

**MINUTES COUNCIL MEETING
CITY OF UNIVERSITY HEIGHTS, OHIO
JANUARY 19, 2016**

Mayor Infeld called the regular meeting to order at 7:36 p.m.

Roll Call:

Present: Mrs. Susan Pardee
Mr. John Rach
Mr. Mark Wiseman
Mr. Steven Sims
Mrs. Pamela Cameron
Mrs. Michele Weiss

Absent: Mr. Phillip Ertel

Also Present: Acting Law Director Mr. Walter Ehrnfelt
Finance Director Larry Heiser
Clerk of Council Kelly M. Thomas
Police Chief Steven Hammett
Service Director Jeffrey Pokorny
City Engineer Joseph Ciuni
Fire Chief Douglas Zook
Community Development Coordinator Patrick Grogan

MOTION BY MR. SIMS, SECONDED BY MRS. CAMERON to excuse the absence of Councilman Ertel. On roll call, all voted “aye.”

Pledge of Allegiance

Approval of Minutes

Mayor Infeld provided her corrections to the minutes from page 6 and Mr. Rach asked that his name be listed under the also present section.

MOTION BY MRS. PARDEE, SECONDED BY MR. RACH to approve the Council Minutes from January 4, 2016 as presented and corrected. On roll call, all voted “aye.”

Comments from Audience

There were no audience comments.

Mayor’s Report to Community

- A copy of the Wingspan Care Group Annual Economic and Fiscal Impact Report for Bellefaire and the services by Wingspan to the surrounding cities, County at large and at the State and Federal level is in the lobby of City Hall for viewing.

Agenda Item:

A. State of the City

Mayor Infeld read the City’s State of the City report.

State of the City report is attached to the permanent minutes.

B. Motion Approving Planning Commission Recommendation to approve the application from Bellefaire/JCB, 22001 Fairmount Blvd. to construct a parking area located along the north end of campus to improve parking for staff and Bellefaire/JCB vans to alleviate congestion during drop off and pick up and to provide an additional 108 parking stalls.

Mr. Rach noted that the proposed plan showed that trees were to be removed and asked if there was any discussion at the Planning Commission meeting regarding new planting as part of the project.

Building Commissioner Eric Tuck-Macalla replied that to his knowledge there are no plans for plantings and noted that this project is the beginning of a larger project. No landscaping was part of the current proposed plan.

Mr. Rach asked if plantings could be a condition if granted approval.

Mayor Infeld remarked that Council has the choice of accepting, rejecting or modifying the Planning Commission recommendation.

Mrs. Pardee spoke to this piece being a part of Bellefaire's larger project and asked if the Mayor was able to say anything about the larger project that may be possibility forthcoming.

Mayor Infeld replied that Bellefaire has had in motion a capital campaign to improve their facilities so that they can better deliver services to the children and families they serve in the greater region. That includes upgrades to the buildings. There may be an additional building built. Globally Bellefaire is to be able to deliver more services. Bellefaire may come to the City later to build a larger building that would serve as an inpatient care unit, much like for the care they currently provide in the existing cabins. Mayor Infeld noted that the current application/project before the City for approval is just the parking lot.

Mr. Wiseman echoed Mr. Rich's question and noted that he asked at the Planning Commission meeting if Bellefaire had any plans to improve the landscaping along the perimeter of the property to shield the residents who could see the development and what goes inside the development. Mr. Wiseman added that he would like to see some sort of plantings used to shield from the adjoining residential neighbors because currently there is only a chain-linked fence but wasn't sure if that is part of what is being considered at this meeting.

Mr. Tuck-Macalla responded that the proposed parking lot is not adjacent to residential area/property; it is only against the John Carroll University stadium.

Mayor Infeld clarified that Bellefaire would be removing the existing tennis courts on the north side of the property adjacent to the JCU stadium property and to use the exact same land to install a parking lot. In essence replacing a hard surface with another hard surface.

