

COUNCIL PROCEEDINGS FOR JUNE 28, 2004

Meeting called to order at 7:00 P.M. by Mayor Carpenter.

Pledge of Allegiance led by City Attorney Gerard Garno.

PRESENT: Mayor Laura Carpenter; Councilmembers –Pat Jacobson, Frank Lukacs, Julie Miller, Eugene Navock, Jason Nielsen, JoAnn Potts; City Clerk Christine Lee, City Manager Darcy Long, City Attorney Gerard Garno.

ABSENT: None.

CORRECTION AND APPROVAL OF MINUTES:

Move by CM Miller, second by CM Potts, to approve the Minutes of the Regular Meeting of June 7, 2004 as corrected. Motion Carried.

CORRECTIONS:

1. Page 2 of 5 – under Pay Bills paragraph after Motion – add the word “should” – stated that the City Should pay.
2. Page 3 of 5 – under Attorney Report item#2 - change the word fine to find.
3. Page 4 of 5 – under City Manager’s Report item#1 – change the word Day’s to Days.
4. Page 4 of 5 – under City Manager’s Report item#7 – add a “d” to the word change.
5. Page 5 of 5 – Motion at top of page – add an “ed” to the word pass.

PERSONNEL COMMITTEE REPORT:

1. Personnel (Lukacs) – City Manager Evaluation June 14, 2004.
CM Lukacs wanted to know why this was put here on the agenda and not under the Committee Reports. City Manager Long stated that there is no standard set it is just a preference and is only fair to the to the person who is being evaluated. Ask that we follow the agenda that it is only fair because I don’t want to be here for the whole meeting if I am going to be removed.

Move by CM Lukacs, second by CM Jacobson, to proceed with the agenda as it is set up. Motion Carried.

CM Lukacs stated that the Personnel Committee went over the evaluation for City Manager Long and after debating for 3 1/2 hours it was decided to suspend and remove the City Manager.

City Attorney Garno explained that there was a recommendation that the contract with the City Manager not be renewed. That really not possible because according to the City Charter the contract is indefinite and has procedures you have to follow to end the contract with the City Manager is by Resolution. (Corrected 7/12/04 – add an ed to “renew” and change to read - “Non renew” is not possible because according)

The Resolution list the following reasons for the suspension and proposed removal include: (Corrected 7/12/04 – add an ed to “list”)

1. He does not sufficiently follow Council’s directives and is not sufficiently responsive to the Council;
2. His budget was not prepared in a timely manner;
3. Documents and proposals are not given to the City Council in time to make decisions;
4. Does not set priorities favorable to the City Council;
5. Does not keep the City Attorney informed prior to Council meetings;
6. Takes action without City Council approval;
7. Places personal problems before the City’s official business;
8. Has problems working with those in the City offices;
9. Rushes into decisions without City Council approval;
10. His attitude with citizens on the phone is undesirable;
11. He purchased alcoholic beverages with City money without City approval; (Corrected 7/12/04 – insert “an” between purchased and alcoholic, and take the s off of “beverages”.)
12. He exhibited unprofessionalism when he gave confidential information to the public and the press without the consent of the City;
13. He used his personal credit card for the City items without approval of the City.

City Manager Long stated that he wants a copy of the Resolution.

RESOLUTIONS:

1. No. 04-14 = To Suspend and Remove the City Manager.
Move by CM Lukacs, second by CM Miller, to adopt Resolution No. 04-14.

ROLL CALL VOTE: Jacobson - yes, Lukacs - yes, Miller - yes, Navock - yes, Nielsen - yes, Potts - yes. 6- Yeas, 0 - Nays, 0 - Abstain, 0 – Absent. Motion Carried.

City Attorney Garno stated that City Manager Darcy Long is now prohibited from acting as City Manager on behalf of the City. According to the City Charter a temporary City Manager needs to be proposed by the City Manager but because he is suspended that the City Council needs to appoint someone as acting City Manager. Also City Manager Long has a right to a due process hearing within 15 days. City Attorney Garno asked City Manager Long if he is requesting a hearing. (Corrected 7/12/04 - change “form” to “from”)

After the City Council voted for the suspension City Manager Long gathered up his papers and promptly left the meeting and strongly stated that he has 15 days to request a Public Hearing.

