection order, the police responded, the individual was handcuffed, got out of the officer's range and jumped into fawn lake in handcuffs and Officer Brewer jumped in and pulled him to safety. We are proud of this officer's actions. Chief Trainee nominated Officer Brewer for the award.

Mayor Donegan stated that Friday will be Chief Munteanu's last day with the City. There will be a luncheon held on that day at noon. She stated that Robert Arida will be the acting chief. Civil Service is in the process of putting together the eligibility list and forwarding the top three names to her for her consideration. She would like Mr. Linn and another Council member to sit in on those interviews.

She stated that under New Business there is an ordinance to change from quarterly collections to monthly collections for water services. The water department is changing to a monthly billing cycle.

JUDGE DONNELLY PRESENTATION ON CIVIL SERVICE HIRING PROCESS REVIEW

Mayor Donegan welcomed Judge Donnelly. This is in the spirit of the reconsideration of Ordinance 33-2016. The Civil Service committee report was distributed to Council as well as a chronological overview of the charter review process.

Judge Donnelly stated that he always enjoys coming to this community and years ago he worked at the Fitch Road Yard. He was appointed by the Mayor to chair the Civil Service Review Committee. On the committee with him was Council President Jay Linn, Santo Incorvaia, Asst. Law Director/Prosecutor, and William Trainee, who is a retired police officer and is currently the city's interim Police Chief. We reviewed the City Charter, Ordinances that apply to Civil Service and the Civil Service Rules and Regulations. We also reviewed surrounding community's civil service rules and ordinances. Those community's included Berea, Middleburg Heights, Strongsville and North Olmsted. He stated that he believes that Olmsted Falls' civil service rules and regulations are

good and relatively limited but if you look at North Olmsted they have a rule for everything. We also reviewed the Ohio Revised Code Sections that apply to Civil Service and the overall idea of what Civil Service is about. The ancient Chinese started off the civil service idea that they would take patronage out and complete everything by tests. There is still civil service in a lot of public employment but usually safety forces, police and fire, most communities want to have civil service to try and keep politics out of the safety forces. He stated that after reviewing all the other communities, Olmsted Falls is the only city that requires City Council approve appointees to civil service positions, except in Strongsville, they require Council approval for the Police and Fire Chief's only, in all other positions it is a Mayoral appointment. The idea is to try and keep politics out of civil service appointments. He stated that the committee was in agreement that the problem with Olmsted Falls' system is that it does get involved in politics.

Judge Donnelly stated that idea is that a test is given, 10 individuals names are given, and an independent committee looks at those individuals. One of the recommendations was due to a result of something that took place where a member of the committee approving appointments actually had a relative involved in the interviews. We feel that if someone is a relative they should recuse themselves and not involved, and that includes the Mayor or the Mayor's appointee or designee. We recommended that either the Mayor or the Mayor's designee interview all 10 of the applicants. In the particular case, the problem came when the group making the recommendation me they were told that we are limiting to people that already work for the city. If you start doing that then you begin playing politics instead of choosing the best and most qualified person for the position. We felt that the city needed a charter change so we reviewed the procedure and the charter can be changed by either a Charter Review Commission or a recommendation from City Council. The safest way to handle all this was to try and take the politics out. He understands that Council people like to have their say, look at the Congress of the United States they like to tell the president what the president's job is and the congressman and senators think something different. There are certain responsibilities that should be kept of the politics. Our committee believes that you should make two charter changes; one in regard to Section 4.03 and Section 10.05, and believe this should seriously be considered. If he went around Cuyahoga County, the vast majority of cities would have a civil service situation where the civil service commission, which is bipartisan by law, gives a test, they pick the people to certify to the Mayor and then the Mayor makes the appointment, which is the case in every city surrounding Olmsted Falls, except the Police and Fire Chief in Strongsville as they reserve the right to have Council approve that appointment.

He also indicated that there is an error in the last item on the report indicating civil rule 8 it should read Rule 7 Section 7 c, d and f. Mayor Donegan indicated that the report would be revised.