Mr. Rach stated that there is also the removal of plantings and that is why he mentioned it. University Heights is the Beautiful City and to preserve that when we start putting in more parking lots; at least supplement it with adequate plantings or trees in an island would help to enhance the beauty. Mr. Rach added that he would hope that plantings would be a condition.

Mr. Sims asked if Council would be voting on the matter so that Council would be clear on how to incorporate any concerns about the landscaping. Should be addressed tonight or have Bellefaire come before the Council.

Mayor Infeld replied that in the past Council has approved projects with conditions and suggested that if the condition is to ensure that there is some amount of planting returned to the area that Council would leave the monitoring of that up to the discretion of the Building Commissioner for practical reasons. Council can table this item and have Bellefaire come in.

Mr. Sims added that he was wondering because when suggestions like that are made there is a cost to it. Mr. Sims stated that he was hesitant to place a condition that may lead to a financial burden especially given the description of the property, where the parking lot will be location and the fact that it will not be seen from the street.

Mayor Infeld questioned if there would be enough space to have new plantings in that area.

Mr. Ciuni replied that there is enough room.

Mr. Tuck-Macalla commented that Bellefaire plans on also constructing a new building with a new road behind Belvoir Blvd., but nothing has been presented to the City has of yet.

Further discussion was had regarding possible future plans that Bellefaire may present to the City for approval.

Mrs. Pardee asked if Council could make conditions and have Bellefaire add landscaping in that area when they come back for the approval of the other areas/buildings. That way Council could check with Bellefaire about cost and potentially ask additional questions.

Mr. Sims asked if “greater plan” that’s been referred to has been seen by anyone, such as the Planning Commission.

Mayor Infeld replied no and that it be depended on fundraising and capital campaign.

Mr. Rach reiterated that in regards to this project he didn’t think it too hard to ask if trees (sizable) are being removed that are stated as 12” or greater that they should be replaced somewhere on the site. We owe it to the University Heights residents to keep the same number of trees in the city.

Mrs. Pardee asked the acting Law Director how should Council make the motion and also include the condition.

Mr. Ehrnfelt stated that Council would first have to define the condition. Is the condition that the request would be granted based on the condition that Bellefaire recognizes that they will have to replace trees at the next stage in the project?

Mr. Rach replied that would be fine as long as there will be a value saying that there will be adequate planting per the Building Commissioner’s approval.

Mr. Ehrnfelt stated that could be a little too vague.

Mr. Wiseman suggested that it could be specified that Bellefaire replaces trees of a certain size that they remove with the same number of trees.

Mr. Ehrnfelt replied that is more defined but that it would be hard to predict what Bellefaire will say since they already went through Planning Commission and received their approval and that trees were not figured in the cost of the project.

Mayor Infeld asked Council to consider that Bellefaire has been a good member of the community and neighbor. Perhaps Council could add a condition that Bellefaire use their best efforts to replace vegetation with the Building Commissioner overseeing it, in case the replacement of trees is too costly. Mayor Infeld cautioned that having Bellefaire come in for a second time over something that they have received approval from the Planning Commission for might be confusing for them and may give them the message that the City isn’t willing to work with them.

Mrs. Cameron stated that one of her concerns was that this is a plan that is not in its final stages. It is a transitional plan to allow them to accommodate their staff and for that reason she was willing to approve the parking lot as presented, noting that it will not over look the neighborhood but the JCU stadium. Mrs. Cameron added that Bellefaire should provide additional details about the project area when they come back for approval for the next phase.

Mrs. Pardee stated that she liked trees and landscaping but agreed that this is a parking lot and that Bellefaire will be back. Mrs. Pardee noted that it should be made clear that Council wants to see a very clear plan when they come back. And, at that time Council may then attach something in conjunction with what they are doing.