City Attorney Garno informed Mr. Long that he has 15 days to respond. It has to be 15 days from today. Within two weeks.

City Manager Long stated that he should immediately receive a copy of the Resolution, and he wants a copy of the evaluation. City Attorney Garno informed City Manager Long that he would receive a copy after the meeting. City Manager Long again stated that he wants a copy now. City Attorney told City Manager Long that he could receive a signed copy after the meeting.

City Manager Long returned to the meeting throwing his keys to City Hall and the City's cell phone on the table in front of the City Council and then stood at the back of the room for the rest of the meeting.

City Attorney Garno informed the City Council that a temporary replacement should be a City Official or City Employee. (Corrected 7/12/04 – add a comma after “Employee” and add “pursuant City Charter section 3.03”)

William Walters, Dave Kinney and Dave VanCura all said no.

City Council made a list of 13 people to contact to see if they would serve as Interim City Manager if the City Council decides to end the employment of City Manager Long. List of names: Leon Blatt, Ron Campbell, Joe Murray, Judy Murray, Larry Thiemkey, Clark Justin, Dan Loutzenhizer, Ron Smith, Bill Desluck, Randy Gother, John Lehotin, John Liebler, and Ken Brown

City Attorney tried to gave City Manager Long a copy of the Resolution but he refused the copy because it wasn't signed. (Corrected 7/12/04 - change "gave" to "give").

PUBLIC QUESTIONS AND COMMENTS:

City Manager Long stated that he didn't receive a copy of the Evaluation. CM Lukacs stated that he needs to make one more copy and then he will have all the information. CM Lukacs didn't get the memo until 5:00 P.M. on Friday. (Corrected 7/12/04 – change 5:00 to 6:30)

Mr. Lawrence Beldock stated the City Council put up with former City Manager McCoy for 18 years before he was removed. That here's a man who had a beer with his lunch, it should not be held against anyone. (Corrected 7/12/04 – change "that" to "than") Why single out this guy? He's a young guy. He has a lot to learn. There are a few people who don't like him. That's discrimination. Also Mr. Beldock said that his neighbor has 6 dogs that are barking and they have a fire every night, he wanted to know where is our law, where the Ordinance. CM Lukacs asked if he raised a complaint prior to this and register the complaint with City Hall. (Corrected 7/12/04 – insert the word "had" between he and raised.)

Mr. Jeremy Schoen wanted to know why have a City Manager if he won't talk to you on the phone, I still have a problem with my driveway. DPW Supervisor Dave Kinney stated that this is an ongoing problem and putting asphalt at the end of the driveway is just a temporary solution.

Mr. Paul Czap stated that he still has a problem with water runoff in his basement and running down the alley into his garage; and the sidewalk was never put in right. Mr. Czap came before the City Council with this problem on August 25, 2003 and September 8, 2003 and nothing was ever done. Mr. Czap said that City Manager Long and City Engineer Malbery came to his home but nothing was ever done. Has lived in the City for over 46 years. City Attorney Garno stated that a report was never brought back to the City Council. City Manager Long said that it was going to cost between #3,000.00 to \$4,000.00 to fix the problem and that Mr. Czap didn't want to pay for this. Mr. Czap stated that City Manager Long was just guessing at the cost. City Attorney Garno told Mr. Czap that the City is going to look at this again. (Corrected 7/12/04 – change the number sign to a dollar sign)

Dave VanCura asked if Darcy Long was still the City Manager and that he was just suspended. City Attorney Garno stated that Mr. Long was still the City Manager until the majority of the City Council vote to remove him. Until the final

vote the City Manager will be pay his normal salary. (Corrected 7/12/04 – add a comma after “vote” and change “pay” to “paid”.)

City Manager Long stated that the Ordinance states that it is sixty days. City Attorney Garno stated that there is a conflict between the Charter and the Ordinance so the Charter prevails. Which means immediate upon a vote of the City Council the City Manager appointment is terminated without pay. (Corrected 7/12/04 – remove the word “appointment”.)

PAY BILLS:

CM Jacobson had a question on Rhode Electric bill dated 6/16/04 for \$415.00 for ground circuits. Dave VanCura stated that the closet in the office was turned into a workspace for equipment for networking the computer.