He stated that the committee also discussed concerns over promotions and the language was confusing. We suggest that this issue be reviewed as well, but then Mr. Incorvaia indicated it was a moot point because Civil Service Commission already made those changes.

We reviewed the entire Ohio Revised Code section regarding Civil service, reviewed the charter sections concerning civil service, and then the civil service rules. We found that there were items in the rules that were out of date as they included old sections of the Ohio Revised Code and need to be updated. Mayor Donegan indicated that due to all the hiring procedures currently happening, the Commission has not had the time to update those rules but that matter is on their agenda. Judge Donnelly stated that with regard to the names that appear on the certified list they should all be

interviewed by either by the Mayor or the Mayor's designee. It is important to interview all 10 because there was an issue when only three were interviewed.

Another recommendation is if anyone conducting the interview is related to an applicant, they should recuse themselves and that is a general rule that everyone is aware of. There should be no unofficial policies. There was a statement from some of the members of this committee that preference would be given to present employees of the city. There is no preference in civil service for that. There are preferences given by points for that when taking the exam and it goes into their grade; to add another points on something that does not exist is a problem. Finally we discussed entry level applicants. One rule not present in our rules was that there be agility, physical, vision and hearing examinations, and that an applicant pass a background check and even a polygraph test. These are important especially in safety forces. The committee's recommendation is that Council looks at these recommendations and, if appropriate, find a way to put them into the civil service rules.

Mayor Donegan indicated that she believes there is a misunderstanding as to what Ordinance 33-2016 would have in the Charter. We have been reviewing the Charter for almost three years and we certainly want to form a Charter Review Commission when appropriate. She asked Mr. Sponseller to specifically address this ordinance and the communication that this will permit the Mayor to hire anyone he/she wants. Also the parts of the Charter that do conflict and have led to confusion over the years.

Mr. Sponseller stated that within the charter there is a provision that permits the finance director to make appointments within the department and does not need Council's approval. He stated that he focused on not only the report from Judge Donnelly but also the other implications that 4.03 has with respect to appointments. Traditionally, it has been a haphazard approach, part time people may come before Council for approval, or they may not. Seasonal workers may or may not and typically they have not. Frankly, the charter is ambiguous as to that because it suggests that literally anyone is required to come before Council. There is a lack of clarity in the Charter with respect to appointments.

He stated that the primary focus of the committee was to identify the executive's authority to make appointments consistent with Civil Service testing and eliminate politics from the process. We also discussed other implications to clarify historically what has been perceived to be important to the City, Council and Mayor, which is not only the appointment, but implicit the removal of someone from a director's position or board and commission. These are relatively important positions and it was felt that at a minimum those items should come before Council for approval, whether an appointment or removal.

As you know, Council is a legislative body, the Mayor's office is an executive position, the Charter does state that the executive authority is vested in the Mayor and directors. When all the proposed charter amendments were first presented Council he submitted a summary of those amendments. He stated that the proposed amendments to 4.03 and 5.03 are to clarify authority and streamline the process for appointments to and removal from certain city positions. The charter changes will extend to Council the authority to confirm or reject appointments or removals of city director's and members of city boards and commissions and clarifies the procedure. Therefore, the proposed amendments to 4.03 are intended to streamline the appointment process and allow for the executive branch to make the appointments, based on competitive civil service testing, and to lower positions.

Keeping in mind that Council's authority as a checks and balance arises with respect to the budget and appropriation of funds. Obviously, appointments cannot be made except to positions that exist and are funded, so there still is a checks and balance.

Mayor Donegan stated that for years Ms. Radigan has been employed by the City and has served in finance and records, she has been employed for 17 or 18 years but was never approved by Council. Another example, are seasonal workers in the service department and the custodian, Stan Stone, neither were approved by Council. As a new Mayor coming into office, government needs to be fair and consistent, two years ago it began to become different, you could not do this or that. Clearly in sections 4.03, 4.04 and 10.05 you can have legal arguments that go both ways. There are checks and balances provided for in the Charter, but how does government continue beyond the important positions which are laid out in the charter. Another example, the charter states that the finance director can appoint, without Council approval, even though we had Council approve Mike DeSan, we never had Council approve Terry Veloski, that the director can hire assistant finance director positions.