MOTION BY MRS. PARDEE, SECONDED BY MRS. CAMERON to approve the Planning Commission’s Recommendation approving the application from Bellefaire/JCB, 22001 Fairmount Blvd. to construct a parking area located along the north end of campus to improve parking for staff and Bellefaire/JCB vans to alleviate congestion during drop off and pick up and to provide an additional 108 parking stalls with no conditions. On roll call, all voted “aye,” except Mr. Rach who voted “nay – do to the no conditions”

C. Ordinance 2016-02 Reappointing Luke F. McConville as Law Director Effective February 1, 2016 for a Term Expiring at the end of January 31, 2018 (on passage)

There was no discussion for this item.

MOTION BY MR. WISEMAN, SECONDED BY MRS. WEISS to approve Ordinance 2016-02 Reappointing Luke F. McConville as Law Director Effective February 1, 2016 for a Term Expiring at the end of January 31, 2018. On roll call, all voted "aye."

D. Resolution 2016-03 in support of an application to the Northeast Ohio Areawide Coordinating Agency (NOACA) for funding from the Transportation for Livable Communities (TLCI) Program for Pedestrian Safety and Roadway Improvements on Warrensville Center Road. (on emergency)

Mayor Infeld stated that the Administration would like to apply for grant funding for some of the improvements that were suggested and recommended by the plan that was developed by NOACA last year.

Mrs. Pardee asked what was possible for the City to apply for, what was the cap on the dollar amount was and what the deadline to apply was.

Mr. Grogan replied that there is no cap dollar amount on individual projects but that there is about \$500,000 available for implementation activities throughout the NOACA area. Based on NOACA suggestions the City came up with two (2) mid-block crosswalks with a median in the middle on Warrensville Center Road between Hillbrook and Traymore and also between Meadowbrook and Fairmount for a cost of \$100,000 - \$175,000. This reaches NOACA's priorities in terms of pedestrian and bicyclist safety as well making the road multi mobile for both groups as well as motorist and public transit.

Mrs. Weiss asked how were the areas chosen.

Mr. Grogan replied the areas were chosen via public hearings that were held at John Carroll University, the NOACA's public feedback, their engineering and planning expertise.

Mayor Infeld added that the City submitted a program idea to conduct a study to NOACA for grant funding and NOACA like the program idea and wanted to work on the study. So they gave the city a Technical Assistance Award which means that their planners would work with the city to develop a plan to make Warrensville and Cedar Roads more pedestrian and bike friendly.

Mr. Grogan added that it takes 65ft. to cross Warrensville and the plan would shorten that distance to make crossing safer.

Mr. Wiseman asked if Warrensville would then be thinner than the existing 4 lanes in those places.

Mr. Grogan answered that only the parking lanes will be eliminated, leaving the already existing 4 driving lanes.

Mr. Rach questioned if the other suggestions from the steering committee are separate applications.

Mr. Grogan replied that they will individual separate applications because of limited funding.

Mayor Infeld added that NOACA's intention was to produce through the study and final report individual projects that could each be used to apply for grant funding. So there are many projects, these are just the first two.

Mr. Sims comment he's concerned that the area on Warrensville between Hillbrook and Traymore is already a very difficult area to navigate making left hand turns onto Warrensville because the traffic light was removed. Mr. Sims asked if traffic patterns have been conducted / reviewed. It is a great concept but practically Mr. Sims wasn't sure if it makes the most sense. Mr. Sims noted that he supports the City making application for funding but wanted to sure they are applying for the right things and concepts that will work for the city.

Mr. Grogan replied all the traffic studies have been conducted; looking at counts, counting parking spaces, how many were occupied during various times.

Mayor Infeld added that NOACA provided traffic engineers and multiple planners specifically to this project. They counted pedestrians, bicyclist, and cars at various times of the day, parked cars at various times of the day even in the evenings, daytime traffic and parking as well as nighttime traffic and parking.

Mr. Sims commented that he was not disputing NOACA's expertise, but if the traffic in that area is constricted it will be a nightmare.

Mr. Grogan replied that the traffic will not be restricted. It is not eliminating a through lane; it is keeping two lanes in each direction and removing the parking space.

