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2 **MINUTES OF THE SPECIAL MEETING OF FAIRVIEW PARK CITY COUNCIL**
3 **MONDAY, FEBRUARY 8, 2016**
4

5 The special meeting of Council was called to order by Council President Kilbane at 7:04 p.m.

6 MOMENT OF SILENT PRAYER/PLEDGE OF ALLEGIANCE

7 ROLL CALL:

8 PRESENT: Council – B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
9 Administration – Mayor Patton, Mr. W. McGinty (Assistant Law Director)

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11 **WRITTEN COMMUNICATIONS, PETITIONS AND CLAIMS**

12 THE CHAIR asked the clerk to read into the record written communication received in regard to the
13 Mayoral appointment on the agenda.

14 THE CLERK read:

15 Email communication received from Tom Berns Sunday, February 07, 2016 at 2:19 PM

16 Sent to Members of Council, Mayor Patton, Beth Mlady, Kevin Kelley, Bruce Geiselman, William
17 McGinty and Liz Westbrooks

18 Subject: Re: Status of Fairview Park Law Director

19 Brian - Further to your below email - in looking at the charter and ordinances, I found no requirements
20 that posting/advertising for other Director positions (e.g. Service and Development) are required. Is this
21 correct? (and if so, do you have any information why some director positions are posted, and others are
22 not?)

23 I also note that the City's website indicates that applications for positions which are not posted, will not
24 be accepted. In the specific instance of the Law Director, this would appear to foreclose opportunities
25 for public employment to qualified applicants, some of whom may be Fairview Park residents.

26 Three additional questions:

27 1) Have you been advised of the identity of the prospective Law Director Appointee, and had an adequate
28 opportunity to review credentials, qualifications and experience?

29 2) Have you had an opportunity to obtain the prospective Law Director Appointee's views concerning
30 how conflicts-of-interest between the Mayor, Council and Commissions, which require Law Department
31 input and advice, will be handled?

32 3) Have you had an opportunity to obtain the prospective Law Director Appointee's views concerning the
33 propriety of the Law Director offering-up his/her non-legal, personal opinions adverse to Fairview Park
34 citizens and taxpayers at Council and committee meetings?

35 To be clear, I am not requesting information concerning the substance of responses to the three questions
36 enumerated above. However, I believe it is fair and reasonable to seek assurances from City Council
37 (other members reading in copy) that these inquiries were conducted and the hiring of a new Law
38 Director with the "advice and consent" of council, actually included a due-diligence review by council,
39 and that council's advice was sought and provided.

40 If the answer to any of the three questions enumerated above is "No" for any member of City Council, I
41 respectfully request that such members withhold their approval of the Mayor's appointment until such time as
42 they have obtained satisfactory answers.

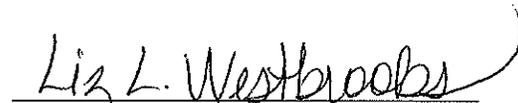
43 By copy to Clerk of Council Liz Westbrooks: since the Mayoral appointment(s) will be at a Special
44 Council meeting (where I understand public comment is prohibited), this email is to be considered "Written
45 Comment" concerning Mayoral Appointment(s) referenced in the Special Council Meeting Agenda for
46 February 8, 2016 and I respectfully request that these "Written Comments" be entered into the record, as
47 appropriate. PLEASE CONFIRM RECEIPT.

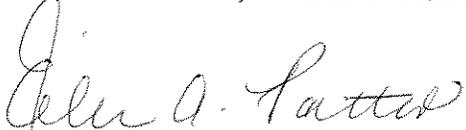
48 Sincerely, Tom Berns, 19254 North Sagamore

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50 **CONFIRMATION OF APPOINTMENT BY THE MAYOR**

51 THE CHAIR said announced that a request was received from Mayor Patton to approve the appointment
52 of William McGinty as Law Director on January 30, 2016.
53 THE CHAIR made a motion to approve the appointment of William McGinty as Law Director.
54 Moved and Seconded.
55 THE CHAIR called for any discussion.
56 COUNCILMAN MCDONOUGH said that he wanted the record to reflect that Tom Berns is a constituent of
57 Ward 1 and the subject matter of the written comments were addressed to him. He said that he spoke with the
58 Law Director appointee, and his understanding is that the answer to all three questions is yes.
59 THE CHAIR called for any further discussion. No Discussion.
60 ROLL CALL ON MOTION: Vote: YES-7, NO-0 | Motion carries.
61 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
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63 MAYOR PATTON administered the oath of office to Law Director William McGinty retroactively
64 assuming office as of February 1, 2016.
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66 THE CHAIR announced that the special meeting was called pursuant to Charter Article 4, Section 7(b)
67 and Council Rule 5, and that no other subject or subjects will be considered.
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69 THE CHAIR made a motion to adjourn with no other business.
70 Moved and Seconded.
71 THE CHAIR called for any discussion. No discussion.
72 ROLL CALL ON MOTION: Vote: YES-7, NO-0 | Meeting adjourned at 7:28 p.m.
73 YES: B. McDonough, B. Minek, P. Wojnar, M. Kilbane, J. Hinkel, A. Russo, P. Cleary
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78 Michael P. Kilbane, President of Council


Liz L. Westbrooks, Clerk of Council

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82 Eileen Ann Patton, Mayor
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