She stated that this review was a result of a complete debacle that happened over a year ago that ended up costing the city money in a legal battle. This was an opportunity to bring clarify some of Mr. Roberts arguments that a part timer needs to be approved by Council because that is what the charter says but if you go to another part of the charter it says that she did not have to. The fact of the matter is that changes have not been done for 20 years and the Charter needs to withstand whoever is in the Mayor's office. She felt strongly that Council should hear from Judge Donnelly who was the person reviewing the charter independently.

Mr. Linn stated that he met with former Mayor Ursu and everything Mr. Ursu explained to him are the exact recommendations made from the review committee, with Judge Donnelly's approval. He attended a civil service meeting yesterday regarding the process put into place for the fire chief position, first a written test is given; that score only opens the door for an oral assessment, which includes interviews by a group of former fire chief's; these individuals then grade the candidates, the Commission reviews those grades and presents the top three to the Mayor. Mayor Donegan stated that this process has worked flawlessly, objectively, and away from any administration interference which is a 180 degree turn around, and was a result of Judge Donnelly recommendations. Mr. Linn stated that when the Commission began discussing scores and names he felt uncomfortable and excused himself from the discussion.

Mr. Haviland stated that the debacle we are attempting to avoid again was the police officer appointment. Mayor Donegan stated that is one. This ordinance indicates that besides the director's outlined in the charter anyone else, if Council approves the position and appropriates funds, the Mayor can appoint. For instance, the individual hired in the service department, she was not part of the process, Mr. Borczuch had a vacancy, the funds were appropriated, he put together an interview team and conducted the interviews. The new hire was never presented to the Mayor, which is how this process should run because this gentleman works in the service director and Mr. Borczuch is the one ultimately responsible. This amendment will clean up the civil service process and remove the political process but it will also clarify in the charter the fact that every single person that comes through the city does not need approval from Council. How can you argue that the finance director, who is not elected, has the ability to hire their own two assistant's without Council approval per the Charter.

Mr. Sponseller added that there is no language in the Charter regarding the removal of any individual. If someone is removed theoretically on paper, based on the current language in the charter, the Mayor can make a removal without Council approval but the positions of directors, or board and commission members would still require Council's approval for appointment or removal and that would be clarified.

Ms. Duncan stated that she believes part of the problem is that the ballot question does not address the line that was removed which she is sure is conflicting within itself. The last paragraph of 4.03 states "subject to confirmation by a majority of the members elected to Council." She believes that is what the problem as it is not addressed in the ballot question. She believes there is a conflict in the charter as to what Council has the opportunity to approve or not approve. Mr. Sponseller stated that he tried to make all the amendments as simple as possible but by the same token if he went with one question only to streamline and make better it would not be specific enough. Mayor Donegan stated that this is not only to streamline but to clarify and appropriately place the responsibilities where they need to be as it relates to best practices and not for Donegan to get something over, it is what government generally does to keep the executive function of government moving forward.

Ms. Duncan asked if an individual who voted against the ordinance had to request the reconsideration. Mayor Donegan replied yes, one of the three individuals who voted against the ordinance will have to make a motion to reconsider. She wanted to make a full disclosure that this is based on Judge Donnelly's recommendations and a thorough review. It began with civil service but morphed on occasion as to how appointments should or should not be made.

Mr. Linn stated that when he was present during the service department interviews with Service Manager Peters and Service Director Borczuch, he watched how the process moved forward as well as the applicant's capabilities. Each of them were qualified but one stood out superior to the others. He watched these two gentlemen who will work with this individual every day interview him. He stated the last person he would have wanted in the room was Mayor Donegan because she does not have the qualifications to make this choice. He believes that Mr. Peters and Mr. Borczuch are the correct individuals to make the choice. Mayor Donegan stated what about individuals in the future that maybe aren't as trustworthy, she believes that government will take care of itself. Again, this is to address the confusion and inconsistencies. As hard as it is to delve into the specific projects that we have been working on it is our job to make it better.