Mrs. Pardee asked what the deadline for filing the application was and noted that the really busy intersections such as Warrensville and Silsby and Warrensville and Cedar should be a priority. Mrs. Pardee added that she understood that when looking at funding, you are limited to what will be funded and what their guidelines are. But, it would be great to start with those recommendations that are the city's busiest intersections if at all possible to find funding for those.

Mr. Grogan stated the deadline for filing was the Friday, January 29th.

Mayor Infeld noted that Mrs. Pardee was correct and that the Administration is trying to maximize the ability to get the funding that's available through NOACA's suggestion and the Administration's knowledge of the limited funding and the fact that this will be very competitive. NOACA has been pretty much made clear that they will not made all the funding available for any one project and the intervention suggested that the intersections of Warrensville and Silsby and Cedar would be much more expensive. We could apply for the funding but doubt we would get the funding. Whereas, if we applied for funding with the other two projects are chances may be improved.

Mr. Wiseman asked if the City is committed to doing the work first and then get reimbursed if we get the grant or we don't do the work unless we actually get the grant. Mr. Wiseman stated his hopes that South Green Road is looked at also.

Mayor Infeld replied that the City will not do anything unless the grant is awarded.

Mr. Rach asked who creates the priority schedule and if matching funds will be required.

Mayor Infeld answered that the City does with NOACA guidance. In terms of matching funds, that will be up to NOACA to decide and if that is the case then it would be made know. But, the City is looking for full funding.

MOTION BY MR. RACH, SECONDED BY MRS. PARDEE for the passage of Resolution 2016-03 in support of an application to the Northeast Ohio Areawide Coordinating Agency (NOACA) for funding from the Transportation for Livable Communities (TLCI) Program for Pedestrian Safety and Roadway Improvements on Warrensville Center Road on emergency. Roll call on suspension of the rules, all voted "aye." Roll call on passage, all voted "aye," except Mr. Sims who voted "nay."

E. Ordinance 2016-04 Amending Section 2 of Ordinance No. 2014-03 by updating Annual Compensation Rate of Specified Employees (on first reading)

Mrs. Weiss commented if the City was fully staffed currently with no vacancies and the Finance Committee approved a percentage rate of increase for employees across the board so does this mean that whoever is currently staffed will get that percentage rate increase?

Mayor Infeld replied that the 2016 Budget was approved. Within the budget was salary increases for all employees who were not subject to the union contracts in addition to the salary increases for employee subject to union contracts. The union contracts do not have the same ranges so there are some variations. This Ordinance is updating the Ordinance from two years ago.

Mr. Wiseman asked why there is a range for the specified salaries if the positions are all filled. Mr. Wiseman stated it seemed to him that it should the exact amount each position is getting paid. If a range is necessary than the top of the range be the current salary that is being paid. Mr. Wiseman added that in his mind the budget was approved with certain salaries for certain employees. It not his intent to create ranges where then the budgetary figures that were approved in December are now subject to review in the middle of the year. If

this goes further Mr. Wiseman would like to see what the positions are making in comparison to the listed ranges.

Mayor Infeld asked Council to consider her viewpoint in a practical reality that she and the city faces in terms of trying to administrate the work of the city through the employees. There is a lot of competition for employees and for director levels among cities. Mayor Infeld stated that she believed that the value of the ranges is that it allows her the flexibility to increase a salary if necessary if she finds that a director is not making a salary that is reflective of the market. The ranges also allows her if someone is offered a position in another city the flexibility to keep them by potentially the salary that is being offered to them in another city. If the salaries were frozen then Mayor Infeld stated she would never have that opportunity.

Mr. Wiseman commented that he didn't think the salaries are frozen, nor was that being suggested. A yearly raise for employees is one thing but to give the city a blank check to add to salaries is another. The idea of having particular budget is that it is known what the salary employees are making throughout the year and if somebody decides that they got a better offer from elsewhere, then the Mayor could come back to Council to re-establish another budgetary figure to keep a certain employee.

