

*City of Olmsted Falls*  
**Minutes of a Special Council Meeting**  
**Tuesday, February 21, 2017, 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 7:00 p.m. Roll call was conducted. Present: Councilmen Linda Garrity, Jim Haviland, Bob Sculac, Paul Stibich, Terry Duncan, and Kyle Miller.

Also Present: Gregory Sponseller, Law Director.

**COUNCIL PRESIDENT'S APPOINTMENT TO PLANNING AND ZONING COMMISSION**

Mayor Donegan stated that the Council President has a seat on the new Planning and Zoning Commission and has the opportunity to designate a member of Council to fill that seat and Ms. Garrity has asked Mr. Sculac to take that appointment. Ms. Garrity thanked Mr. Sculac for accepting this appointment. She also indicated that he did attend the Planning & Zoning meeting that took place last week. She stated that Mr. Sculac was previously the Council liaison to the Commission and will continue to serve in that role as well.

Ms. Garrity moved to **appoint** Councilman Bob Sculac as the Council President's designee to the Planning & Zoning Commission; Mr. Haviland **seconded**. Poll: 5 ayes; 0 nays; 1 abstain (Sculac). **Motion carried.**

**APPOINTMENT OF BOB SCULAC TO THE VACANT AT-LARGE POSITION**

Ms. Garrity moved to **appoint** Mr. Charles R. Sculac to the vacant at-large position; Ms. Duncan **seconded**.

Mr. Stibich asked if Mr. Sculac would need to resign as the Ward 1 Councilman prior to being appointed to an at-large position. Mr. Sponseller stated that the vacancy is currently in the at-large position and with the motion to appoint Mr. Sculac to that vacant position that will create a vacancy in the Ward 1 position. He indicated that Council will then have 30 days from tonight to fill the vacancy in Ward 1.

Poll: 5 ayes; 0 nays; 1 abstain (Sculac). **Motion carried.**

Mayor Donegan indicated that by virtue of the appointment of Mr. Sculac to the open at-large position, Mr. Sculac no longer serves as the Ward 1 Councilman and that the Ward 1 Council seat is now vacant. She believes Mr. Sculac will do a fabulous job as Chairman of Finance and bring a continuity and institutional knowledge with him.

Mr. Sculac stated that he was apprehensive with this appointment as he did not want to create any problems for any member of Council. He does thank everyone for approving his appointment as a councilman at-large.

### **REVIEW OF ADVERTISEMENT FOR WARD I VACANCY**

Mayor Donegan asked what date should be used as a deadline. Mr. Sculac indicated that the ad will not be published until next Thursday. Mayor Donegan indicated that she will place the information on Facebook as well. Mr. Sculac suggested a deadline of two weeks after the publish date of March 1<sup>st</sup> which would be March 14<sup>th</sup>. Ms. Duncan suggested Monday, March 13<sup>th</sup> as the deadline date.

Mr. Miller suggested that the language “and will live within Ward 1 for the duration of the term” be added to the advertisement. Mr. Sponseller indicated that this language is not required for the notice but is required in order to serve in that position.

Mr. Stibich requested that “a minimum of three references” be added.

Mr. Haviland indicated that there should also be some place listed indicating where an applicant could locate the ward boundaries. Mayor Donegan indicated that the information is located on the city website.

Mr. Miller asked if he could make a motion to nominate Jim Haviland as Council Pro-Tempore. Mr. Sponseller indicated that he did receive Mr. Miller’s email but had not yet had an opportunity to answer his question. He indicated that Mr. Miller could make a motion if he so chooses. He stated that the reference to the appointment is in the section of the Charter that deals with if the Council President were to take over the Office of the Mayor; at that point the Council Pro-Tempore would step up and then Council is to elect a new President Pro-Tempore. What this contemplates is after there is a full complement of all Council members the interim status of Mr. Haviland would be terminate on a new election by Council as a Whole, meaning all seven members, after the vacancy is filled. He stated Mr. Haviland is defacto Council Pro-Tempore because he was the only other At-Large member at the time of Mr. Linn’s resignation. Once the Ward 1 seat is filled, Council may either ratify or hold an election. Mayor Donegan stated that in 2005 nothing was done, which was not necessarily appropriate either. Mr. Miller stated that he respects Mr. Sponseller’s reading of the Charter, but respectfully, he disagrees with that interpretation. Again, if a vote could be held that way Council is covered whether needed or not.

Mr. Miller moved to **nominate** Jim Haviland as Council Pro-Tempore; Mr. Stibich **seconded**. Poll: 5 ayes; 0 nays; 1 abstain (Haviland). **Motion carried**.

### **REQUEST 30-DAY EXTENSION TO FILL THE COUNCIL VACANCY**

Ms. Garrity stated that as she understood it the date of the resignation that Council would begin the 30 day clock and believes we will probably need a 30-day extension. Mr. Sponseller indicated that a new vacancy was created because Council filled the at-large vacancy and the 30 days would begin this evening for Council to now fill the open Ward 1 seat.

Mayor Donegan stated that Council is aware of the difficulties filling board and commission position seats and Council by Charter has the right to fill those. However, Council did provide some professional courtesy to her in order to fill those positions and she has no interest in filling a

Council position and is not in her best interest. Council has 30 days from today (02/21/2017) to fill the open Ward 1 seat.

Mayor Donegan indicated that she will need an executive session at the end of the next Council meeting to discuss economic development which will be quite lengthy.

Ms. Duncan moved to **adjourn**; Mr. Stibich **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 7:15 p.m.

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*Ann Marie Donegan, Mayor*

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*Angela Mancini, Clerk of Council*