Ms. Garrity stated that several years back Council was asked to vote on the law director's appointment and Council rejected the Mayor's recommendation. This happened on January 2nd, after the meeting everyone left which left the city with no law director and she believes that placed our city at risk. Judge Donnelly stated that there are certain director's Council should approve but when you get to police and firemen, especially the lower levels, to present that to Council for approval makes no sense. His recommendation is to limit the Mayor's involvement with Council in getting into patronage situations. We want to have the test and then the Mayor makes the appointment, especially police officers and lower entry level positions.

Mr. Stibich stated that Olmsted Falls is more like Vermont rather than the federal government, we are not as big as Lakewood, Middleburg Heights, or Strongsville, shouldn't the people have more control over what happens. Judge Donnelly stated that the people have control, they vote on the Mayor, which means people do have ultimate control. Mr. Stibich stated that we are relatively a new City and when we were formed in the 70's these other cities had been operating for many years

and the founders of Olmsted Falls saw what was happening in the other cities and he has always been told that the Charter was intentionally drafted to have a strong Council and a weak Mayor. Judge Donnelly stated that he believes that is probably true, but, his point is that Olmsted Falls is not that small anymore and is getting bigger and bigger all the time. If you look at the surrounding communities, like Berea, Middleburg Heights, North Olmsted, he understands are bigger cities, but, the reality is Olmsted Falls has the same problems. He believes there are a lot of problems in the civil service area. Mr. Stibich stated that he can see that some procedural rules need updated, but, when it comes to Council ratifying an appointment he believes that it is better for Council to have that power and has never seen that be a hindrance. He understands that there was a problem during the last term with a police officer and that did cost the city money and the problem did get resolved. This was not a matter of politics and patronage it was a matter of was this individual the most competent person and there were some issues involved especially with a new test that was given and the timing. He stated that the issues surrounding the appointment of the law director were whether or not the city should break the tradition of utilizing an outside law firm as a consultant versus being an employee, which was a big issue for the Council members involved. He does not believe that is politics. Judge Donnelly stated that the appointment of a law director is one thing, but police and fire is another. If the ratification by Council remain the City should get rid of its civil service because you are using it as a reason for appointments of police and fire and then the next thing you know the Mayor makes an appointment, brings that to Council, and then there is a fight. Mayor Donegan stated that with all due respect to Mr. Stibich the characterization that he has made on these two appointments is interesting and not based on fact. She stated that Mr. Swope was on the list to be hired. Mr. Stibich stated that some would say it was a search for the best candidate because he was not the best candidate on the list and he did not take the second test. Mayor Donegan indicated that was not correct. Mr. Linn stated that this officer was being vetted for approximately six months and the process began in February, when the appointment came up in July issues were brought up when all the people present knew that this officer was being vetted for a full time position. All reports came back good and he was eligible to be appointed, everything that needed to happen did happen but because, in his opinion, there was some chirping going on in other areas. These proposed changes would eliminate this problem and prevent it from happening again. Judge Donnelly stated that he is discussing the overall view not one particular individual. He stated that Council needs to determine if they should approve every single appointment made in this case, in other words, the Mayor should approve everyone and then Council or should there be exceptions. For example, the service employees, janitor of the building, where do you draw the line? The problem he finds with safety forces is that the civil service commission gives an exam, an eligibility list is completed, and someone should be appointed from that list, it should not be in politics. He understands the law director or the heads of the different departments. Mayor Donegan understands getting Council approval for the chief's; directors of finance; law; and service but not custodians. Judge Donnelly stated that there could also be a compromise for directors, but, Council should stay out of civil service because it does turn into politics, whether you believe it or not. Mr. Stibich stated that the Mayor is the individual making the choice so the Mayor is involved and what this amendment does is remove Council from the process. He would rather see that initiative come from a Charter Review Commission through the normal process not coming from the Mayor who is the person that will benefit from the change.

Judge Donnelly asked if Council should approve every single person hired by the City. Mr. Stibich stated no and agrees with the Mayor on the top level employees, lieutenants, sergeants, etc. but let the Charter Review Commission bring this forward not the mayor. Mayor Donegan stated that

Councilman Linn's name could be in the introduction, this legislation is a result of everybody opining; Mayor Donegan happens to be the name on it.