Mayor Infeld stated that is not practical, Council does not meet except according to the schedule and when the Administration tries to meet outside of the schedule it is difficult. That is not practical in today's world and in a competitive marketplace. Mayor Infeld reminded Council that they can get the salary listing for how much employees are making. Just because the salary range may show a high end up to six figures doesn't mean that anybody is making that. It is a normal practice in the business world to have employee salaries be in a range, particularly for management level employees.

Mr. Wiseman asked if this particular Ordinance is necessary to go forward, what would happen if the Ordinance is not approved.

Mayor Infeld replied the reason why she was introducing this Ordinance at this point is because the history of the city is that this compensation Ordinance is introduced bi-annually every other year when a new Council is elected and it is that time now. Also, there maybe employees who will exceed their salary range next year.

Mrs. Cameron asked the Mayor what material/information she used to create the various ranges that Council could review that would reflect the market value for municipal employees.

Mayor Infeld answered it takes a long time to review but the administration looks at what other cities pay and in her estimation in speaking with a number of other Mayors it appears we may be on the low side. Mayor Infeld added that she wanted to make sure that the city doesn't lose employees based on a couple of thousand dollars.

Mrs. Weiss asked why the directors aren't provided with yearly or bi-annual contracts based on whatever the Finance Committee decides everybody raises will be.

Mayor Infeld replied that the government structure gives the Mayor the authority as the Chief Executive to negotiate salaries and to hire employees not the Council. Council has two employees that they hire; the Law Director and the Council Clerk.

Mr. Sims stated it wasn't his concern but what he was hearing was that Council approves a budget, establish salaries within that budget for various employees and that it is Council ability to approve the budget and the set salaries. Mr. Sims added that if there is going to be a modification to salaries that should come back to Council in some fashion, noting he understood that at sometimes the Mayor may not be able to act with a lot of bureaucracy so he agrees with the range opportunity but that Council should hear about any changes in the administration of salaries that is different than what is approved in the budget. Mr. Sims continued to suggest that an additional range for the Clerk of Council should be \$60,000 - \$75,000. Mr. Sims added that he wasn't suggesting that the City pay a person at the top of the range but that he didn't like the look of the range with respect to the other primary leadership of the City knowing the responsibilities of that position. Mr. Sims doesn't know what research was done on that particular position but noted that that would be comparative with other communities. Mr. Sims also suggested increase the Building Commissioner rate to \$85,000. But in the context of all of that, there should be a process where Council is able to feedback with respect to established salaries.

Mayor Infeld replied that she would be in favor of that change and that this Ordinance allows the city to be competitive. Employees have left for better paying positions prior to the salary ranges being instituted.

Mayor Infeld commended that the City Directors received the same 2% salary increase that the other employees received and that is the only increase they are getting.

Mr. Wiseman asked what would happen if this Ordinance was not approved.

Mayor Infeld replied that the one director who is close to the top of their salary would not be able to get the same 2% raise next year that all other employee will be getting.

Mr. Wiseman replied unless during the budgetary process a increase for that position is requested. Mr. Wiseman noted that this has nothing to do with the current director's as they are all fantastic and that he hopes everyone stays but this has to do with the fiscal responsibility of the City.

Mayor Infeld stated that the listed ranges may never be spent. This Ordinance is just to provide a range to give the Administration the ability to have a range in which to work. To argue numbers on paper that are not the salaries being paid is odd giving the City and this Administration has shown tremendous fiscal prudence and responsibility in generating a surplus every year she has been Mayor in an amount over \$2 million dollars for the past five or six years.

Mrs. Cameron stated that there doesn't appear to be any rhyme or reason to the listed ranges and asked Mayor Infeld what was the formula she used to determine the ranges; was it the marketplace for the noted particular positions. For employees whose pay rate isn't changing, what should be their expectation for a salary range change so that they could be rewarded for longevity and greater service?

Mayor Infeld replied that she recognized Mrs. Cameron's concern and her empathy for employees on all levels but what she was presenting to Council was the suggestion to change the range for three specific job positions.

Ordinance 2016-04 Amending Section 2 of Ordinance No. 2014-03 by updating Annual Compensation Rate of Specified Employees was placed on first reading.

