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## Special Meeting of Council Minutes of August 7, 2023

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The Special Meeting of Council Meeting was called to order on Monday, August 7, 2023 at 7:01 p.m. in Council Chambers. **Council President Hallum** presided.

**Call to Order 6:00 p.m. (Audio: 0:07)**

**Cell Phone Reminder to Turn off Devices**

***Pledge of Allegiance (Audio: 0:33)***

### **ROLL CALL (Audio:0:13)**

**Members Present:** Council Vice President Michael Kline, Councilman Dan Knecht, Councilwoman Vicki Miller, Councilwoman Tanya Taylor Draper, Councilwoman Julie Belich, Council President Christopher Hallum, and Councilman Joe Jarmuszkiwicz.

**Also Present:** Mayor Gardner, and Finance Director Bruce Scott

**Via Phone Call:** Law Director Michael C. Lucas

### **PUBLIC PORTION (Audio: 1:17)**

**An opportunity for the public to address Council concerning anything pertaining to tonight's agenda.**

Public Portion opened at 6:01 p.m.

Jenna Bing, 36951 Beech Hills Drive, Willoughby Hills, OH 44094 questioned Ordinance 2023-042 and what has been paid so far. Ms. Bing stated she is confused and would like clarification on the total amount of legal fees that are outstanding. She also asked if the City Hall parking lot would be equipped with handicap spaces, as she feels it would be useful for people.

Public Portion closed at 6:02 p.m.

### **LEGISLATION: (Audio: 2:27)**

**ORDINANCE 2023-040 – THIRD SECOND\* READING** *\*Reading was listed incorrectly as third.*  
**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND THE WILLOUGHBY HILLS FIRE FIGHTERS, LOCAL #3149 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO AND DECLARING AN EMERGENCY.**

Motion made by **Councilwoman Miller**, seconded by **Councilwoman Taylor Draper** to adopt Ordinance 2023-040 Amended.

**Discussion on the Motion:**

**Councilwoman Taylor Draper** commended Mayor Gardner on working with the Union toward a mutually satisfying agreement.

**Law Director Lucas**, added that modifications and additions were made after some fact finding. There were concessions made, both on the part of the City and the Union, to avoid having to go into arbitration.

**Roll Call:**     **AYES:** Kline, Knecht, Miller, Taylor Draper, Belich, Hallum, and Jarmuszkiewicz  
                  **NAYS:** None  
                  **Vote:** 7/0

**Motion carries** to adopt Ordinance 2023-040.

**ORDINANCE 2023-042 – FIRST READING**

**AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A THEN AND NOW CERTIFICATE BY THE FINANCE DIRECTOR TO MAKE PAYMENTS ON INVOICED AMOUNTS TO THE PREVIOUSLY AUTHORIZED LEGAL REPRESENTATIVES OF THE CITY; SPECIFICALLY, ATTORNEY RICHARD N. SELBY II AND THE LAW FIRM OF DWORZEN & BERNSTEIN, AND ATTORNEY CLARK D. RICE AND THE LAW FIRM OF GALLAGHER SHARP FOR LEGAL SERVICES, AND DECLARING AN EMERGENCY.**

Motion made by **Council Vice President Kline**, seconded by **Councilman Miller** to waive the Three Readings on Ordinance 2023-042.

**Discussion on the Motion:**

**Councilwoman Belich** asked for clarification on what has been paid.

**Finance Director Scott** responded that all of the bills for Dworken have been paid. The bills in question are for Gallagher Sharp legal services.

**Council President Hallum** asked if anything on the summary they received has been paid yet?

**Finance Director Scott** responded that some of it has been paid. The Then and Now is for approximately \$13,000 worth of invoices which have not yet been paid.

**Councilwoman Miller** asked if the portion represents above and beyond what was authorized in the original purchase order?

**Finance Director Scott** stated there were two purchase orders issued in 2022 in the amount of \$15,000 to each law firm. Invoices from Dworken & Bernstein were submitted and paid, however, invoices from Gallagher Sharp were never received. He has also spoken with the Law Director about the remainder of fees and estimated future invoices.

**Roll Call:**     **AYES:** Kline, Knecht, Miller, Taylor Draper, Belich, Hallum, and Jarmuszkiewicz  
                  **NAYS:** None  
                  **Vote:** 7/0

**Motion carries** to waive the Three Readings on Ordinance 2023-042.

Motion made by **Councilwoman Taylor Draper**, seconded by **Councilwoman Belich** to adopt Ordinance 2023-042.

**Discussion on the Motion:**

**Council Vice President Kline** stated for purposes of clarity and transparency that this Ordinance relates to the lawsuit that was filed against the Mayor, six members of Council, the Law Director and three members of Planning and Zoning. This lawsuit was dismissed but not before the City spent a great deal of money on it. The total cost paid to date is slightly over \$43,000. The City is looking at an additional \$13,460, and possibly another \$13,000 yet to come. That’s a total of over \$70,000. This lawsuit was captioned an electors lawsuit. Council Vice President Kline went on to say that in his opinion, this lawsuit which was brought by five individuals: Ted Dellas, Dale Fellows, Nancy Fellows, Linda Fulton and Barbara Blazy has cost the City a large amount of money and was needless.

**Roll Call:**     **AYES: Kline, Knecht, Miller, Taylor Draper, Belich, Hallum, and Jarmuszkiewicz**  
                  **NAYS: None**  
                  **Vote: 7/0**

**Motion carries** to adopt Ordinance 2023-042.

**FOR THE GOOD OF THE ORDER/FOR THE GOOD OF THE COMMUNITY.**

**(Audio: 13:00)**

**Councilwoman Taylor Draper** reminded residents that Willoughby Hills Music Fest is Saturday, August 19. She hopes many will attend.

**Council President Hallum** stated that tomorrow, August 8, is a Special Election, and urged those listening to get out and vote.

**ADJOURNMENT (Audio: 13:35)**

**Motion made by Councilwoman Belich**, seconded by **Councilwoman Miller** to adjourn the meeting.

**Roll Call:**     **AYES: Kline, Knecht, Miller, Taylor Draper, Belich, Hallum, and Jarmuszkiewicz**  
                  **NAYS: None**  
                  **Vote: 7/0**

**The meeting was adjourned at 6:14 p.m.**

**APPROVED:** August 28, 2023  
                  Date

  
                  **Christopher Hallum**  
                  **President of Council**

**ATTEST:**     Laura O'Donnell  
                  **Laura O'Donnell**  
                  **Clerk of Council**