Mr. Sculac stated that the proposed change to the charter is indicating hires not civil service commission board members. Judge Donnelly stated that Civil Service Commission board members have to be approved by Council and they have to be non-partisan. Mr. Sculac stated he just wanted that clarified.

Mr. Miller stated that he was one of the members that voted against this previously. He thanked Judge Donnelly and everyone on the civil service committee for their report. He will not recommend the ordinance for reconsideration, he believes that Council should retain its authority. He stated that as far as the political nature goes, he tends to side with Mr. Stibich that there is politics on both sides. Council is elected every two years and are seen as a little bit more representative of the people as opposed to the entire city and believes there is politics on both sides and does understand Judge Donnelly's point. Lastly, he believes the precedent is concerning, this happens to be the first piece of legislation that Council voted down, although it was not with a majority; then it is called up for reconsideration through a special council meeting without the opportunity for the public to comment. His understanding is that there is not a public comment period during special council meetings and these are the reasons he will not make a motion for reconsideration.

Mr. Stibich stated that when the founders of this city created the charter there is a provision that does not allow us to be partisan they wanted to avoid that so we are not allowed to say that we are democrat or republican or independent and that was part of the philosophy; he believes this has been fairly effective throughout the history of this city.

CONSIDERATION OF A MOTION TO RECONSIDER ORDINANCE 33-2016

Mr. Sculac **moved** that Ordinance 33-2016 be brought back for reconsideration; Mr. Linn **seconded**. Poll: 5 ayes; 2 nays (Stibich, Miller). **Motion carried**.

Ordinance 33-2016

AN ORDINANCE SUBMITTING TO THE ELECTORATE OF THE CITY OF OLMSTED FALLS, OHIO, PROPOSED AMENDMENTS TO SECTIONS 4.03 AND 5.03(a) OF THE CHARTER OF THE CITY TO CLARIFY AUTHORITY AND STREAMLINE THE PROCESS FOR APPOINTMENTS TO AND REMOVAL FROM CERTAIN CITY POSITIONS BY EXTENDING COUNCIL'S AUTHORITY TO CONFIRM APPOINTMENTS TO AND REMOVAL FROM NON-ELECTED CITY POSITIONS TO THE POSITIONS OF DIRECTORS OF DEPARTMENTS AND MEMBERS OF BOARDS AND COMMISSIONS, PROVIDING FOR ALL NECESSARY PROCEDURES IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY

Mr. Linn moved to **adopt**; Mr. Sculac **seconded**. Poll: 5 ayes; 2 nays (Miller, Stibich). **Motion carried**.

Mr. Linn stated that he moved to adopt on the premise that the voters will ultimately decide.

EAST RIVER/BAKER'S CREEK BRIDGE UPDATE

Mayor Donegan stated that this is a bridge that has been dilapidated for at least 30 years maybe longer. We are now hiring our fourth fire chief and no one has ever addressed this issue. In the last six to eight years the issue was slightly addressed but the sum total is that this is a private bridge. If you want the city to take over it will become a city owned bridge and all the specifications for roads would apply. The cost to the city was close to a quarter of a million dollars and if you are familiar with the area the solution would eliminate most of the reasons people move to this area. When she took office in 2014 Paul Scheutzow, one of the three owners of the bridge, approached her and asked for help. We have been working on this issue since that time. Since the bridge is unsafe garbage trucks nor fire equipment can get to the area, so there are about 12 residents who do not receive specific city services. If there is an emergency there is a ridiculous cut through off of the cul-de-sac on Northwood which located between two homes, you have to make a significant hard left and maneuver around a large gas line pipe that sticks out of the ground which was the city's solution to the problems of a dilapidated bridge. She has been working with Mr. Sponseller, Mr. Presley, Mr. Sheehy and Mr. Borczuch in an attempt to resolve this issue. At the end of July the owners of this bridge closed it. Since she likes to keep in constant contact with residents a letter was sent notifying them that the bridge would be closing and so they know she has not forgotten about the issue. She also walked Northwood and spoke to residents. There have been more than 10 meetings with the East River property owners. The Northwood residents are concerned because children play in the cul-de-sac. She stated that when you purchase a property on a cul-de-sac you have an understanding that there will not be a lot of traffic. However, that is not a guaranteed constitutional provision. Clearly, there is disconnect and arguing with Bakers Creek residents and the Northwood cul-de-sac residents. There are emails with concerns that this area is unsafe but she can assure everyone that the city is legally doing everything it can working cooperatively with the Baker's Creek residents. In order to get this bridge replaced and maintain as a private street the cost will be no more than \$100,000. Mr. Sheehy has estimates for a bridge that would be built in a factory and set into place. We have also been working with finance to make certain that would be a legal process. We have increased police patrol and notified the residents indicating that the bridge was closed by the owners. We hope by September that a solution can be reached. This has and continues to be a priority. She understands that this is a safety issue and urges the residents to be cautious and be aware that the city is working hard to get the bridge replaced before it snows.