F. Discussion of potential conflict of interest of the Director of Law regarding mutual agency agreement with the Cuyahoga County Land Re-utilization Corporation

Mayor Infeld stated that this item was per the Law Director's request. Mr. McConville requested that a public discussion of a potential conflict of interest he might have as the Director of Law of this City regarding employment he has been offered through the County Land Bank. Mr. McConville's concern about the potential conflict of interest has to do with the fact that the City has contractual relationship with the County Land Bank to act as the City's agency for various purposes. This would include the acquiring of properties, demolishing of properties and the rehabbing of properties. Mayor Infeld noted that Mr. McConville's new position with the Land Bank could conflict at time with the city.

Mrs. Pardee commented about what an honor it must be for Mr. McConville to work with the Landbank and asked how could there be a possible conflict of interest. Mrs. Pardee added that it was her understanding that Council is being asked to formally waive the conflict of interest.

Acting Law Director Mr. Walter Ehrnfelt stated that the request is related to an ethical or potential ethical issue for attorneys. In general terms what is involved is that there are potential conflicts of interest that can develop when you are representing multiple clients in any kind of relationship. As it relates to this particular issue, the City is in a contract with the Land Bank and whenever you have a person or entities that are involved in a contract there is the potential for the two parties to become at odds if something goes wrong. Everyone goes into the relationship with the expectation that everything is going to work out, Mr. Ehrnfelt stated that there's nothing that would suggest to him that there is something immediately dangerous in doing this because the interest are in line in dealing with properties, homes, real estate that is in need of being torn down or significant improvement. With the Land Bank, the contract with the city and several other cities it has creates this collaborative effort to work together to eradicate some of these problems. Whenever you have parties to a contract there is the potential that there could be a dispute. What Mr. McConville did in this situation was to have the issue examined by a lawyer who specializes in getting an opinion on the ethical implications. In order to be fair to everyone the recommendation was that it should be disclosed and that everyone should know that there is the potential for conflict. Mr. Ehrnfelt stated at this point there is no conflict but this letter is designed to put everyone on notice that if a conflict does arise and there is litigation where someone would sue the City and sue the Land Bank then there could be an actual conflict and Mr. McConville would be prohibited from representing either party. Council is being asked to waive what is

called a potential conflict, which is the recognition that a conflict could exist sometime in the future. This also lies out that if a actual conflict does develop then Mr. McConville would have to remove himself from representing both parties. It also explains how there is nothing that would compromise the attorney client relationship that exist between Mr. McConville and the City so the confidences of the City would be maintained. But from an ethical standpoint it needs to be disclosed, people need to understand and be willing to proceed with that understanding. The purpose is so that if there is a conflict that develops no one is blind sighted by that.

Mrs. Pardee clarified that Council's step is not to pass anything but to sign the waiver.

Mayor Infeld pointed out that if Council wants to pass this item, they can do that by motion but stated that her name needs to be removed because Mr. McConville is an employee of City Council so it would not be a matter that she would be involved with.

Mr. Wiseman stated that the City is the Law Director client, which probably includes the Mayor so you should sign it.

Mayor Infeld stated that she didn't agree with Mr. Wiseman base on the City Charter and information she had with Council regarding the Law Director and his employment status. The Law Director does represent the City but in this regard because he is a Council employee Mayor Infeld felt this was a Council decision.

Mr. Wiseman noted that the Law Director provides advice and consul to the Mayor, so the Mayor is his client as well and has to waive it as well.

Mr. Ehrnfelt commented that what is the issue is who has the authority to hire the Law Director, which is different from who actually employees him. This isn't a employment issue.