Move by CM Jacobson, second by CM Miller, to pay the bills as presented in the following funds: General -\$51,785.93, Payroll - \$29,470.95, Sanitary Sewer - \$1,421.62, Major St. - \$81.55, Investment - \$51,498.90. Motion Carried.

PERSONAL APPEARANCES: None.

OLD BUSINESS: None.

PUBLIC HEARING: None.

ORDINANCES: None.

PETITIONS AND COMMUNICATIONS: None.

COMMITTEE REPORTS:

1. Police (Miller)- CM Miller stated that the police have a new summer uniforms. Police Officer Fred Parisek showed the City Council the new uniform.
2. Tax and Finance (Jacobson)- June 9, 2004. CM Jacobson stated the Committee is working on the policies and procedures for a City credit card. Another work session was scheduled for Wednesday, June 23, 2004. The June 23, 2004 meeting was cancel by City Manager Long. (Corrected 7/12/04 – add an ed to “cancel”)
3. Water and Sewer (Nielsen)- June 9, 2004. None.

CM Lukacs stated that the downtown City sidewalk needs to be fixed.

Move by CM Miller, second by CM Navock, to obtain bids for both sides (North and South) of downtown Main Street. Notion Carried.

Move by CM Miller, second by CM Navock, to have the City Engineer go to Mr. Paul Czap house to see what needs to be done to correct the water problems. Motion Carried.

4. Streets and Sidewalks (Navock)- None. Committee Meeting was cancel because no one showed up.
5. Building and Grounds (Potts)- None.
6. Brown City Day's Committee – CM Jacobson thanked everyone for their work making Brown City Days a success; and thank you to both the DPW and the Police for all the extra work they did. Thank the City Council for the \$1,500.00 for fireworks.

County Commissioner thanked the Brown City Days Committee for the fanatic job; we had one of the best Brown City Days ever. (Corrected 7/12/04 – change “fanatic” to “fantastic”)

TREASURER'S REPORT:

City Treasurer Carol Walters said that she attended the class and learned quite a bit. Having some problems with the disk. Collecting Personal Property taxes (Winter tax). Showing Phyllis where to look to find the amounts. Receive the delinquent tax from Sandusky in the amount of \$44,000.00 and from the delinquent road tax of \$41,000.00.

ATTORNEY'S REPORT:

1. One Nation Under God: That case went all the way up to the Supreme Court. The court decline to comment on the case because the man was not a student himself, and not the original parent. The phrase can stay in and it is legal.
2. Mapleview vs Brown City: File a motion to have Mapleview pays the amount without interest if we don't have to go to the Motion and more prosiest accounting. (Corrected 7/12/04 – should read - File a motion, Mapleview can pay the principal amount without interest if we don't have to go to the Motion and they asked for more prosiest accounting.)
3. City Manager: While the City Manager is on suspension need to have someone to serve as acting City Manager. The person could be a City Council Member. CM Lukacs stated that he could fill in for the two-weeks.

Move by CM Jacobson, second by CM Navock to appoint Frank Lukacs to serve as acting City Manager until July 12, 2004. Motion Carried.

4. City Manager Darcy Long has a right to a Public Hearing. This should be put on the next agenda and if City Manager Long doesn't request one than this could be eliminated. City Attorney Garno will contact him.
5. Ordinance regarding non-resident utilities: Postpone until next meeting.

CITY MANAGER'S REPORT:

(Corrected 7/12/04 – add that the City Manager's Report was read by Mayor Carpenter)

1. Burger Building: The overhang is in poor condition and will cost about \$10,000.00 to fix. Mr. Ed stated that he would like to purchase the building for \$35,000.00, or the City could remove the overhang and repair the building.
2. Arsenic Project: The Open House was well attended.
3. Police Grant: The grant application was submitted, should receive a response on the grant sometime in July.
4. Project Childsafe: Over 700 gun lock were given away during Brown City Days.
5. Administration: Phyllis is working to complete all of the City's charges and fees into one document.

MAYOR'S REPORT:

1. Set public hearing for Llink Technologies IFT Application. Next Meeting.
2. Set public hearing for Amendment to Chapter 5 Ordinance adding Section 5700. Pending.

GENERAL CONCERNS OF THE COUNCIL: None.

Move by CM Miller, second by CM Jacobson, to adjourn the meeting at 8:04 P.M. Motion Carried.

Respectfully Submitted,

Christine J. Lee
City Clerk