Mr. Linn stated that he had a conversation with a resident regarding that there are five or six residents on the cul-de-sac that wanted to help contribute to the cost of the bridge and asked if they have been contacted. Mayor Donegan stated that the city does not want to move in that direction unless we ultimately have to. The administration is working on the best way to solve this issue.

Mr. Sculac stated that the only access for these residents is through Northwood as the bridge can no longer be utilized. Mayor Donegan replied that was correct.

Mr. Miller asked for some of the mitigating aspects he understands that cones were placed in the area to slow traffic down. He has heard from many residents regarding the safety of their children and asked if the city could install children at play signs. Mayor Donegan stated that she would speak with Mr. Borczuch to see if there are any signs available. She would ask that parents be cautious as it is a city street and it will be utilized for the time being. Mayor Donegan indicated that the city had an option to purchase the Northwood cut through a few years ago but failed to do so.

Mr. Miller would like to ask that while the city works on a solution he would like Mr. Borczuch to look at other mitigating aspects to help slow down traffic in order to alleviate as much of the safety concern as possible for the short term. Mayor Donegan stated that the departments believe they have found a solution but she will ask that they take another look. Mr. Haviland stated that he would ask that since this resident has contacted a few council members that only one individual answers her. Mayor Donegan stated that the city is doing everything it can and asked that Mr. Sponseller respond to the residents.

Ms. Duncan stated that the speed limit on Northwood could be lowered to 15 mph and asked if there was a stop sign on the cut through. Mayor Donegan replied there is not. Ms. Duncan asked if the city owned the cut through. Mr. Sponseller stated that his understanding is that the city does not own the property but does have an easement. He stated that this bridge is located on all private property and the primary reason this issue has not been addressed and probably developed before the area became Olmsted Falls. With this being private property there are legal restrictions imposed upon the city and is a troublesome issue and we are trying to develop a creative way to solve the issue.

Mr. Linn stated that since this has been an issue in excess of 30 years where does public safety come into play and when can the city implement. Mr. Sponseller stated that he would rather discuss this issue during executive session.

MOTION TO APPROVE REQUISITION TO KME –KOVATCH FOR REPAIRS TO FIRE DEPARTMENT LADDER TRUCK

Mr. Stibich moved to **approve** a requisition to KME – Kovatch for repairs to the fire department ladder truck in an amount not to exceed \$10,896.11; Ms. Duncan **seconded**.

Mr. Linn stated that he spoke with Chief Munteanu and this issue has disabled the ladder on the truck. It severed the electrical connections that run from the upper end of the ladder into the control unit in the hub of the truck. The bolts began to loosen and then sheared off the plate the ladder rotates on shifting it to one side and severing the hydraulic and electrical lines. He stated that Avon or Avon Lake has the same issue. He has asked Mr. Presley and Chief Munteanu to research KME service bulletins and defects. This is an absolute repair need as the truck cannot be utilized until repaired. We also have to research the issue and see if there is a way to recoup our costs.