Mayor Infeld added if Council does choose to waive this conflict of interest she believed that the City would need to involve an outside attorney at anytime the city is using the services of the Land Bank to make it a clean situation of Mr. McConville. Mayor Infeld stated she thought it would be very hard for Mr. McConville to wear two hats at the same time; to represent the city's interest and the Land Bank at the same time he is employed by the Land Bank appears to be a conflict there. Mayor Infeld added that she wasn't saying he should have the job with the Land Bank as it seems like a wonderful opportunity for him professionally but that she had reservations about this. Mayor Infeld noted very rarely does the city uses the services of the Land Band but there is a possible upcoming situation where funding may be received from Cuyahoga County for demolitions that will be managed by the Land Bank. In that case, Mayor Infeld felt it would be better for the city given Mr. McConville is a employee of the Land Bank to have that legal work handle by someone else.

Mr. Wiseman commented that Mr. McConville got a opinion not because he thought there was a conflict but to make sure that everything was above board and in the open because he would possibly represent two different parties. Mr. McConville is not being employed by the Land Bank; the Land Bank is hiring him as a consultant, not legal work associated with anything that has to do with the City. The only way Mr. McConville would work with the Land Bank would be if they had a public relations deal that they needed his advice on, none of which involves University Heights. Mr. McConville got a letter from a attorney that gave him a ethical opinion with the result of the memorandum that requires everyone signature because everyone is his client and need to waive what could possibility be a conflict of interest. But the idea to need to hire outside consul doesn't make any sense at all.

Mrs. Pardee added when and why would Council hire outside consul. Mrs. Pardee stated she didn't believe there is a conflict.

Mr. Wiseman commented that Mr. McConville would be conducting public relations consulting, crisis management.

Mr. Sims questioned Mr. Ehrnfelt why does each member of Council individually need to execute anything. Mr. Sims stated that to him it would seem that this should be a decision of Council and not a decision of individuals. There should instead be a motion either for or against the waiver, so either Council agrees to the waiver or it doesn't, not Mr. Sims, Mr. Wiseman or whoever. Is there any reason that it would be formulated anyway different from that. Mr. Sims continued to ask what would happen if everyone didn't sign the waiver.

Mr. Ehrnfelt replied that the individual signature lines are for Council in its representative capacity not individually.

Mr. Sims again noted that this is then unnecessary.

Mr. Wiseman noted the reason you have someone waive a conflict of interest in writing is because it serves as a barrier to say you knew about this. The reason why Council is signing individually is because individually Mr. McConville is Council's attorney and as a whole.

Mr. Sims asked what happens if everyone doesn't sign.

Mr. Ehrnfelt replied that would be an issue that would have to be looked at further. There would be concern if some or all of the group is not in favor of the waiver.

Mr. Sims noted that that might be Mr. McConville concern but that he didn't believe that that is the way Council should precede because it is not a decision of Council as a whole at that point. Now if it is Mr. McConville concern is that one person objects and he doesn't want to do it then that is a decision that he can make. But to Mr. Sims, Mr. McConville should be seeking is the vote of Council as to whether or not Council. Mr. Sims stated that he is willing to come back to this issue and that he doesn't object but because of the way the waiver is structured he doesn't want to sign it.

Mayor Infeld stated that typically this would be presented more like a Resolution and that she agreed with Mr. Sims, as it would be a decision of Council as a whole no matter what the voting numbers are and the Mayor would sign that. Instead this looks like a contractual arrangement and that concerns her because it is different from anything they've seen before. Mayor Infeld added that she would be more comfortable with a Resolution.

Mr. Ehrnfelt suggested that the issue be revisited in how to handle the matter and brought back to Council for review.

G. Motion to hold an executive session immediately following this regular meeting for the purpose of discussing legal, personnel, real estate matters

There was no need to hold executive session.

Directors' Reports

There were no Director reports.

Standing Committee Reports:

Finance Committee: Mrs. Pardee stated that there will be a Joint Finance and Finance Advisory Committee meeting on February 18th at 7:00pm.

There being no further business to discuss, the meeting was adjourned at 9:40pm.

MOTION BY MRS. CAMERON, SECONDED BY MRS. WEISS to adjourn the meeting. On roll call, all voted "aye."

Susan K. Infeld, Mayor

Kelly M. Thomas, Clerk of Council