Mayor Donegan stated that Chief Munteanu did do some research and discovered that Avon Lake lost the entire bolt. Poll: 7 ayes; 0 nays. **Motion carried.**

PUBLIC OFFICIALS EXPENDITURE REIMBURSEMENTS/CONTINUING EDUCATION

Ms. Garrity reminded everyone that the Clerk of Council keeps an educational file on each Council member so if you attend any classes make sure that you give a copy of your certificates.

She would like Council to consider the possibility of being reimbursed by the City for expenditures. For example, the city law firm has requested that a number of Council members attend a hearing in Columbus. She responded to Ms. Patton indicating that she may have to work that day and Ms. Patton asked that she try to re-schedule her hours so she can be in attendance. She believes that when a Council member receives this type a mandate we should be reimbursed for expenses. She does not believe that Council has previously asked for reimbursements but she believes it would

only be fair. Mr. Miller asked what type of expenses Ms. Garrity was referring to. Ms. Garrity replied gasoline and there is a possibility that an overnight stay could be possible. Mr. Sculac asked what the purpose of the hearing was? Mr. Sponseller indicated that it is an unfair labor practice charged against the city by one of the union's. Mr. Sculac stated that it is an unfair labor practice brought against the city and Ms. Garrity and/or other parties are part of that situation. Mr. Sponseller indicated that they would be necessary as potential witnesses. Mayor Donegan indicated that she would automatically reimburse Council when an expense sheet was submitted. She suggested that Council allocate funds in next year's budget. Mr. Sculac indicated that he believes that there needs to be some kind of budgetary situation in the Council budget for educational classes and reimbursement for anyone who would receive a mandate to attend something of this nature. The city should pick up that cost whether it is mileage, gas or the cost a hotel room because an overnight stay is required. The best thing to do would be during the budget process next year add another line item even though that figure would be a guesstimate. Mayor Donegan stated that during her very first year on Council she attend a class at CSU Urban Affairs and they taught you how to me a council man and your job duties. There was also a whole series on city charters and they challenged us to get mandated continuing education for elected officials in the charter. Mr. Sculac state that being in a supervisory position with Lorain County Children Services he knows that the county paid for the state mandated educational process which required 30 hours of continuing education every two years. He also happens to be one of the instructors for the last five years and they still get reimbursed for their mileage and lunch meal and if it's a two day situation reimbursement for an overnight situation.

Mayor Donegan asked Mr. DeSan to make Mr. Presley aware of this suggesting when he begins working on the budget with Mr. Sculac.

NEW BUSINESS:

Ordinance 43-2016

AN ORDINANCE AMENDING SECTION 1042.115 OF THE CODIFIED ORDINANCES OF THE CITY WITH REGARD TO SANITARY SEWER USER FEES TO REFLECT THE CHANGE FROM QUARTERLY COLLECTIONS TO MONTHLY COLLECTION BY CLEVELAND DIVISION OF WATER **First Reading**

EXECUTIVE SESSION TO DISCUSS MATTER OF PERSONNEL PURSUANT TO O.R.C. 121.22(G)(1) AND PENDING/THREATENED LITIGATION PURSUANT TO O.R.C. 121.22(G)(3)

Mr. Linn moved to **adjourn into executive session** for the purposes of personnel pursuant to O.R.C. 121.22(G)(1) pending or threatened litigation pursuant to O.R.C. 121.22(G)(3); Mr. Stibich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:17 p.m.

Mr. Stibich moved to **adjourn into regular session**; Mr. Haviland **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

The meeting reconvened at 8:55 p.m.

Mr. Sculac moved to **approve**, ratify, and affirm the Settlement Agreement, Release and Waiver of all Claims with Dan Gilles, the former Police Chief; Mr. Stibich **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Ms. Duncan moved to **authorize** and consent to the City's insurance carrier's settlement and release of all the Przybys-Donagan claims against the City, its police department and officers, within the policy limits of insurance coverage and directing the law director to so notify the city's insurance carrier; Ms. Garrity **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

Mr. Linn moved to **adjourn**; Mr. Miller **seconded**. Poll: 7 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:57 p.m.

Ann Marie Donegan, Mayor

Angela Mancini, Clerk of Council